

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

May 17, 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	Chris Salatas Town Manager	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

**Present via Zoom.*

PROCLAMATIONS

1. National Police Week

Council President Niemeyer read the National Police Week proclamation into the record. A copy can be found at the end of the minutes.

2. National EMS Week

Council President Niemeyer read the National EMS Week proclamation into the record. A copy can be found at the end of the minutes.

Mr. Carnahan made a motion that they approve these proclamations and they be signed by the Town Council. A second was made by Julie Rivera. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote 7-0.

PUBLIC COMMENT

None

CONSENT AGENDA

- 1. Minutes:** April 5, 2022 and April 19, 2022
- 2. Claims:** All Town Funds: \$445,467.35; Wastewater Operating: \$211,462.60; Water Utility: \$100,452.12; Storm Water: \$13,444.05; Payroll: 4/28, 4/29, and 5/12/22 - \$567,549.11; and April Remittances: \$189,798.88
- 3. Manual Journal Entries:** April 1 - 30, 2022
- 4. Donations: Dare:** Sportsman’s Den, \$100; Westend Development Company, \$250; and MacArthur PTO, \$1,000; and **Police Donations for Tasers:** John Foreman, \$800; Greg Marquardt & David Villalobos, \$800; Phillipe Home Builders, Inc, \$1,600; LBL Development, LLC, \$1,600; Bill & Karen Kuhn, \$3,200; Fraternal Order of Eagles, \$9,600; Crown Point Community Foundation, \$11,842.88.
- 5. Tag Day Request:** Hanover Jr. Wildcat Football and Cheer, July 9th, rain date July 16th
- 6. Town Grounds Use Waivers:** (The entities have paid for their respective use of the grounds)
 - a.** Cub Scout Pack 129, Annual Overnight Camping, June 10, 2022
 - b.** Lakeside Artists Guild Concert Series, alcohol waiver to allow concert attendees to bring their own alcoholic beverages to their free concerts

A motion to accept and waive the reading of the Minutes and accept the Consent Agenda as listed was made by Richard Sharpe with second by John Foreman. Mrs. Schieben asked about the Artist Guild and if they had asked about dates for the year. Mr. Niemeyer asked if they had submitted dates. Mr. Salatas stated not to his knowledge. A brief discussion continued. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote 7-0.

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1412: Voluntary Annexation – Cedar Lake 133 LLC

Council Member Sharpe read Ordinance No. 1412 by title only. Mr. Austgen reported that 193.5 acres are proposed to be annexed into Town by owner, Cedar Lake 133rd LLC. This is the adoptive reading. If adopted tonight, the ordinance will be published and upon 30 days elapsed, it will be annexed. Mr. Niemeyer asked for clarification of the location. Mr. Austgen stated the east side of the lake. It is south and east of the Lakeside development.

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A motion to adopt Ordinance No. 1412 was made by Colleen Schieben with second by Ralph Miller. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote 7-0.

2. Ordinance No. 1415: 2022 Salary Ordinance Amendment

Council Member Sharpe read Ordinance No. 1415 by title only. Clerk-Treasurer Sandberg explained this is for the position of Town/Utility Billing Clerk. She recently hired one more full-timer in her office. This is to change the maximum hourly rate from \$14.75 to \$15.00.

A motion to approve the first reading of Ordinance No. 1415 was made by Robert Carnahan with second by Colleen Schieben. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote 7-0.

A motion to suspend the rules and allow a second reading was made by Ralph Miller with second by Colleen Schieben. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote 7-0.

Council Member Sharpe read Ordinance No. 1415 by title only.

A motion to adopt Ordinance No. 1415 was made by Robert Carnahan with second by Julie Rivera. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote 7-0.

BZA/PLAN

1. Ordinance No. 1416: 141 Partners LLC Rezone

This received a favorable recommendation from the Plan Commission on April 20, 2022. Council Member Sharpe read Ordinance No. 1416 by title only. Mr. Niemeyer stated this was the adoptive reading. Mr. Austgen reported this to be the first zone map amendment under the new zoning ordinance. This is to change a zoning district classification of 8.3 acres of property at the southeast corner of 141st and the railroad tracks from agricultural to B-2. The parcel is the subject of proceedings before the Plan Commission. A u-lock facility and complex is the subject matter before them. A brief discussion continued on the petition.

A motion to adopt Ordinance No. 1416 was made by Ralph Miller 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. Performance Surety of \$14,047 from Community State Bank for Cedar View

This received a favorable recommendation from the Plan Commission on April 20, 2022. A motion to approve was made by Julie Rivera with second by Colleen Schieben. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote 7-0.

OLD BUSINESS

1. Humane Pet Store Ordinance Request: Dustin Thibideau

Mrs. Rivera reported on a draft ordinance. She discussed the work Mr. Austgen has done for Schererville on a similar ordinance. She stated she wants to get something started. Surrounding communities have put similar ordinances in place. She doesn't want Cedar Lake to be an option for pet stores that sell dogs from puppy mills. The Board of Zoning Appeals would have to approve a variance for a pet store. She stated she thinks it is a good start. Mr. Austgen added it is here tonight before them to give direction to the Plan Commission to notice and conduct a public hearing as well as return a recommendation on the proposed ordinance amendment. Mrs. Rivera stated remonstrators would be allowed during the public hearing. Mr. Niemeyer asked if she has reviewed the ordinance in front of them and if there are certain things that need to be considered. Mrs. Rivera stated she thinks everything is defined. The fact that a shop can open and have animals that are up for adoption like an animal shelter. This has exceptions within. Mr. Niemeyer asked if a pet store that sources animals from a legitimate source be allowed to exist under the ordinance. Mr. Austgen stated yes. Mr. Niemeyer asked how it would be verified. Mr. Austgen stated the way they verify proper and lawful use of any business in the Town. A lengthy discussion continued on the draft ordinance and what it means for these types of businesses.

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A motion to send this item to the Plan Commission to conduct a public hearing was made by Julie Rivera with second by Richard Sharpe. Mr. Niemeyer asked Mrs. Rivera to make sure the proper documents are in front of the Plan Commission and that what she wants comes back to the Town Council. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote 7-0.

NEW BUSINESS

1. Use of Town Promotion Funds in the amount of \$1000 for Giveaways at the Independence Day Parade

A motion to approve 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.

2. Ratify Approval of Using Park Impact Fee Funds in the amount of \$29,250 for Blue Rubber Mulch at Various Parks to Recycled Rubber Products

A favorable recommendation was received from the Park Board on April 28, 2022. A motion to approve was made by Robert Carnahan with second by Colleen Schieben. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote 7-0.

3. Ratify Approval of Using Park Impact Fee Funds to Pay for the Playground Equipment at Various Parks in the Amount of \$58,000

A motion to approve was made by Colleen Schieben with second by Ralph Miller. Clerk-Treasurer Sandberg clarified that the proposal was for \$58,800. Motion was updated and concurred by Mrs. Schieben and Mr. Miller. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote 7-0.

4. Clubhouse Use: Joe's Hope

Mr. Niemeyer stated the request was first heard at the last meeting. Mr. Salatas report the first Thursday of the month in the evening is available. The initial conversation started with the first Thursday and possibly including the third Thursday in the future. Mr. Hayward discussed Joe's Hope. He shared information with the Council. He discussed at length the need to advocate for those in the community that suffer from addiction. Mr. Miller applauded Mr. Hayward for his dedication to the community. He discussed the recent updates to the fee schedule. He discussed helping him get the money and having it at the non-profit rate. He stated he didn't feel he could vote for giving the space for free. Mrs. Schieben also discussed the changes to the ordinance and rate. Mrs. Rivera added her thoughts on the uniqueness of the request. She discussed possibly donating one night a month. She stated this is something for the whole community. She made a motion.

A motion to waive the fees for one Thursday per month was made by Julie Rivera. A second was made by John Foreman. Mr. Niemeyer added he is a big supporter of making sure they charge for Town facilities but this to him is a public health type of activity. Chief Wilkening discussed drug overdoses in the community and the cost. He stated being a part of eliminating it should be supported by all. He agreed with Mr. Niemeyer that it is a public health issue that should be thought of separately. A lengthy discussion continued. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote 7-0.

5. Police Department Request: Change in Hours of Operation

This received a favorable recommendation from the Board of Safety. Chief Fisher explained last year they changed the front window hours of operation on Saturdays to once a month. They've had some setbacks with staff. The Administrative Assistant has been filling in. The window is not utilized much. They would like to reduce the open window hours from eight to four on Saturday. Most folks buy accident reports online.

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

6. Police Department Request: Approval of Emergency Hire

This received a favorable recommendation from the Board of Safety. Chief Fisher stated they had a rookie officer not make it through training. He resigned his position. This is an emergency hire to fill the now open position.

A motion to approve emergency hire was made by Robert Carnahan with second by Colleen Schieben. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote 7-0.

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REPORTS

1. **Town Council** - Mr. Carnahan stated the Cedar Lake Chamber will be hosting the free kids fishing derby the first Saturday in June.
2. **Town Attorney** - Mr. Austgen asked the Council to consider amending the agenda to authorize the execution of the quit-claim deed related to the exchange with Diamond Peak. A motion to amend the agenda was made by Ralph Miller with second by Colleen Schieben. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote 7-0. Mr. Austgen reported he received yesterday from Diamond Peak’s attorney; the deed prepared on behalf of the Town. This is for the exchange of 40 acres at 155th and Parrish. The swap is exactly 40 acres. He asked for the signature of the Town Council President and attestation of the Clerk-Treasurer on the necessary documents. A motion to approve was made by Colleen Schieben 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** - Clerk-Treasurer Sandberg stated she had no report. Mr. Niemeyer asked when they would begin committee meetings for the budget. She stated the sooner the better. Mr. Niemeyer stated they are looking for her leadership. She stated she would shoot out some dates to them after she made contact with the financial consultant.
4. **Town Manager** - Mr. Salatas reported on the recent ribbon cuttings for Edgewater Health and JMA Architects. He stated they will most likely have more in the future as there is a lot of commercial interest in Cedar Lake. He added he is working on scheduling a groundbreaking for the sediment dewatering facility. He plans on it taking place at the Town owned property that will be the location of the facility at Parrish and approximately 155th. The plan is to start at 4PM on Thursday, May 26th. They will be advertising it soon. Mr. Salatas added they are bidding Phase II of the project which will be the dredge contractor. A brief discussion continued on the project. This Thursday there will be a project meeting for the Parrish Avenue Road Construction Project. Homeowners directly impacted by the project received a letter inviting them to the project meeting. They want to make sure the public is informed as much as possible.
5. **Director of Operations** – Mr. Kubiak reported they have been doing the repairs on Lake Shore Drive. This is related to the HIP project that previously took place. This was all warranty work. Public Works finished grading in Lynns way on the properties affected by the storm water project. They will be putting down grass seed tomorrow. A brief discussion continued on the Lynns way project.
6. **Police Department** - Chief Fisher reported on the monthly call report.
7. **Fire Department** – Chief Wilkening stated calls are up. COVID is back on the rise. It has hit the department again. He stated they are working with different departments on the lake this week. There is a lot of training activity going on. EMS billing is up as well as Fire Billing. Mr. Niemeyer asked Chief Wilkening as well as Chief Fisher and Mr. Kubiak to look at fuel costs and make sure they are planning appropriately. Chief Wilkening reported on the hybrid vehicle. He added they are planning an open house for the rescue tools and new tanker. The invitation will go out soon.

WRITTEN COMMUNICATION

1. **Building Department Report** – As of April 30th, they’ve approved 119 new home permits with a valuation of \$30.6 million.
2. **Christopher B. Burke Report** - Previously reported on projects.

PUBLIC COMMENT

Ana Ortiz, 7513 W. 136th Avenue, she stated she was reaching out regarding the property at 7304 Constitution Avenue. It is a property that is dear to her family but they understand they must vacate the property. She stated they met with Mr. Salatas on the 22nd of April and were told they had until the end of June to move out. The possibility of extension was discussed. She requested an extension of time to settle her great uncle and the belongings in the home. She briefly discussed their situation. Mr. Niemeyer asked her what she thought was a reasonable extension. Ms. Ortiz asked for another month. Mr. Niemeyer stated due to the settlement agreement between the Town and her family, this will be discussed in executive session because of the legal nature. A brief discussion continued on the extension request.

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ADJOURNMENT President Niemeyer called the meeting to adjournment at approximately 8:26 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.