

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



February 15, 2022

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	Margaret Abernathy Administrative Asst.	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

OATH OF OFFICE

Firefighter/Paramedic Michael Perich received the Oath of Office from Clerk-Treasurer Sandberg. Deputy Chief Mager reported this now puts staff numbers at four full-time per shift on two of the three shifts and on the third shift will be a fifth.

PUBLIC HEARING: Ordinance No. 1409 – Additional Appropriation Ordinance

- a. Review of Legals – Mr. Austgen stated the legals are in order.
- b. Opening Remarks – Mr. Austgen stated this ordinance permits the Town to spend the funds that are raised by bond financing. This is for the Eco-System Restoration project. The financing is in an amount not to exceed \$3.9 million.
- c. Reading of Ordinance No. 1409 – Council Member Sharpe read Ordinance No. 1409 by title only.
- d. Remonstrators - None
- e. Town Council Discussion – Mr. Foreman stated a clean Cedar Lake is a great thing. Mr. Niemeyer discussed the savings of approximately \$15 million by doing the project locally.
- f. Town Council Decision
A motion to adopt Ordinance No. 1409 was made by Ralph Miller with second by Colleen Schieben. Roll Call: Carnahan – Yes, Foreman – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

PUBLIC COMMENT

None

CONSENT AGENDA

- 1. **Minutes:** January 18, 2022
- 2. **Claims:** All Town Funds: \$340,787.04; Wastewater Operating: \$85,043.15; Water Utility: \$50,286.24; Storm Water: \$585.58; Payroll: 2/3/2022 - \$318,682.44; and January Payroll Remittances: \$177,713.98
- 3. **Manual Journal Entries:** January 1 – 31, 2022
- 4. **Tag Day Requests:** Cedar Lake Lions Club, August 6th; VIPs, April 30th; Hanover Central High School Cheer, August 20th

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. Roll Call: Carnahan – Yes, Foreman – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

ORDINANCES & RESOLUTIONS

1. Resolution No. 1303: Transfer of Property from the Town to the RDA

Council Member Sharpe Read Resolution No. 1303 by title only. Mr. Austgen explained this is the transfer of certain roads in Town to the Redevelopment Authority as use of collateral in the lease-purchase financing. Mr. Niemeyer clarified the bond is being paid by the TIF revenue but backed by assets. Mr. Austgen stated yes. Mr. Carnahan stated they talked previously about not being able to finance the lake but they can finance the property. A brief discussion continued.

A motion to approve Resolution No. 1303 was made by John Foreman with second by Ralph Miller. Roll Call: Carnahan – Yes, Foreman – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0. Mr. Austgen added the action taken tonight keeps them on track, on task, and on time. A brief discussion continued.

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- 2. Ordinance No. 1412:** Introductory Reading – Cedar Lake 133rd LLC Annexation
Council Member Sharpe read Ordinance No. 1412 by title only. Mr. Austgen stated this is the initial reading of the ordinance that commences the annexation petition proceedings of the Schilling Family for 193.5 acres south of the Lakeside Subdivision. It will follow a public hearing next month with regards to the fiscal plan and policy. The adoptive reading will occur in approximately sixty days. He noted within the body of the document it references a zoning classification of R-1. If they approve, he recommended they clarify that to agricultural zoning that the parcel will come in as. A brief discussion continued on the annexation petition and concept plan.

A motion to approve the first reading of Ordinance No. 1412 was made by Richard Sharpe with second by John Foreman. Roll Call: Carnahan – Yes, Foreman – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

BZA/PLAN

- 1. Grand Prize Cars/Majeski Variance of Use Allow two (2) Uses on One (1) Lot (*This received a favorable recommendation from the BZA on 2/10/2022*)**

Mr. Austgen stated this matter was presented to the BZA. A public hearing was conducted. There is a favorable recommendation, however, certification is not ready for tonight. They are awaiting meeting minutes for review.

A motion to defer was made by Robert Carnahan with second by Colleen Schieben. Mr. Niemeyer added this was a hotly contested item at the BZA. He briefly discussed the comprehensive plan and the history of the parcel. Roll Call: Carnahan – Yes, Foreman – No, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-1.

- 2. Summer Winds Residential, Unit 1** (This Performance Letter of Credit will extend the February 15, 2022, expiry date to February 15, 2023, in the amount of \$244,187.85.)

A motion to approve was made by Robert Carnahan with second by Ralph Miller. Roll Call: Carnahan – Yes, Foreman – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

NEW BUSINESS

- ## 1. Bid Award for Sale of Town-Owned Properties

Mr. Niemeyer stated the bids were opened at the last meeting and taken under advisement. Mr. Austgen stated he reviewed and a bid tabulation form was prepared by the Clerk-Treasurer. Mr. Niemeyer asked if the bids are ready to be awarded. Mr. Austgen stated they are if they are prepared to accept less than the required bid amount. Mr. Niemeyer read the bids into the record.

Pin	Address	Minimum Bid	Bids Received	Bidder	Bid Amount	10% Surety
45-15-23-259-009.000-043	6918 128th Ave	\$5,250	0	No bid received.		
45-15-26-206-009.000-043	13317 Sherman St	\$3,325	0	No bid received.		
45-15-26-208-002.000-043	13407 Morse St	\$5,450	1	Jon Cooke	\$5,800	YES
45-15-23-331-037.000-043	13011 Fulton St	\$3,875	1	Benjamin Thacker	\$500	YES
45-15-23-331-037.000-043	12930 Fulton St	\$3,425	1	Benjamin Thacker	\$1,000	YES
45-15-23-251-003.000-043	W. 127th Lane	\$22,250	1	Sherryl Reeves	\$22,500	YES
45-15-26-454-007.000-043	13961 Edison St	\$14,750	1	William & Judith Hein	\$20,220	YES

Mr. Foreman asked if they could award the bid to a bidder that did not bid the minimum amount. Mr. Austgen stated they could but it would not be advisable to do so if they were going to maintain the notice requirement that was imposed. That follows the statute. He cautioned against establishing a pattern. A brief discussion continued on listing property.

A motion to accept the three bids that met the criteria and reject the other two bids that did not was made by Ralph Miller with second by Richard Sharpe. Mr. Foreman asked if they should also make a motion to have the Town Manager list the parcels not awarded on the market. Mr. Miller and Mr. Sharpe concurred. Roll Call: Carnahan – Yes, Foreman – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

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2. Bid Award – Sediment Dewatering Facility (SDF) Stage 1

Mr. Salatas stated three bids were received for the Sediment Dewatering Facility. The lowest bidder was Dyer Construction Company at \$2,127,600. G.E. Marshall bid \$2,710,157.12 and Earthwerks Land Improvement bid \$2,669,486. Mr. Niemeyer noted the lowest bid came in approximately \$700,000 under the estimate. That gives room within the budget to improve the project. A brief discussion continued.

A motion to award bid to Dyer Construction Co. Inc. contingent upon financing review was made by Colleen Schieben with second by Richard Sharpe. Roll Call: Carnahan – Yes, Foreman – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

3. Payroll Consideration for Emergency Town Offices Closures

Clerk-Treasurer Sandberg stated Town offices had a late opening, four hours, due to a well pump issue on the grounds. Town offices were closed all day on February 2nd due to the snowstorm. Council is being asked to consider paying staff for those hours versus staff having to use their personal time. Mr. Sharpe asked if there was a policy. Ms. Sandberg stated there is no written policy but Council has paid these incidents in the past. She believed the last time was 2015 and for two days due to weather. Discussion continued on the matter. Mr. Niemeyer voiced concerns with granting the pay and setting a fiscal policy. A very lengthy discussion occurred on adding a written policy and the employee benefits already in place.

A motion to approve the request was made by John Foreman with second by Colleen Schieben. Roll Call: Carnahan – Yes, Foreman – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – No. Vote: 5-1.

4. 2022 EDIT Capital Improvement Plan

Ms. Sandberg stated this has to be done annually and normally it is handled through the Town Manager's Office. Mr. Salatas stated this is exactly what was in front of them last year. He stated they included the status of the projects.

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

5. Summerfest Sponsorship

Mr. Niemeyer stated this is the annual sponsorship request from the Cedar Lake Summerfest Committee. The sponsorship is in lieu of the fees stated in the contract.

A motion to approve was made by Richard Sharpe with second by Ralph Miller. Roll Call: Carnahan – Yes, Foreman – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

6. Key Box Program

Hanover Township Trustee, Kevin Toth, presented the Key Box Program. The Hanover Township Trustee wishes to start a key box program. This would help emergency services gain access quicker to a residence instead of having to damage a door or window. A lot of communities do a similar program. The code number would be stored with dispatch and shared on an as needed basis. This program would be open to all who live within Hanover Township. Mr. Toth stated if they would also extend the program to Cedar Lake residents that live in Center Township. The fee for the key box would be \$35.00. They have an application for those who may need assistance in purchasing. Mr. Toth stated he would be the one to install the box. Mr. Toth stated his legal team drew up the waiver. Mr. Niemeyer asked about accountability. Mr. Toth stated dispatch will hold the numbers and give out the code to the unit on scene. A lengthy discussion continued on the need for such a service as well as the application and waiver. Mr. Austgen suggested some review and adjustment to the waiver.

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

7. Reimbursement Agreement – Fire Department, Michael Perich

Mr. Austgen stated this is pro forma. This is the reimbursement agreement for the new hire. A motion to approve was made by Robert Carnahan with second by Colleen Schieben. Roll Call: Carnahan – Yes, Foreman – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

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8. Appointment of New Storm Water Board Member

Two applications were received. Both candidates have some significant background that would serve well. Mr. Foreman asked if anyone had spoken with the candidates. No one had.

A motion to defer and requested the Town Manager reach out to both candidates was made by Ralph Miller with second by Colleen Schieben. Roll Call: Carnahan – Yes, Foreman – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

REPORTS

1. Town Council - Mr. Carnahan stated Lake County Solid Waste will move into their new building in March. It will be housed in the old Girl Scout building in Merrillville. Mr. Niemeyer discussed current legislature. He discussed HB 1245. He stated the bill would change the criteria as it relates to the calculation of system development charges for both sewer and water if they are non-regulated by the IURC. Essentially, this would take non-regulated utilities and based on certain criteria, would allow a developer to challenge a system development charge. Mr. Niemeyer continued to voice concerns with HB 1245. He discussed the recent water rate cases with the IURC. The first was for an increase in the system development charge. That was to create revenue to support some of the foundational pieces. The second was the overall rates of the utility as order of the agreement from the first case, had to be made one tariff. That order was followed. The third was to make the system development charge all one charge. That is what is currently happening. He stated these three rate cases have cost almost \$500,000 in legal and engineering fees. This bill will cost utilities more money to do their job. The purpose of a system development charge is to not penalize people who live here but to move the cost of the capacity growth on to the people who are coming in. Mr. Carnahan stated the Christopher B. Burke report stated it passed the House 92-0. Mr. Niemeyer stated it is in committee right now. Senator Cooke is the sponsor in the Senate. A lengthy discussion continued on HB 1245 and the impacts. Mr. Austgen stated we are awaiting a ruling on March 3rd. The Town's position, vetted by consultants and staff, \$3,500 is the system development charge request. Their response has been to re-engineer the Town's need for the charge petitioned for. As a consequence, the OUCC has responded with a system development charge of \$2,000. A lengthy discussion continued on the matter. Mr. Niemeyer reported that Council Affairs met with Chief Wilkening and staff members to discuss the formulation of a structure for firefighter pensions that would meet the state statute but provide a better long-term incentive. A lot of work needs to be done on such a policy. The Town Manager, Clerk-Treasurer, and financial advisors have been invited to the next meeting to discuss. Mr. Niemeyer applauded Mr. Sella for his work on the matter. Mr. Foreman what happens in the event an HOA's board breaks down. Who would own the roads? Mr. Austgen stated the homeowners would own the assets. Mr. Foreman discussed new PUD's and the HOA's. Mr. Austgen stated it would be the same. The homeowners would own the assets. A lengthy discussion occurred on what could happen if an HOA dissolves or disbands.
2. Town Attorney – Mr. Austgen stated the Cedar Lake Ministries PUD is finished. He will bring it to the Plan Commission tomorrow night. The ordinance was in shape. The contract needed to be finished with the exhibits and documents that needed to be upended. The zoning ordinance text replacement will also be before the Plan Commission tomorrow. He doesn't expect action tomorrow evening. It's close to being done. The tariff has been issued by the IURC for the water rates. The ruling was made last year but those rates were not permitted to be increased until the Town was within sixty days of construction of the improvements. That is effective as of January 24, 2022. Jennifer and Sue Haase are working on the billing.
3. Clerk-Treasurer – Ms. Sandberg reported she is working with Sue and Cliff to make sure they have a smooth transition with the new water rates. She is working on completing all of the annual reporting.
4. Town Manager – Mr. Salatas reported he's enjoyed his first week. There is a lot going on. The RFPs for the municipal complex have been received. Those have been ranked and they'll be doing interviews in order to make a recommendation.
5. Director of Operations – No report.
6. Police Department – Chief Fisher briefly went through the monthly call report.
7. Fire Department – Deputy Chief Mager stated they took deliver of the new tender. They will be training staff on it. A brief discussion continued.

WRITTEN COMMUNICATION

1. Building Department Report - Mrs. Murr stated they have been able to modernize the report. The numbers come directly out of the building program. She reported the department brought \$2,596,000 between permit fees, red tag fees, etc. Mr. Niemeyer stated the growth is supporting a lot of the growth of everything else.

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2. Christopher B. Burke Report – Mrs. Murr stated page 59 shows a lot of the active project being worked on in the Plan Commission. Mr. Niemeyer discussed the road projects and storm water consideration from a revenue standpoint. Sue is currently performing a salary analysis. They may be looking at salary re-allocations and/or fiscal policy in the storm utility as it relates to the credits. A brief discussion continued the storm utility and roads. Mrs. Murr stated the parcels that they approved requesting from the Commissioners Tax Sale will be available this week.

PUBLIC COMMENT

Mary Joan Dickson, 8711 W. 132nd Place, thanked the Council for their sponsorship of the Summerfest.

Jim Yearsich, 8731 W. 125th Place, stated he is the President of the Havenwood HOA. It's been eight years now. Financially they are doing fine and getting projects done. He stated he approached Mr. Foreman and asked about HOA's and what happens is because he wants to use it as a scare tactic. He wants to see more people involved in the HOA. Current board members have been there for a long time. He is moving out of Havenwood in the near future. Folks think the Town will take over if the HOA falls apart. Mr. Niemeyer asked if there has been discussion on road standards in order for the Town to take them over. Mr. Yearsich stated it has been quite some time. Mr. Niemeyer discussed long-term needs and costs. Mr. Yearsich stated he just wants to make sure people are involved so things can continue on as they have. Mr. Yearsich asked about the fence at the pumphouse. He stated a lot of people are unhappy. He asked if there are any other considerations for fence types. Mr. Kubiak discussed the sides facing the woods are the chain-link with the security wire. The sides of the fence that face the road and park will be the wrought iron with the bent tops. That meets the Town ordinances. Mr. Foreman asked if they need the barbed wire. Mr. Kubiak stated yes. A lengthy discussion continued on fencing and security standards. Mr. Yearsich wondered if there was a possibility to contract with the Town for snow services. Mr. Niemeyer asked Tim about staff availability. It was stated there is no availability.

ADJOURNMENT President Niemeyer called the meeting to adjournment at approximately 8:55 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.