

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 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
Absent	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	

PRESENTATIONS

1. AJ Kleist – Eagle Scout Project

Mr. Kleist presented his idea for his Eagle Scout Project. He would like to plan and build at least three free, little libraries. They are a box with books. The idea is for folks to go to the box and take a book and leave a book. This would provide many different books to be available to the community. He proposed locations at Kiwanis Park, Town Grounds, Potawatomi Park, and Hanover Park. He was researching ideas for his project and this one stood out to him. Mr. Niemeyer asked about digging holes for the posts. Mr. Kleist stated his plan was to put them in five-gallon buckets so they are still moveable. Mr. Niemeyer stated he would need to work with staff on location. Mr. Eberly stated he would be happy to do that.

A motion to approve the Eagle Scout Project at the locations presented was made by Robert Carnahan with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

2. Swearing in of New Officers Benjamin Tomko and Richard Sterk

Chief Fisher presented the two newest officers. They will begin the academy next week. Clerk-Treasurer Sandberg gave the Oath of Office to Police Officers Benjamin Tomko and Richard Sterk.

PUBLIC COMMENT

None

CONSENT AGENDA

- 1. Minutes:** June 30, 2021 Special Meeting and July 6, 2021
- 2. Claims:** All Town Funds: \$873,467.37; Wastewater Operating: \$384,117.41; Water Utility: \$28,771.62; Storm Water: \$163,377.78; and Payroll: July 8, 2021 - \$307,946.47
- 3. Manual Journal Entries:** June 1 – 30, 2021
- 4. Use and Fee Waiver:** Cedar Lake Firefighters Association Annual Fund-Raising Event (This was scheduled last year before the policy/rate change.)
- 5. Use Notification:** Lakeside Artists Guild – Music Festival Grounds Use Notification with Multiple Dates and alcohol waiver for attendees
- 6. Tag Day Request:** Hanover Central Middle School Cheer, 09/18/2021 Rain Date 09/25/21
- 7. Donations:** DARE: Law Enforcement Partners, \$450; Strack & Van Til – In-Kind Donation - Chips and Water, Approx. Value \$222. MISC Police Donation: Dan & Patty Dowling \$30.00; Pizza Hut In-Kind Donation of Pizza, Approx. Value \$80

A motion to accept and waive the reading of the minutes and accept the consent agenda as listed was made by John Foreman with second by Colleen Schieben. Mr. Carnahan asked Mr. Kubiak about a purchase of \$1,200 from Local Road and Streets. It was for signal signage. Clerk-Treasurer Sandberg stated that was for traffic barricades. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

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RESOLUTIONS

1. Resolution No. 1286 – A Resolution Confirming the Authorization of Appropriation Transfers

Council Member Sharpe read by title only. Clerk-Treasurer Sandberg stated this item was previously discussed. It is a transfer of \$4,200 within Local Road and Streets from Emulsion to Equipment. Mr. Kubiak needed to purchase a special concrete saw for the road.

A motion to approve Resolution No. 1286 was made by Robert Carnahan with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

BZA/PLAN

1. Ordinance No. 1389 - CLBD / Lakeview Business Park PUD Approval

This received a favorable recommendation from the Plan Commission.

Mr. Austgen stated this is a zone change recommendation. It was a unanimous recommendation from the Plan Commission. This would change the classification from (A) agricultural zoning and (B-2) Business District to a PUD, commercial/industrial with conditions. Those conditions are the same conditions that the Plan Commission certified. It is recommended they consider approval subject to finalizing the exhibits to the ordinance, finalizing the development plan and having Plan Commission approval for that, and the signatures be withheld pending completion of those items.

Council Member Sharpe read by Ordinance No. 1389 by title only.

Mr. Austgen explained the 33.5-acre parcel is subject to a zone change amendment recommendation to change to a PUD, commercial/industrial zoning for the entire parcel. It is recommended to approve subject to finalization of the exhibits to the ordinance, the finalization of the development plan and agreement by the Plan Commission and Town Council, and the signatures be withheld pending completion of that. Mr. Austgen stated this has been a development for a period of time. The annexation petition was received approximately a year ago. The developer has been patient and walked through all requirements of the Town.

A motion to adopt Ordinance No. 1389 was made by John Foreman with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

2. Shapiro – Variance of Use to open a Preschool in a B-2 Zoning District

13115 Wicker Avenue, Units I-J; This received a favorable recommendation from the BZA

Mr. Eberly reported the certification is in their packet. As mentioned, this received a favorable recommendation from the Board of Zoning Appeals. The petitioners were present. Mr. Niemeyer stated he viewed the meeting and thought the conversation was good. The building was previously used for child care.

A motion to approve the Variance of Use was made by Robert Carnahan with second by Colleen Schieben. Mr. Austgen stated there were conditions of use. Mr. Carnahan amended his motion to include the findings of fact and conditions of the BZA. Mr. Carnahan said yes. Mrs. Schieben concurred. Chief Wilkening asked the petitioner that they come see him. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

NEW BUSINESS

1. CBBEL Pay Request No. 2 – Woods of Cedar Creek Improvements

Mr. Eberly stated this is the final pay request for the project. It was completed late last year. This is the final request.

A motion to approve Pay Request No. 2 in the amount of \$4,898.50 was made by Robert Carnahan with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

2. Police Department Training Reimbursement Agreement - Benjamin Tomko & Richard Sterk

A motion to approve the training reimbursement agreements for Benjamin Tomko & Richard Sterk was made by Ralph Miller with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA
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REPORTS

1. **Town Council** - Mr. Carnahan stated the Chamber of Commerce will have the Town wide yard sale on August 7th. They will also be hosting a golf outing at Minne Monesse on August 22nd. Mr. Foreman reported on the Ecosystem Restoration meeting. They talked about potential dewatering facility sizes as well as the project timeline. They are slightly ahead of schedule. Pre-submittal was due at the end of July. The next major milestone will be permitting. It could happen as soon as August but they have ample time.
2. **Town Attorney** - No report.
3. **Clerk-Treasurer** – Clerk-Treasurer Sandberg reported on an email that went out to Council Affairs with a budget timeline. Council Affairs will meet first and then they will move to meetings with the various departments. She asked that they keep to the proposed timeline. She is still awaiting a visit from the State Board of Accounts.
4. **Town Manager** - Mr. Eberly stated the Park and Rec Committee met and identified five projects to submit to the South Shore CVA for the grant available. Farmers Market, Lakeside Artists Guild, Knights of Columbus, Trunk or Treat, and the Labor Day Fest. Four of those events will be held on the Town Grounds. They will use the whole \$20,000 for these events. The Knights of Columbus Haunted Forest is the only event that will not be at the Town Grounds. The Lakeside Artists Guild will be a series of concerts on Sunday's evenings. It will have its finale at the Labor Day Fest.
5. **Director of Operations** - No report.
6. **Police Department** - Chief Fisher stated the state of Indiana has changed the laws for application of gun permits. There is no longer a charge. This impacts the training fund. Indiana Criminal Justice has put out a grant for lost revenue due to this change. They have submitted an application. They are working on a grant for body cams.
7. **Fire Department** - Chief Wilkening reported they have received the insurance settlement for the boat wrecked on US 41 and 30. The remodel of the Fire Station is supposed to begin at the end of the month. Henn and Sons is waiting on materials. The fundraiser for the Fire Department this year brought in a total of \$37,340. They have not figured expenses yet so it will probably be around \$8,000 for the mailout. There has been communication on the old ambulance and selling it to a neighboring department. There is interest by Lake Hills Fire Department. Chief Wilkening recommended a price of \$25,000. A lengthy discussion continued on pricing of the equipment. Mr. Miller discussed the possibility of putting it on the auction site like the pier. A discussion continued on a minimum bid.

A motion to give Chief Wilkening authority to sell the 2006 Ford Ambulance for a price not below \$25,000 was made by Richard Sharpe with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0. Chief Wilkening asked if they could use the proceeds to replace some rescue tools. A discussion continued on where the proceeds would be receipted to and if they could be utilized. Chief Wilkening stated two thermal imaging cameras were recently replaced. One was purchased by the Fire Department budget and the other was purchased by the association.

WRITTEN COMMUNICATION

1. **Building Department Report** - Mr. Eberly reported that June was another record month with 46 new home permits. If they maintain this pace, they'll hit 450 permits by the end of the year. They did 279 total in 2020.
2. **Christopher B. Burke Report** - Mr. Eberly stated the report is part of their packet.

PUBLIC COMMENT

Andy Anderson, Lakeside Artists Guild, thank the Council for their support of the concert series. The first concert they perform will be all Eagles music. A brief discussion continued on the concert series.

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

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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.