

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



September 6, 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	

PROCLAMATION: Childhood Cancer Awareness Month

Council Member Sharpe read the Proclamation into the record.

PROCLAMATION: National Suicide Prevention Month

President Niemeyer discussed Jim Kazmercek and his work with the AFSP.org. Mr. Niemeyer read the Proclamation into the record.

OATH OF OFFICE

Paramedic Jason Bieda received the Oath of Office from Clerk-Treasurer Sandberg.

PUBLIC COMMENT

None

CONSENT AGENDA

1. **Claims:** All Town Funds: \$587,776.02; Wastewater Operating: \$745,899.82; Water Utility: \$144,365.71; Storm Water: \$17,454.44; and Payroll: 8/18 and 9/1: \$565,382.87;

A motion to accept the consent agenda as listed was made by Colleen Schieben with second by Ralph Miller. Mr. Carnahan asked about an invoice for DAVCO. Mr. Kubiak explained it was for the HVAC unit at the Clubhouse. The blower motor needed to be replaced. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

ORDINANCES & RESOLUTIONS

1. **Ordinance No. 1423 – Town of Cedar Lake Ward Redistricting**

Council Member Sharpe read Ordinance No. 1423 by title only. Mr. Salatas stated notice has been given to Lake County and this item is ready for adoption. Mr. Austgen stated the legal descriptions were prepared by NIES Engineering. They were inserted appropriately into the ordinance as directed.

A motion to adopt Ordinance No. 1423 was made by Richard Sharpe with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0. Mr. Niemeyer stated the packet of information is available on the Town’s website for anyone who wishes to see the ward maps. Mr. Salatas stated they will forward the adopted ordinance on to Lake County. Mr. Niemeyer stated the precincts for voting do not change. Those are maps drawn by Lake County. This is only for ward representation. The wards were redrawn to meet the provisions of the state statute.

2. **Ordinance No. 1426 – Town of Cedar Lake 40-Acre Parcel Annexation**

Council Member Sharpe read Ordinance No. 1426 by title only. Mr. Austgen explained this is the 40-acre parcel that was the subject of the exchange transaction with the developer owning the adjacent 40-acre parcel. This is related to the Lake Eco-Restoration project. The need for the propriety of Town-owned property being within the municipal boundaries. That is what this accomplishes. Mr. Niemeyer stated you can see the sediment dewatering facility if you drive south of Parrish.

A motion to adopt Ordinance No. 1426 was made by Colleen Schieben with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

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BZA/Plan Commission

1. BZA Petition 2022-36 Bauner – 8611 W. 138th Place Variance of Use

This received a favorable recommendation at the BZA meeting. Mr. Niemeyer stated he watched the BZA meeting and the comment was made that these are the most honest petitioners in the history of Cedar Lake. He stated he would have to agree. They were very forthcoming. Mr. Carnahan briefly discussed the days and hours of proposed operation.

A motion to approve was made by Robert Carnahan with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0. The petitioner asked how long do they have to get it up and running. Mr. Austgen stated six months. A brief discussion continued on permitting and proper protocol for extension requests.

2. Release of Performance Surety for Peoples Bank in the amount of \$14,000

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

3. Acceptance of MacArthur Elementary Letter of Credit in the amount of \$312,389

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

NEW BUSINESS

1. Public Safety Facility Topo Survey Krull-Abonmarche

Mr. Salatas explained Mr. Rainey from Veridus Group solicited three quotes. Krull-Abonmarche was the lowest, responsive quote. This is for a topographical survey for the Public Safety Building.

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

2. Public Safety Facility Scoping Agreement – GM Development

Mr. Salatas explained this is the draft scoping agreement with GM Development. Mr. Austgen is still reviewing. This is the agreement that gets the Town through the scoping phase. That is where they will work with the BOT operator to estimate what the guaranteed maximum price would be for the project. This gets the Town to the point where they will then execute an actual contract with the BOT developer, once they have the guaranteed maximum price. This agreement is no cost to the Town. Mr. Austgen commented the agreement has a number of items that need fine tuning and clarity. Any action taken tonight should be contingent upon review.

A motion to approve the scoping agreement contingent upon legal and administrative review was made by Colleen Schieben with second by Richard Sharpe. Mr. Foreman stated he is glad they are doing the survey but with the economy, he requests they walk with caution. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0. Mr. Austgen stated in regards to John's comment, they have been talking with the financial consultants and bond counsel regarding this project. That continues to happen as they move forward. Mr. Niemeyer added the financial team has been diligent in this process. A brief discussion continued.

3. Approval for Police Department New Hire – Brandon Holzhauer

This received a favorable recommendation from the Board of Safety on September 2, 2022. Chief Fisher stated Mr. Holzhauer comes to them with seven years of experience. He will just have to go through the FTO process. He is a replacement for a missing officer. This will put them back to full staff. A brief discussion occurred on training to occur. He will start on the 18th and will be officially sworn in at the next meeting.

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

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4. Approval for Fire Department New Hire – Jason Bieda

This received a favorable recommendation from the Board of Safety on August 24, 2022.

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

5. Approval of Disposal of Old Crane Truck on govdeals.com

Mr. Kubiak stated they did locate and purchase a new crane truck. They were getting ready to go forward with one and did another local search. They were able to find one in Matteson, Illinois. It was approximately \$30,000 cheaper than what they were about to order. The current crane truck is uncertifiable. He requested they allow disposal of the old truck.

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

6. CBEL Pay Request 1 for Stage 1 Sediment Dewatering Facility

Mr. Salatas reported there has been significant progress at the site of the sediment dewatering facility. This pay request is in the amount of \$236,528.01.

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

7. CBEL Pay Request 2 for Parrish Avenue Improvements

Mr. Salatas reported Milestone has done a significant amount of work on Parrish. He stated he walked it earlier today and it is coming around nicely. Mr. Foreman stated it sounded like they would be paving later this week. Mr. Carnahan briefly discussed the estimated total amounts and the amount of the pay request. The pay request is in the amount of \$699,884.93.

A motion to approve was made by Colleen Schieben with second by Robert Carnahan. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0. A brief discussion occurred on the road projects.

8. CBEL Pay Request 3 for Highland Subdivision Improvements

Mr. Salatas reported this is similar to the previous requests. This project is coming to a close. This pay request is in the amount of \$91,729.89.

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

9. Acceptance of Permanent Stormwater Drainage Easement for Havenwood Lot 211

Mr. Salatas explained this is the second of three easements needed for a potential stormwater project in Havenwood.

A motion to approve was made by Colleen Schieben with second by Robert Carnahan. Roll call vote: 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 attended the concert of Saturday evening. They reported 162 attendees. He attended the Labor Day Fest on Sunday. He stated he was also in the Lowell Labor Day Parade. He commended Chief Fisher for appointing an officer to be in charge of training. Mr. Niemeyer stated he received an email regarding a basketball hoop in Rose Garden Estates. He stated the commentary in the email was the Town doesn't have an ordinance against basketball hoops in the road and they can't enforce anything. Chief Fisher stated the comment was taken out of context. The conversation was at Town Hall last week with individuals who asked more than one question. Some of the issues they were complaining about had to do with whether or not a portion of Rose Garden had been turned over to the Town for enforceable ordinance violations. The other issue was the basketball goal. He has pictures of the goal. It is at the dead end. An officer lives down the road and says there are no problems in that area other than a few individuals that dislike the kids playing basketball there. No cars park there. The goal is in the roadway but it is not

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blocking traffic. It is a dead-end road. They saw no issue with them playing basketball there. Mr. Niemeyer asked what ordinances were taken out of context. Chief Fisher stated he wasn't part of the conversation. The Patrol Commander and Deputy Chief were involved. He went out and didn't see anything wrong with what was going on. Mr. Niemeyer stated it is an item in the roadway. A lengthy discussion occurred on whether or not the goal was obstructing the roadway, potential removal, legality and officer discretion.

2. Town Attorney - No report.
3. Clerk-Treasurer – Clerk-Treasurer Sandberg reported she continues work on the 2023 budget with the Town Manager and Financial Consultant. They are scheduled to meet with Council Affairs this Friday to go over the draft. They are scheduled to have a budget work session on the 27th. Mr. Niemeyer asked if Corby would have a presentation. It was stated yes. Mr. Niemeyer stated that is good for the public to have access to.
4. Town Manager – Mr. Salatas stated they have been meeting with the financial consultants and Sue Haase to go over the budgets. They had a pre-construction meeting today for the CDBG project. They will be doing approximately \$50,000 in handicap ramps in the Lynnsway area. They have been notified there is a cement shortage. As of mid-August, there was 40% of the vegetation and top soil stripped from the sediment dewatering facility site. They are potentially looking at portions of the pipeline installed this year. Parrish Avenue continues to move towards completion. Mr. Niemeyer asked if 133rd Avenue is done. Mr. Salatas reported the patching is done. That was on the contractor to repair.
5. Director of Operations – Mr. Kubiak stated they have received the insurance reimbursement to have the electric rebuilt at Lift Station #8.
6. Police Department – Chief Fisher stated last week he attended a training class at FLETC. It was for counter-terrorism threats. He stated he plans to attend more classes on the topic. He stated they received a donation today from the mother of Captain Andrew Laud. She donated \$1,000 to be used towards a future project. He stated they had some turnover in the department and needed to appoint a new training coordinator. It requires a lot of office time and reporting to the academy. After interviews, they selected Shaun Meyer as the training coordinator for the department. Discussion continued on training. Chief Fisher stated Hanover Schools have applied for another SRO grant. They will be approaching the Town to enter into an additional MOU.
7. Fire Department – Deputy Chief Mager reported the family of Captain Andrew Laud also donated money to the Firefighter's Association.

WRITTEN COMMUNICATION

1. **U.S. Army Corps of Engineers, Chicago District** – Mr. Niemeyer reported he received a letter from the Army Corps of Engineers related to the termination of the original project that was started in 2004. This is an official close to the business relationship.

PUBLIC COMMENT

None

ADJOURNMENT President Niemeyer called the meeting to adjournment at approximately 8:08 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.