

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



August 17, 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	

Planning Director Jill Murr was present.

PUBLIC COMMENT

None

CONSENT AGENDA

- 1. Minutes:** June 28, 2021 Lake Dalecarlia-Cedar Lake Meeting; July 20, 2021 Meeting
- 2. Claims:** All Town Funds: \$417,188.90; Wastewater Operating: \$140,782.12; Water Utility: \$16,891.25; Storm Water: \$9,739.60; and Payroll: August 5, 2021 - \$294,706.29
- 3. Manual Journal Entries:** July 1 – 31, 2021
- 4. Alcohol Waiver for the Town’s Labor Day Festival on September 5, 2021**
- 5. Donations:** Edwin C. Moody Jr. FOP #174 donation of \$1,000 for Pepperball Equipment & Training; Aron Schurke, State Farm donation of \$800 for Vehicle Lockout Tools & Tourniquets

A motion to accept the consent agenda as listed 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.

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1390 – Amended and Restated Waterworks Bond Ordinance

A motion to defer was made by John Foreman with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

2. Ordinance No. 1391 – Golf Cart Usage

Council Member Sharpe read Ordinance No. 1391 by title only. Chief Fisher stated they have been having issues with the golf cart ordinance. Currently, the ordinance allows golf carts to be on a roadway with a speed limit of 25mph or under. On the east side of the lake, on Lake Shore Drive they previously changed the speed limit to 25mph due to all of the foot traffic in the area. Now they have golf carts driving along the roadway and there is too much traffic for that. The ordinance is the same with the addition of language to allow prohibition of carts on whatever roads they see fit. Mr. Eberly stated the language is flexible enough for the police to enforce if they should ever drop the speed limit elsewhere in Town. A brief discussion continued.

A motion to approve Ordinance No. 1391 was made by John Foreman with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

A motion to suspend the rules and allow a second reading was made by John Foreman with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

PLAN

1. Performance Letter of Credit – People’s Bank

Mrs. Murr stated the letter of credit is for the applicant Larsen Danielson Construction Company. They are building the bank at 133rd and King. The letter of credit has been reviewed by the engineer and Town attorney. It is in the amount of \$30,053.10. It is recommended they approve.

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A motion to accept the letter of credit 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.

2. Performance Letter of Credit – Centennial Villas Phase 1

Mrs. Murr stated the letter of credit is for the public infrastructure being installed. Their final plat was approved. The public infrastructure dollar amount is \$270,895.46. It is a three-year performance letter of credit. It is recommended they approve.

A motion to approve the letter of credit was made by John Foreman with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

3. Performance Letter of Credit – Centennial Estates Phase 1

Mrs. Murr stated the letter of credit is similar to the previous item. The amount is \$284,711.71. This is also a three-year performance letter of credit. It was reviewed by the Town Attorney. It is recommended they approve.

A motion to approve the letter of credit was made by Richard Sharpe with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

NEW BUSINESS

1. Agreement for the Elimination of Sewer Utility Billing – 13817 Morse Street

Clerk-Treasurer Sandberg stated the property as stated was a demo. The owner has requested to have the sewer eliminated. It has been inspected and received check off. Everything is in order for their consideration.

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

2. Labor Day Fest – Bugaboo's

Council Member Schieben reported that Bugaboo's would be running the beer garden for the Labor Day Fest. They will be providing the insurance. Mr. Niemeyer asked if they would be providing the security and fencing. Mrs. Schieben stated the Fireman's Ball would leave the fencing and she has discussed security with Chief Fisher.

A motion to approve was made by John Foreman with second by Ralph Miller. Mr. Niemeyer asked where the proceeds of the beer garden would be going. Mrs. Schieben stated Bugaboo's would be able to keep any proceeds. They donated all for the Fireman's Ball. They received a grant from the South Shore CVA and decided to have a fest. There are no fees to enter the fest or listen to the musical entertainment. There will be free bounce houses and pony rides for the kids. A brief discussion continued on facilities and clean-up for the fest. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

REPORTS

1. Town Council

a. Ordinance for Collection of Fire Response Fees & Ambulance Fees

Mr. Niemeyer stated he requested these two discussion items be under Town Council reports. It is something they need to review as they go into budget season. They have discussed the Fire Response Fees in the past. After reviewing his personal policies, it is a fee included in the policy. He thinks they need to come up with a reasonable way to collect the allowable fees from insurance. In speaking with the financial advisor these are things they need to consider from a sustainability standpoint. He asked the Fire Chief and Town Attorney work together to dial in that ordinance so they can consider it prior to budget season. Mr. Foreman asked about other communities and how it works with the response calls. Mr. Niemeyer stated it would be any call and it wouldn't charge above their insurance policy limit. Mr. Foreman asked if this is what they have been discussing the last few years. Chief Wilkening stated yes and no. It has been modified over the years. Some communities do itemized billing. Chief Wilkening stated they have always only wanted to charge what is in their actual insurance policy. Nothing above and beyond that. Mr. Austgen stated he and Todd are working on this and expect something for them in the next meeting or two. A brief discussion continued on the fire response fees. Mr. Niemeyer discussed looking at the ambulance fees and updating as necessary. Mr. Austgen reminded

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the Council that ambulance fees have to be based upon costs. A rational relationship to the expenditure of funds related to the services provided.

Mr. Carnahan stated Leo's is looking to get the trees for the Christmas program. There may be a shortage this year. There may also be a price increase if they can get them. Mr. Niemeyer stated he has been communicating with a resident of Lynnsway Subdivision about the pond which is actually owned by Diamond Peak and isn't being maintained. Mr. Eberly stated if that wasn't taken care of today, he will get back in touch with Diamond Peak. He was assured that their mowing contractor would take care of the pond. Mr. Niemeyer stated barricades were blocking the sidewalk off of 129th, near the entrance to Monastery Woods South. They were laying there as well as leaving sandbags in the middle of the parkway. He was wondering if the contractor could do a little better. Mr. Kubiak stated they were stacked in the grass originally but received complaints from residents that they were killing the grass. In the interim he had them stacked on the sidewalk. It would only be for a short time and it was only a small area of the sidewalk. You could still get around them. Mr. Niemeyer asked if they could be stored in the parking lot at the Clubhouse. Mr. Kubiak stated they could but we'd be asking the company to transport them every time and it would be an added expense. Mr. Niemeyer stated it doesn't seem like there is activity on the project. He asked for an update. Mr. Eberly stated tomorrow or Thursday they are supposed to do the final paving of the project. Mr. Foreman concurred. He stated he spoke Mr. Oliphant and they would be finishing it up this week. Mr. Eberly added they are still well within the limit of their contract. They did the backfilling of the curbs last week along both sides of 129th. Mr. Kubiak stated they have been out there doing the backfilling and seeding. The barricades should be gone within the next week. Mr. Foreman stated he received a request from Jim Hunley about putting in a basketball hoop at the park in Lynnsway. He thinks that is something for the Park Committee to look into. Mr. Niemeyer suggested someone get some pricing and bring it before the Council for consideration. Mr. Carnahan asked for Mr. Niemeyer to explain what they plan to do in January with a Park Board and have a Park Director. Mr. Niemeyer stated he doesn't know how they will formulate the department. They are looking to create a new park board. It's being discussed in budget committee meetings on how to do that. It is in the early process. They hope to have it running come January. The board will have the authority to address some of the items discussed recently. Mr. Miller stated he would like to take the money they received from selling the old pier and transfer it over to the lake enhancement fund. He asked what they have to do to get that done. Clerk-Treasurer Sandberg stated she expects they would need some sort of ordinance allowing that. It is not easy to move money between funds. Mr. Austgen asked if it was an amount of money that was receipted into the General Fund. Clerk-Treasurer Sandberg stated yes. Mr. Austgen asked if it would be a transfer by resolution or an additional appropriation type item. Ms. Sandberg stated she has questions. Traditionally the resolution is used only when you are doing transfers within departments. And it isn't an additional appropriation. You are asking to take money that belongs in the General Fund and move it to another fund. Mr. Miller asked if this would be a question to ask when the auditors come. Ms. Sandberg stated she could ask but they won't give an opinion. Mr. Austgen added they won't put it in writing. Ms. Sandberg stated when they first started discussing the sale of the pier, she asked the State Board of Accounts where it should be receipted into. They responded it should go in the General Fund. Ms. Sandberg added she is working with the financial consultant on an item related to the Ecosystem Fund. After she spoke with Mr. Miller about the pier funds, she pulled the Ecosystem Fund Establishment Ordinance. She looked into the origin of the fund. It looks like the initial thought process was to have some of the CEDIT Fund go towards lake restoration. Mr. Foreman stated yes, \$15,000 a year. Ms. Sandberg stated \$15,000 was the initial approved deposit into the fund. When you read the ordinance, each year a report is supposed to be provided to the Council from the Clerk-Treasurer. That has not been done. She has brought on Mr. Thompson to help rectify that. Discussion continued on the matter.

2. Town Attorney - No report.
3. Clerk-Treasurer - Ms. Sandberg reported they are working on the budget and the current examination by the State Board of Accounts.
4. Town Manager - Mr. Eberly stated 133rd and King project is wrapping up. They are hopeful that substantial completion will be done by Friday. They have a preconstruction

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meeting for Fairbanks on Thursday. There will be some local road paving projects being done. Design is underway for the bathrooms and pavilions at Bartlett-Wahlberg Park. They have applied for Community Crossing Grants for the road projects on Parrish Avenue and Vermillion. They are planning to get some repair done work on Parrish in the meantime. It was stated that work was done today.

5. Director of Operations - No report.
6. Police Department - Chief Fisher briefly reported on the July call report.
7. Fire Department - Chief Wilkening reported they had received a letter from the Board of Safety on personnel for next year. They are requesting approval to write the Safer Grant for 2023. Mr. Niemeyer discussed adding the item for consideration. Chief Wilkening stated he would like to get the approval but he knows they are in the middle of budget. Mr. Niemeyer stated he thinks it would be good to consider it and give direction. That way it can be planned long term for the budget rather than waiting. Chief Wilkening clarified the letter is also for two new hires for next year not just the Safer Grant. He stated this would help alleviate the overtime. Mr. Niemeyer stated if they approve this it gives them the ability to apply for the grant and plan for the two additional personnel. If they find out in the budget that it isn't possible, they can always make adjustments. Mr. Niemeyer asked Jen if she agreed. Ms. Sandberg stated she wants to make sure that everybody understands this action doesn't put anything in stone. Mr. Niemeyer stated this basically would be giving them the ability to apply for the grant and to move forward with the consideration of two more people. Chief Wilkening clarified this would be for two people next year and two more people with the grant. Mr. Niemeyer added it would be for a total of four. Discussion continued on the sustainability.

A motion to amend the agenda for consideration 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.

Mr. Niemeyer added for clarification, the item for consideration would be to give direction to the Fire Department to prepare the application for the Safer Grant for two officers for 2023 as well as the consideration of two additional personnel for next year. A motion was made by John Foreman with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

WRITTEN COMMUNICATION

1. Building Department Report – Mr. Niemeyer stated through July they have a total of 252 new residential permits and one commercial. Those have a combined value of just over \$77 million dollars. Alteration permits to date total 341 with a total value of just over \$26.6 million dollars.
2. Christopher B. Burke Report - Previously reported.

PUBLIC COMMENT

Carol Kerr voiced concerns with the barricades being in the grassy area and tossed on trees. She stated it is private property that residents pay for. She voiced concerns with busted sandbags laying all over. She voiced concerns with the construction crew on the road project on 129th. She stated no one has done anything. She continued to voice concerns with items being placed on private property. Mr. Kubiak stated the crew was reprimanded for tossing the items into the trees. Mrs. Kerr continued to voice concerns. Mr. Kubiak stated it isn't private property it is a public right of way for the roadway. Mrs. Kerr voiced concerns with residents maintaining the area if it doesn't belong to them. A very lengthy discussion continued on Mrs. Kerr's concerns and the road project in the area.

Chuck Becker, 6100 W. 136th Place, voiced concerns with the entry way and exit way at Robin's Nest Subdivision. He stated it is dangerous because vehicles are going the wrong way. He asked about getting signage in the area. Mr. Kubiak stated they would get signage up in the area.

Lucy Griffin voiced concerns with the blacktop from the 129th Project being placed at Kiwanis Park. Mr. Foreman stated for the parking lot. Mr. Kubiak stated they increased the size of the parking lot in advance of park improvements. They are trying to plan accordingly. She continued to voice concerns. She voiced concerns with the planned dog park and soccer fields. She advocated for swings and playground equipment. Mrs. Griffin continued to voice concerns with park development.

Mary Joan Dickson, 8711 W. 132nd Place, stated she approached them last month about some picnic tables. She asked the Council to work with Summerfest. They would commit to raising the funds to getting the 20 tables done. Five would be ADA compliant. The tables are badly needed. Mr. Niemeyer asked Mr. Eberly to work with Mary Joan on the project and get an item ready for consideration.

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Kevin Toth, 9725 W. 129th Place, discussed the new pier. He asked the Council to consider allowing fishing off the pier. Currently, fishing is prohibited. He discussed the possibility of allowing it in the fall months. Chief Fisher stated hopefully it'll be out of the water by October. It isn't meant for fishing because of the foot and boat traffic. Discussion continued on fishing around the lake as well as rules of the pier.

Carol Kerr voiced concerns with golf carts being allowed on the streets. She asked about seatbelts. It was stated they do not have them. A brief discussion continued.

John Kowalczyk, 10717 W. 134th Place, stated he appreciated all of the American flags along the main roads. He voiced concerns with the maintenance of the flags. He stated he counted 23 U.S. Flags that were either torn or caught in the wires. He discussed the importance of a maintenance program. He stated smaller towns have banners on utility poles of service men and women. Mr. Niemeyer stated that is an ongoing project with the Redevelopment Commission.

ADJOURNMENT President Niemeyer called the meeting to adjournment at approximately 9:15 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.