

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



July 5, 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	

PRESENTATIONS

- 1. Presentation of Groundbreaking Shovel to the Cedar Lake Historical Association**
Town Manager Chris Salatas presented Julie Zasada of the Cedar Lake Historical Association, with one of the shovels from the Sediment Dewatering Facility Groundbreaking Ceremony. The shovels were signed by all the elected officials, department heads, and Mr. Austgen. He took a few moments and spoke of the long-awaited lake dredge project.
- 2. Service Award**
Clerk-Treasurer Jennifer Sandberg presented Pamela Castner with a service award. Mrs. Castner is retiring after serving 25 years in the Office of the Clerk-Treasurer.

PUBLIC COMMENT

None

CONSENT AGENDA

- 1. Minutes:** June 7, 2022
- 2. Claims:** All Town Funds: \$359,117.46; Wastewater Operating: \$442,933.78; Water Utility: \$35,452.27; Storm Water: \$92,486.66; and Payroll: 6/23/22, 6/30/22, and 7/1/22: \$277,165.48

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.

ORDINANCES & RESOLUTIONS

- 1. Ordinance No. 1422 - Henn Holdings Annexation Petition Introductory Reading**
Council Member Sharpe read by title only. Mr. Austgen explained this is a parcel of property that is approximately 36 acres. The area is proposed for annexation and this introductory ordinance will commence the process. With their approval of this reading, it will result in a public hearing in thirty days and completion of the fiscal plan related to the development. This area is immediately south and east of the CLBD South parcel and project. This will continue the development of the Town in that area. Mr. Niemeyer asked when the public hearing would occur. Mr. Austgen stated it would be their first meeting in August. Mr. Foreman explained the area is also known as the Kretz Farm. Mr. Niemeyer noted it will be a business development.

A motion to approve the introductory reading 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.

- 2. Ordinance No. 1424 - Water Tariff Ordinance**
A motion to defer was made by Robert Carnahan with second by John Foreman. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes.
- 3. Ordinance No. 1425 - Ratifying Ordinance No. 1389, Rezone of Lakeview Business Park (CLBD South)**
Mr. Austgen stated approximately one year ago the project was before them on a PUD application. The Plan Commission certified a favorable recommendation. But in order to

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permit the developer to proceed, they withheld signatures on the ordinance. Between then and two weeks ago, they worked on the development agreement related to the development plan and the water utility extension agreement. That agreement reimbursed the contractor and developer for the installed property and infrastructure. Before them is a replacement of the ordinance adopted last year minus signatures that is complete with the documents and exhibits required. Jennifer has the original and Mr. Bultema has executed same. The documents are ready to go and this document replaces and supersedes last years adopted ordinance. Mr. Niemeyer asked in lieu of having an ordinance to read into the record, what should the record reflect. Mr. Austgen stated action identifying that the ordinance before them replaces and supersedes the adopted ordinance last year by reason of the completion of the terms, conditions and requirements. Mr. Niemeyer asked if the language was the same. Mr. Austgen stated nearly. He noted they did not previously have the developer agreement or water main extension agreement. No changes occurred substantively to the development project. Mr. Austgen added that the Indiana Utility Regulatory Commission is enforcing new and updated laws that are promulgated by the Indiana General Assembly. None of which are good for the Town itself as a water utility but all of which had to be dealt with in making a PUD agreement with the developer.

A motion to approve Ordinance No. 1425 as read into the record by Attorney Austgen 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.

BZA/PLAN COMMISSION

1. Ordinance No. 1421: Dykstra Rezone from B-2 to R-2

This received a favorable recommendation from the Plan Commission on June 15, 2022. Council Member Sharpe read Ordinance No. 1421 by title only. Mr. Austgen stated they still need to add to this a copy of the approved minutes from the Plan Commission for its June 15th Public Meeting and Hearing. His recommendation would be that action taken include completion of the exhibit attachments. The legal description as A and the public meeting minutes as B. He stated this particular piece of land had a significant discussion point that included stormwater concerns. Those items were picked up and included in section 3.

A motion to approve Ordinance No. 1421 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.

OLD BUSINESS

1. Lake Ecosystem Restoration Project SDF Stage 2: Bid Award

Mr. Salatas requested Council to award the bid for the Lake Eco-System Restoration SDF Phase II to Dredge America. The outstanding item is whether to award the base bid of \$5.2 million or go all the way to Alternative 2 which is \$5.9 million. He recommended they go with Alternative 2. They are building a 45-acre sediment dewatering facility for the purposes of dredging the lake for the first time in history. He stated they would need to commit sewer funds to fill the funding gap. A brief discussion occurred.

A motion to award Dredge America for Alternate 2 in the amount of \$5,975,000 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.

NEW BUSINESS

1. Monastery Woods Clubhouse Apartment Lease

Mr. Salatas stated this is an update to the Monastery Clubhouse Apartment Lease. Currently, the lease agreement is \$600 per month. This agreement would increase the rate to \$650 per month. The tenant was made aware that this is something that may be happening.

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.

2. Park Board Request: Donation of refreshments for the Senior Activity on July 15th

Mr. Salatas reported the Park Board has requested the Council donate sandwich platters and cold refreshments for the inaugural Senior Event. They don't have a specific amount. They currently have five attendees signed up as of the date of the letter. They anticipate more sign ups. Mr. Salatas estimated no more than \$200-\$300 would be needed. Clerk-

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Treasurer Sandberg confirmed the Council still had funds available in their Town Promotion line.

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. Approval of Firetruck Purchase through Sourcewell

Mr. Salatas explained this is a proposal from Sourcewell for a fire truck. Chief Wilkening explained the truck is a rescue pumper. It has the capability to pump 1500 gallons per minute. He briefly explained their need for the truck. It will carry rescue tools and respond to rescue calls. It will be a fully equipped truck. Mr. Austgen discussed the Sourcewell process. He stated it seems to be a process that circumvents the statutory bidding law. He stated he has spoken with a lot of people about this and the express is concern. To the extent that it is carefully reviewed so that non-compliance with law does not occur. Every source he has tapped on to has recommended review and issuance of an opinion. He has not reviewed the document yet. He stated it sounds like a great path and he's had discussions about it elsewhere. He thinks proceeding with due diligence review makes sense. The State Board of Accounts is looking for legal opinion when doing audit review, so that non-compliance is addressed. Mr. Niemeyer clarified the item for consideration tonight is not appropriating any money. It is getting the clock started on the piece of equipment. Chief Wilkening explained it is approximately 24 months to build. Mr. Niemeyer stated it is important what Mr. Austgen said to make legal record since this does not follow the bidding statute but still an allowable way to purchase a truck. A brief discussion continued on other municipalities who have used Sourcewell for purchases. Mr. Niemeyer asked if the item could be considered while Mr. Austgen reviews considering nothing is really happening other than starting the process. Mr. Austgen discussed the conversations with the Board of Safety on this subject. Discussion was on change of mind and having an out in the process if there is a change of circumstances. He recommends they begin review and get the clock started and know that if they're going to pull the plug on it, they need to do so swiftly. Mr. Foreman discussed making the motion contingent on legal review. Mr. Carnahan stated this is for \$1,018,300. He asked Ms. Sandberg about financing and when will they make a payment on it. Ms. Sandberg stated the discussion has been to issue general obligation debt because of the significant cost. Until they nail down the financing, she can't give them an exact date of first payment. If it's a 24-month process, they won't see a payment for a while. Mr. Carnahan explained his concern with the interest rate. Mr. Niemeyer stated this coincides with the completion of the new public safety building. The Town will be entering into a build operate transfer process very soon. Legal advertisements have already gone out. Mr. Austgen added proposals will be received on or before the 15th of July. Mr. Niemeyer discussed having an engine in both the west side and east side station. Mr. Carnahan asked him if he could explain further. Mr. Niemeyer stated the new public safety building will be located on the Town Grounds in the corner. It will take up approximately 1 acre. The project is just under \$12 million dollars. The building will house police and fire. The needs of the community have grown but our facilities have not grown with them. A brief discussion continued on the new public safety building.

A motion to approve the fire truck purchase with Sourcewell contingent on legal review 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.

4. Plan Commission Appointee Change

A motion to remove Plan Commission Member Jerry Wilkening 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 – No. Vote 6 – 1.

Mr. Niemeyer called for nominations for an appointment to the vacant seat. He noted this would be to serve through the end of Mr. Wilkening's term which is 2024. Statutorily, Mr. Wilkening was a republican appointed to the board. They must maintain that balance. Mr. Miller nominated Greg Parker. No other nominations were made.

A motion for Greg Parker to replace Jerry Wilkening was made by Ralph Miller with second by Colleen Schieben. Mr. Carnahan noted they did receive another applicant but he is a democrat. Mr. Foreman stated it was Jim Hunley. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote 7 – 0.

5. Select LPA Consultant for INDOT

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Mr. Niemeyer noted this is for the sidewalk project. Mr. Salatas reported this is for east Lake Shore Drive. It will go from the roundabout to the corner of Constitution and Morse. Due to the narrow right of way on Lake Shore Drive, it will largely be on the one side. More details will be available once they get into full engineering. This is a precursor. Four companies responded. The scoring company consisted of Greg Parker, Julie Rivera, and Mr. Salatas. Out of the four companies, VS Engineering was the top ranked followed by Christopher Burke, Beem Longest & Neff, and HWC Engineering. The recommendation is to go with the highest scoring firm which is VS Engineering.

A motion to approve was made by Julie Rivera with second by Richard Sharpe. Mr. Foreman asked if the contracts were vetted through legal. Mr. Salatas stated these weren't contracts just proposals. They were part of the INDOT scoring process. Contract negotiations will come next and legal will review but there is a template contract for INDOT that NIRPC uses. Mr. Foreman discussed about the advantages of trying to team up with Christopher Burke. He asked if it was set in stone. Mr. Salatas stated it wasn't. Discussion continued on the scoring process and the anticipated project. 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 he took care of the flag raising and sang the Star-Spangled Banner at the Cedar Lake Summerfest. He spoke highly of Brenda Roberts and Dominick Kortokrax and their signing. Mrs. Rivera thanked the Summerfest Committee and Town staff for their involvement and good work during the Summerfest. Mr. Niemeyer thanked Mary Joan and her team for doing an outstanding job. Mr. Niemeyer discussed the fireworks complaints received. One concerned citizen called about fireworks being lit in the street and when they called 911, they were told the police were too busy to respond. He asked what they can do in those types of situations. Chief Fisher stated it was a very busy weekend. 90% of the people light fireworks off in the street. He's not saying it's right but it's nearly impossible to stop them all. Mr. Niemeyer asked how many were staffed last night. Chief Fisher stated there were four on the grounds plus the Patrol Commander and three on the streets. Mr. Niemeyer discussed the call received and if something could be done from a patrol standpoint. Chief Fisher stated he was unaware of the complaint. He would need to look into it. The unfortunate thing is when they respond to similar calls the fireworks are already blown up. The evidence is not there. A lengthy discussion continued on illegal fireworks and emergency calls.
2. Town Attorney - None
3. Clerk-Treasurer - Ms. Sandberg stated they are continuing to move forward on the 2023 budget. They decided to set meetings in two weeks with department heads to hammer down the budget. Mr. Niemeyer stated Council Affairs has met a couple times. The revenue picture looks fairly promising just from the growth of the community. They will take the same approach and plan conservatively. There is a great deal of uncertainty. This is all being carefully done. The needs of the departments to serve the public will be considered. Mr. Niemeyer added as they have more information and the pro forma for the public safety building, they will share it and how it affects the average property tax payer. He stated the first draft shows an extremely minimal impact.
4. Town Manager - Mr. Salatas discussed an in the Lowell Tribune. The Lowell Wastewater Treatment Plant received an IDEM violation of a little under \$3,000. That is due to a liner issue at the EQ basin. It is something they know about and a project is in the pipeline for. The project won't be let out until the current project is finished. The current project was just awarded and is related to the pipe and draining at the EQ basin. A brief discussion continued.
5. Director of Operations - Mr. Kubiak stated they finished up the testing on the Lighthouse wells. Those look good and one of the two new well pump motors have been installed at Havenwood.
6. Police Department - None
7. Fire Department - Chief Wilkening stated he sent Mr. Niemeyer the newest fireworks update on size. They had a very busy weekend. They had some bad incidents and the traffic was immense. They need to discuss the traffic issue. The Town gets locked up during fireworks. He briefly discussed the new fire truck awarded earlier in the evening. He thanked everyone for their work on the purchase. Mr. Carnahan added his gratitude for the Hanover Township Trustee's Office and all of the equipment they buy for the Fire Department. Mr. Niemeyer stated it is a great partnership.

WRITTEN COMMUNICATION

None

PUBLIC COMMENT

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Mary Joan Dickson, 8711 W. 132nd Place, asked about the location of the new station. She discussed the growth on the west side. Chief Wilkening stated 40% of the calls are on the east side of the lake. Mr. Niemeyer stated the next wave of growth will be on the east side. Chief Wilkening added they will be occupying both buildings. They won't just have a station on the east side. A brief discussion continued on staffing. Mr. Niemeyer discussed the costs involved with a new station. If they were looking to build on the west side, where they would have to purchase property, they are looking at a project closer to \$20 million dollars. The planning was economic and growth driven. Mrs. Dickson asked about the cost. It was stated just under \$12 million dollars. Chief Wilkening added the new building will house the both police and fire. It will be a little over 20,000 square feet. Mrs. Dickson asked about the bathrooms at Bartlett/Wahlberg Park. Mr. Salatas stated they have a meeting with the Park Board to go over the project with the consultants. They intend to keep moving forward with the project. Unfortunately, they received no bids on the original projects so the timeline has shifted. Mrs. Dickson asked about the interceptor. Mr. Kubiak stated everything is approved and manholes are ordered and they should begin soon. Mr. Niemeyer noted the full three phases of the interceptor project will take approximately five years. Mrs. Dickson, on behalf of the Summerfest Committee, stated they were very happy to provide the event for the community. She feels they need to be in the loop to find out what the future is going to be. She hopes to work together with them. Mr. Niemeyer suggested as the committee works out their details, they meet with the Town Manager. Discussion continued on growth of the community and plans for the future.

Kevin Toth, 9725 W. 129th Place, discussed the money being spent on projects and future projects. He hopes the growth continues and they don't experience a downturn. He stated his opinion that they are spending money like water and need to be careful. Mr. Niemeyer stated that isn't true. Mr. Toth asked if the Council would be having meetings regarding projects like the new public safety building. Mr. Niemeyer stated they've always done that. Mr. Toth stated it seems like an already done deal. Chief Fisher stated it's not even close to being done. Mr. Niemeyer stated there are requirements for public hearings under build operate transfer statute. They will always share the information with the public. Nothing will be hidden. Taxpayers will know exactly what the impact is. Mr. Niemeyer stated the spending they have been doing has been planned appropriately. The financial consultants have kept them in that direction. Mr. Toth opined that all purchases should go out for bid.

ADJOURNMENT President Niemeyer called the meeting to adjournment at approximately 8:21 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.