

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



March 1, 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
Present	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	

PRESENTATION: Recognition of 50 Years of Service – Dennis “Denny” Wilkening

The Town Council and Department Heads celebrated Denny Wilkening’s 50 Years of Service to the Town of Cedar Lake. Mr. Wilkening was recognized for his various roles in the community and presented with a plaque.

PUBLIC COMMENT

None

CONSENT AGENDA

- 1. Minutes:** February 1, 2022, and February 15, 2022
- 2. Claims:** All Town Funds: \$276,413.97; Wastewater Operating: \$163,745.37; Water Utility: \$17,674.75; Storm Water: \$20,566.24; and Payroll: 2/17 and 3/1/22: \$248,114.46
- 3.** Acceptance of 2022 Allocation Table
- 4.** Use Waiver – Board of Elections Use of Town Hall for Polling Place

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, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7-0.

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1402 – Zoning Ordinance Amendment

Council Member Sharpe read Ordinance No. 1402 by title only. Mr. Austgen stated this ordinance is a single reading. It repeals Ordinance No. 496 and all of it’s amendments to the present. It also repeals the zoning map and replaces it with a modern map. This ordinance is the result of a major effort by the Plan Commission and Town Staff. This ordinance gives a solid foundation for the zoning law in Town. A favorable recommendation was given by the Plan Commission. Mr. Austgen recommended if there is a favorable consideration that signatures be withheld pending a week’s worth of time for review.

A motion to adopt Ordinance No. 1402 was made by Julie Rivera with second by John Foreman. Mr. Foreman discussed the length of time it took for this ordinance to come to fruition and whether withholding signatures was proper. A brief discussion continued. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7-0.

BZA/Plan Commission

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

Mr. Austgen stated this is a convoluted piece of land. There have been several land use approvals processed over the last six months or so related to business use. It’s a legacy area of the community. There has been a 1-lot subdivision platted. The business use has been restored as a consequence of that. This business needed and had parking prior to the 1-lot subdivision and other use going into place. The request was for the continued use on the now platted lot of six cars. The certification based upon the recommendation of the Plan Commission was favorable by a vote of 3-2. The certification shows the conditions. The parking is to be defined. If the use changes or the petition no longer uses the property, the variance granted will terminate.

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A motion to approve was made by John Foreman with second by Richard Sharpe. Mr. Austgen asked if the motion could include the recommendation of the BZA. Mr. Foreman and Mr. Sharpe both concurred. Mr. Niemeyer stated this particular property has a very unique situation. These are needed discussions. He implored the property owner to get the parcel cleaned up so it can become a lot of record. Mr. Austgen suggested they invite the property owner to a meeting to discuss. A brief discussion continued. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – No. Vote: 6-1.

NEW BUSINESS

1. Robert W. Baird & Co. Engagement Letter for Underwriting and Placement Agent

Mr. Austgen stated this agreement is for the underwriter to price the financing for the bond issue. Mr. Niemeyer stated the Redevelopment Commission and Redevelopment Authority both passed resolutions to make the necessary transfers for these lease revenue bonds to occur.

A motion to approve was made by John Foreman with second by Julie Rivera. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7-0.

2. Y2022 Farmers Market Agreement Discussion

Mr. Niemeyer complimented Mrs. Dykstra for her contributions. Mr. Austgen stated the agreement is the same as last year. Mrs. Kelly Dykstra asked for a couple of changes. They wanted to have staff be able to arrive as early as 9:00 a.m. Vendors would arrive starting at 11:00 a.m. The market goes from 3:00 p.m. to 8:00 p.m. until the fall then it goes until 7:00 p.m. A brief discussion continued on the Farmers Market. Ms. Sandberg asked the Council to consider increasing the base rate in the agreement due to the growth and popularity of the event and the increase in the Town's costs. Mr. Niemeyer asked what her suggestion was. Ms. Sandberg asked Mr. Salatas if he had notes from their earlier meeting. Mr. Salatas stated they had discussed the matter at the Department Head meeting. The extreme success of the event has put a small strain on the Town. They tossed around some numbers but haven't brought anything to the Council as it was just discussed this morning. Mr. Foreman stated it is a community event and he's fine with leaving it as is. A member of the audience asked what the Town's increased staff costs were. Ms. Sandberg stated there is a Public Works employee that spends a few hours at the market evenings. The Town custodian has increased hours the day following the event for clean-up. A brief discussion continued.

A motion to approve was made by John Foreman with second by Colleen Schieben. Mr. Niemeyer asked if that included the citations made by Mrs. Dykstra. Mr. Salatas asked if they would have Dave update the contract. Mr. Foreman and Mrs. Schieben concurred. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7-0.

**3. Acknowledgement and Acceptance of a Permanent Easement – Centennial Villas
Phase 1**

Mrs. Murr stated this is part of Beacon Pointe and Centennial Villas. There were some permanent easements that are overlapping. This is to clean-up the platting process. Attorneys have been working on this document as well as the Town's engineer and DVG. This is the permanent easement that will need to be recorded. Mr. Austgen stated a lot of engineers were involved. Sanitary sewers needed to be located. Several pieces of land that were subject to platting based upon the phasing by developers. Schilling has taken the point on this document and grant of the easement needed. This document was prepared by Attorney Hunt. Mr. Austgen stated he has reviewed the content and it is accurate.

A motion to acknowledge and accept was made by John Foreman with second by Richard Sharpe. Mrs. Murr noted for the record was the permanent easement agreement was by and between Beacon Pointe of Cedar Lake, LLC and the Town. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7-0.

4. Acknowledgement and Acceptance of Permanent Easement – 7303 W 126th Avenue

Mr. Austgen stated this project is related to the Hilltop area improvements proposed. Mrs. Murr stated this is for the Highland Road project. Mr. Austgen noted he prepared the document. It is in legal and proper order.

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A motion to acknowledge and accept was made by Richard Sharpe with second by Robert Carnahan. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7-0.

5. Purchase of 4 Black Vehicles, with 3 of them having Ghost Graphics by the Police Department *(This received a favorable recommendation from the Board of Safety at their February 23, 2022.*

Chief Fisher stated he spoke to Thomas Dodge. Another department ordered four (4) squad cars but backed out. The issue was the cars were black versus white. Chief Fisher stated they are getting the vehicles at 2021 prices. They will save approximately \$30,000. The graphics are highly visible. As soon as light hits them they turn instant white. Many departments are going to them. As a department, we will not but the cost was too good to pass up. The Board of Safety gave a favorable recommendation.

A motion to approve was made by Ralph Miller with second by Colleen Schieben. Mr. Foreman asked if they were additional cars. Chief Fisher stated they are the four new cars they previously asked to order this year. They are four cars not SUV's. A brief discussion continued on the vehicles. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7-0.

6. Appointment of New Storm Water Board Member

Mr. Salatas reported he did the interviews as requested. He stated it was difficult to choose as both applicants were very qualified. He recommended they move forward with Benji Kincheloe.

A motion to approve as recommended was made by Julie Rivera with second by Richard Sharpe. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7-0.

REPORTS

1. Town Council – Mr. Carnahan stated the Chamber will be having their luncheon on March 8th at Cedar Lake Ministries. Mr. Foreman thanked all who have served on the Lake Eco-System Committee over the years. He stated it was a monumental task they have achieved. A brief discussion continued on the project. Mrs. Rivera thanked Mrs. Murr for all of her help with moving the project forward. Mr. Niemeyer reported on a conference call to discuss the proposed Town facility improvements. It was determined the Town has the capacity to issue the debt needed to build the public safety facility. They are working with a number right now that includes a new public safety facility as well as a remodel to the existing Town Hall. The working number at this point for a budget is \$10 million. Mr. Austgen added having a target goal, objective, is critical. A lengthy discussion continued on the proposed projects. A lengthy discussion continued on the proposed projects.
2. Town Attorney
 - a. Water Rate Case Settlement – Mr. Austgen stated they are nearing the conclusion of the rate case on system development charges. Negotiations have resulted in a liquidation or disposition of the petition. The anticipated settlement will continue the \$2,556 system development charge rate on the east side. It will permit \$3,200 rate on the west side. There are conditions for matching those two rates amounts up by way of interconnection and confirmation of same. There are some procedural items that have been included that are related to the use of the rates as well as reporting responsibilities. He asked for their consideration on the settlement. A motion to amend the agenda and consider the item was made by Ralph Miller with second by Richard Sharpe. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7-0.

The item to consider is to give direction to commence the settlement of the system development charge rate case. A motion to direct the settlement as present was made by John Foreman with second by Richard Sharpe. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7-0.

3. Clerk-Treasurer - Ms. Sandberg reported the Annual Financial Report has been completed and submitted. The annual Debt Management report was as well. She is caught up with the annual reports due on Gateway. She noted her Chief Deputy will be sitting in for her at the next meeting. She will be at the ILMCT Institute and Academy.
4. Town Manager – Mr. Salatas reported they will be interviewing firms on Friday related to the public safety facility design. He received notification from DNR that the LARE Grant was approved. That is \$150,000 over three years to go toward the project. JMOB

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met in Lowell today. The original \$2 million agreed to in capital projects has come back high. They discussed options to reduce costs. He met with Jen and Sue to discuss the road project funding. Mr. Niemeyer asked if they reformulated the storm water allocation. Ms. Sandberg stated they would play with it a little more. She anticipates catching back up with Sue later in the week.

5. Director of Operations - Mr. Kubiak reported Ortman has finally been out to the Lighthouse Wells to get the new drives in. They have begun testing. Things are moving in the right direction. Mr. Foreman gave kudos to Mr. Kubiak and his staff for the work on the Lift Station down Binyon. A brief discussion continued.
6. Police Department – No report.
7. Fire Department – Chief Wilkening stated their hybrid vehicle is down. It is at the repair shop again. It has a problem with the cylinders not firing properly. The dealership will be bringing in an engineer from Ford to figure out what is going on with it. Chief Wilkening stated he appreciated everyone’s work on the public safety building. The new tanker is close to going on the road. They are working through getting everyone trained on it. They are working with the Township on getting some additional equipment that is needed to get it on the road. He reminded them of a Council Affairs meeting is scheduled for Monday to discuss pensions.

WRITTEN COMMUNICATION

None

PUBLIC COMMENT

Steve Matijevich, 7210 W. 131st Pl, voiced concerns with the state of 131st Place. He stated the potholes are very large. The water has no place to go. They keep filling the potholes but the patch just washes out. It was discussed the road is on the asset management list they just aren’t sure where on the list. Mr. Matijevich continued to voice concerns. Discussion continued on the state of the road. Council asked Mr. Matijevich to leave his contact information with Mr. Salatas so they could discuss.

Mary Joan Dickson, 8711 W. 132nd Place, asked what the price of cleaning up the lake is. She asked what the actual cost is. Mr. Niemeyer stated the total project is just shy of \$7 million. With what they are bonding, CLEA is contributing, the LARE Grant, and any additional wastewater funds, it is just shy of \$7 million. Mrs. Dickson asked if the wastewater does that mean her drainage project on 132nd won’t get done. Mr. Foreman stated no. It is on a list. He stated he would get her the list.

David Novosel, 10805 W. 134th Place, stated ball season has started. He knows the board has heard from people over the past ten years. He asked is anything going to be done this year about all the issues. He voiced concerns with the issues. The major one they have is parking issues. According to his count, they can hold 80 in their lot. They are renting to 200 plus. He voiced concerns about all the cars that bottom out on 134th place on the dip. They speed through the area. Mr. Niemeyer stated there is a project identified for fencing at Hanover Park. Mr. Novosel discussed previously sharing pictures of the damage done to the park. Residents can’t use the park during the summer due to the packed fields. Garbage flies into the residents’ yards. He voiced concerns with fire trucks and ambulances not being able to get down the packed streets. He stated he asked months ago for the Town to not allow any more renting of the fields until the issues are addressed. He stated he doesn’t think it is anyone in the room or up to the residents to figure out how to solve the ball fields issues. Mr. Niemeyer stated they can’t ban them from using their own property. Mr. Novosel continued to voice his frustration and concerns. Mr. Niemeyer stated they can’t make a law to limit the use of private property. Mr. Carnahan asked Mr. Austgen if there is anything they can do. Mr. Austgen stated not under the fact pattern he is hearing. Mr. Foreman continued to discuss the fencing improvements at the park. Mr. Niemeyer discussed possible parking restrictions. Mr. Novosel stated residents can’t even get their mail due to all the cars parked on the street. A very lengthy discussion continued on the concerns and issues as well as the possibility of legislation as it relates to parking in the affected area.

ADJOURNMENT President Niemeyer called the meeting to adjournment at approximately 8:45 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.