

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



August 3, 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	Absent*	Jennifer N. Sandberg, IAMC Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	Rick Eberly Town Manager	
Absent	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

**Chief Deputy Margo Nagy was present.*

PUBLIC COMMENT

CONSENT AGENDA

- 1. Claims:** All Town Funds: \$248,406.73; Wastewater Operating: \$71,898.73; Water Utility: \$40,660.93; Storm Water: \$70,660.21; and Payroll: 7/22/21 and 7/30/21: \$225,069.80;

A motion to accept the consent agenda as listed was made by John Foreman with second by Colleen Schieben. Mr. Carnahan asked about a claim for storm water supplies. Mrs. Nagy couldn't answer without checking the detail. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Vote: 6 - 0.

BZA/PLAN

1. Beacon Pointe East, Phase 2 – Performance Letter of Credit

Mr. Eberly explained that Mr. Austgen has reviewed. This is ready for their acceptance.

A motion to approve the Letter of Credit in the amount of \$182,135.46 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, Vote: 6 - 0.

2. Summer Winds, Unit 1– Performance Letter of Credit Extension

Mr. Eberly explained the Plan Commission has recommended approval and Mr. Austgen has reviewed as well. This is ready for their acceptance.

A motion to approve the Letter of Credit Extension to February 15, 2022 was made by Julie Rivera with second by Colleen Schieben. Mr. Carnahan asked the amount of the letter of credit. Mr. Sharpe stated it was in the amount of \$244,187.85. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Vote: 6 - 0.

NEW BUSINESS

1. Consider Sale of 2006 Ambulance to Lake Hills Fire Department by way of Agreement with the St. John Township Trustee

Mr. Eberly stated Cathy Lareau, St. John Township Trustee, was present. Their attorney has drafted an agreement between the two parties. Mr. Austgen stated he has reviewed the document and it is satisfactory. Chief Wilkening stated the sale price is \$25,000.

A motion to approve the ambulance sale agreement in the amount of \$25,000 was made by Colleen Schieben with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Vote: 6 - 0.

2. Ratify Bartlett-Wahlberg Park Restrooms and Pavilion Design Contract

Mr. Eberly stated this is the design work contract for Bartlett-Wahlberg Park. Sumac is the company. This is for the bathroom and pavilion at the park. It will be complete with ADA walkways and a small storage space. No heating or air conditioning in the bathrooms. The storage is for the well pump and cleaning supplies. A brief discussion continued. The contract is in the amount of \$24,320. They are hoping for build to occur this year.

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

A motion to ratify the approval of the contract with Sumac in the amount of \$24,320 was made by Robert Carnahan with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Vote: 6 - 0. Mr. Kubiak added that DVG donated some time to do site work. No charge to the Town.

3. Repave Clubhouse Parking Lot Using Park Impact Fees

Mr. Eberly stated they used the park impact fees to do the parking lot on the Town Grounds. They are hoping that would apply to the Clubhouse lot. They have received a quote from a contractor. The lot is in need of a repave. They are hoping for it to be done while the 129th project is occurring.

A motion to approve the repave of the lot in the amount of \$36,888 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, Vote: 6 - 0.

4. 129th Avenue Roadway and Drainage Improvements Pay Request No. 2

Mr. Eberly stated the recommendation has been made by Christopher B. Burke Engineering to pay in the amount of \$272,021.74. This is pay application number 2.

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, Schieben – Yes, Sharpe – Yes, Vote: 6 - 0. Mr. Kubiak stated on the west side there are some curbs being poured for the future Oakwood Subdivision. Schillings is paying Milestone to do the work currently. They asked to get it done now so next year they don't have to cut into the new pavement.

5. 129th Avenue Project – John Austgen Property at 10505 W. 129th Avenue

Mr. Eberly reported that himself, Mr. Kubiak, and Don Oliphant met with Mr. and Mrs. Austgen yesterday. There have been previous discussions about the property. The Austgen's have requested a couple of things that they have advised if they are to be done would be done at their expense. They have a gravel driveway. The contract calls to put asphalt aprons into all the driveways. This has been done. The Austgen's prefer to have concrete. They have been told that upgrade would be at their expense. There is a limited right of way on the south side of 129th. There is a drainage ditch there. In order to put in proper slopes, rather than steep slopes, they need cooperation to allow the Town to put fill in there the way it has been designed by the engineer. Mr. Austgen has asked for the Town to rip rap the entire ditch. Mr. Eberly stated he explained he would not recommend that. Mr. Austgen wants that done at the Town's expense. The estimated cost is \$11,500 and the engineer stated it is not necessary. Mr. Austgen is concerned about potential erosion. Tim came up with a plan to essentially cut the drainage in half. Another inlet was placed at the other part of the property. Basically, his field drains in two locations. Before the project was done the water would have to travel almost 400 feet to drain. The proposal is to fill in the deep ditch in the middle and let the water drain west and east. The curbs have kept the road water into the drainage system. The biggest problem is the center line of the ditch is the right of way line. In order for them to do what they need to do they would be encroaching on his property a little to fill it in. Mr. Austgen wants to fill it in with rip rap. Mr. Kubiak stated they tried to explain there was no need. Mr. Austgen was adamant they ask the Council. Mr. Foreman stated you can't do much with rip rap. They wouldn't be able to mow it. Mr. Kubiak stated there is zero run off from the field to the ditch. A discussion continued on Mr. Austgen's concerns with run off. Mr. Eberly stated Mr. Austgen was concerned about weeds and spraying as well as future erosion. Mr. Eberly stated he offered that they would spray the right of way themselves to avoid issues. Mr. Eberly stated there isn't much slope to what they plan to do. It's not justified to spend that extra money. The flow isn't there for that. Mr. Eberly told Mr. Austgen they would recommend to the Council they stick with the original plan. Mr. Austgen wanted his requests presented to Council and a decision for it on the record. Mr. Foreman stated he was okay with the recommendation. Mr. Eberly stated it was a very cordial conversation with the Austgen's. They did have some driveway/culvert requests that Mr. Kubiak will be able to accommodate with some supplies already available. A brief discussion continued. Mr. Eberly stated an email from Don Oliphant, engineer on the project, was shared.

A motion to deny the request 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, Vote: 6 - 0.

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

REPORTS

1. Town Council - Mr. Carnahan reported the Chamber would hold their annual Town Wide Yard Sale this Saturday. Their annual golf outing will occur on August 22nd. The census didn't happen on time. Right now, they are expecting the numbers to come in some time in August. Mr. Aylesworth stated they probably won't be working on the congress districts until September. Mr. Foreman stated this evening, Stefan Micic of Cedar Lake, will be representing Serbia at the Tokyo Olympics. He is a Hanover Central graduate and it is very exciting.

Mr. Miller stated on August 14th the Eagles would be celebrating their 75th Anniversary. He wanted to see the Council give a proclamation congratulating them on the anniversary. A motion to amend the agenda and allow the item for consideration was made by Ralph Miller with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Vote: 6 - 0.

Mr. Foreman read the proclamation into the record. *A copy can be found at the end of the minutes.* A motion to approve the proclamation was made by Ralph Miller with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Vote: 6 - 0.

2. Town Attorney - No report.
3. Clerk-Treasurer - No report.
4. Town Manager - No report.
5. Director of Operations - No report.
6. Police Department - No report.
7. Fire Department - Chief Wilkening reported on the upcoming Fireman's Ball. They are hoping to put a new sign up in front of the station soon. They will be putting the new logo on it.

WRITTEN COMMUNICATION

None

PUBLIC COMMENT

Lucy Griffin, 13704 Birch Street, directed a comment to Mr. Foreman. She stated when he was first elected, he was all for updating Kiwanis Park, Town Grounds Park, as well as walking paths and courts. She voiced concerns with nothing being done at Kiwanis Park. Mr. Foreman stated they are in the process of updating that park currently. Mrs. Griffin asked if it would be a tot lot for all of the little kids and courts. Mr. Foreman stated part of it would be a dog park. Mrs. Griffin stated they don't need a dog park. Mrs. Griffin also voiced displeasure with plans for soccer fields. She stated they have them across the street. Mrs. Griffin stated the land is small and she voiced concerns with garbage from 129th being put there. Mr. Foreman stated that is fill to get it ready for pavement, for a parking lot. Mrs. Griffin continued to voice her displeasure with nothing being done there. She stated the other parks are terrible and voiced concerns with aging equipment. She stated kids play basketball. They need basketball courts. Mr. Foreman stated that is a wonderful idea. Mrs. Griffin stated she is disappointed with the dog park. She continued to voice concerns with the ongoing building. She stated the builders are pushing dirt into the ditch. Mrs. Griffin voiced concerns with flooding on her street. She continued to voice concerns with lack of park development.

David Villalobos, Cedar Lake Eagles #2529, read a letter to the Council and Department Heads about the 75th Anniversary Event to occur August 14th at the Cedar Lake Eagles. He invited everyone to join the celebration that evening.

Julie Zasada, Cedar Lake Historical Association, thanked everyone for their help with the Steam Through History Program. The event was a success and was completely sold out. Over 1,000 people enjoyed the unique experience. They achieved their goal. They are proud that 64% of visitors were first time visitors. A brief conversation continued.

Paul Richardson, 9804 W. 136th Lane, voiced concerns with speeding in Utopia. He stated it is a big problem. He has called the police multiple times. He stated nothing is getting done. Chief Fisher asked which street. Mr. Richardson stated 136th Lane. Chief Fisher stated they would put the speed sign up for two weeks. That will record the speed of every vehicle that travels the road. They'll be able to see if they are speeding or not. He stated he would also put extra patrols in the neighborhood. A brief discussion continued on the concerns.

Sandy Judd, 7506 W. 128th Lane, asked why her water bill went up. Mr. Sharpe responded that the garbage increased. Sandy questioned the bill increasing with the decrease in service days. Mr. Sharpe stated it would have gone up a lot more had they not done it that way. Mr. Eberly stated

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

the garbage fee went up \$3 per month. Garbage pick-up is still weekly but recycling is now bi-weekly. That is because the fee would've been higher had pick-up for both remained weekly. They opted for bi-weekly recycling and the fee increased from \$17 to \$20 per month. They are holding that fee for the next three years. The Town entered into a six-year contract with Republic Services and for the first three years the rate to the residents will be \$20. After that it is expected to go up because the fee charged to the Town will go above \$20. Sandy asked if Republic is the only company. Mr. Eberly stated they put it out for public bid and Republic Services was the only one to bid. Discussion continued on the utility fees.

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