October 4, 2022

Public Meeting Advertised for 7:00 PM Conducted at the Cedar Lake Town Hall Pledge of Allegiance & Moment of Silence Roll Call:



Absent	Robert H. Carnahan	Ward 1	Present	Colleen Schieben	Ward 6
	Council Member			Council Member	
Present	John Foreman	Ward 2	Present	Richard Sharpe	Ward 7
	Council Member			Council Member	
Present	Julie Rivera	Ward 3	Present	Jennifer N. Sandberg	, IAMC, CMC, CPFIM
	Council Member			Clerk-Treasurer	
Present	Ralph Miller	Ward 4	Present	Chris Salatas	
	Council Member			Town Manager	
Present	Randell Niemeyer	Ward 5	Present	David Austgen	
	Council Member			Town Attorney	

ANNOUNCEMENT: New Planning Director

Town Manager Chris Salatas introduced Ashley Abernathy as the newly appointed Planning Director. Ashley has been working in the Building and Planning Department since she began. Ms. Abernathy thanked them all for the opportunity.

PUBLIC HEARING: Ordinance No. 1432 – Y2023 Budget – First Reading

- **a.** Review of Legals Clerk-Treasurer Sandberg stated Form 3 was submitted timely.
- **b.** Opening Remarks Corby Thompson, O.W. Krohn & Associates, briefly discussed the highlights of the 2023 budget. A copy of the 2023 Budget Presentation and Form 3 can be found at https://cedarlakein.org/town-budget-and-finances/.
- **c.** Reading of Ordinance No. 1432 Council Member Sharpe read by title only. Ms. Sandberg read the budget, levy, and rate, from Ordinance No. 1432, for each fund into the record. A copy of Ordinance No. 1432 can be found on the Town's website at 2022-10-04 Town Council Agenda.pdf (cedarlakein.org).
- **d.** Remonstrators Mary Joan Dickson, 8711 W. 132nd Place, stated she thought at the prior meeting the cap was \$200,000 but the chart only shows the impact up to \$125,000. She asked why. Mr. Niemeyer stated \$125,000 was the maximum taxable AV (assessed value). That is based on circuit breakers. Anything above there is no additional. Mrs. Dickson asked if the threshold is \$125,000. Mr. Niemeyer stated that is what he understood it to be. Mrs. Dickson stated she spoke to another taxing unit in the community and was told the threshold was \$200,000. Mr. Thompson stated based on the estimates they have right now, if you have a home value with a gross assessed value of \$125,000 or more, right now they are not estimating there will be any property tax impact. Only homes estimated at \$125,000 and under, may see an increase. Any property tax increase would be minimal. Mr. Thompson estimated in the \$30 to \$50 range per year. Mr. Niemeyer repeated that Mrs. Dickson spoke with another taxing unit that stated the threshold is \$200,000. Mr. Thompson stated the assumptions they have are assuming that every other overlapping taxing unit has the same exact property tax rate as they did in 2022. Mrs. Dickson asked about the park levy. She asked if it would go into the General Fund. Ms. Sandberg stated yes, that has been the discussion. They would be a department within the General Fund. Mrs. Dickson asked if the park funds could be appropriated out for other uses. Ms. Sandberg stated you could but there are processes that must be done. She stated you would have to do an appropriation reduction and then you could do the additional appropriation. You have to go through a public hearing. Mrs. Dickson asked what happens if they dissolve the Park Board. She asked what happens to the \$1 million dollar levy. Mr. Niemeyer stated he doesn't believe they've contemplated that because he believes the progress being made is unheard of. Mrs. Dickson again asked what if and stated she thinks they deserve it. Mr. Niemeyer briefly discussed the electoral process and being held accountable to the public. A brief discussion continued. Mr. Niemeyer stated if that were to occur, he thinks they would have to shrink the General Fund. A brief discussion occurred on the budget process and how the Town now presents the budget.
- e. Town Council Discussion None
- f. Town Council Decision

A motion to approve the first reading of Ordinance No. 1432 was made by Colleen Schieben with second by Julie Rivera. Roll Call: Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

PUBLIC COMMENT

None

CONSENT AGENDA

- 1. Minutes: September 20, 2022, and September 27, 2022
- **2. Claims:** All Town Funds: \$200,989.83; Wastewater Operating: \$94,458.83; Water Utility: \$57,457.18; Storm Water: \$15,002.66; and Payroll: 9/29/2022 and 9/30/2022: \$247,123.15;

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 Richard Sharpe. Roll Call: Foreman - Yes, Rivera - Yes, Miller - Yes, Schieben - Yes, Sharpe - Yes, Niemeyer - Yes. Vote: 6-0.

BZA/PLAN

1. Acceptance of a Performance Letter of Credit for Beacon Pointe West, Unit 6 in the amount of \$207,191.88

A motion to accept was made by Ralph Miller with second by Colleen Schieben. Roll Call: Foreman - Yes, Rivera - Yes, Miller - Yes, Schieben - Yes, Sharpe - Yes, Niemeyer - Yes. Vote: 6-0.

2. Acceptance of a Performance Letter of Credit for Beacon Pointe West, Unit 7 in the amount of \$446,075.75

A motion to accept was made by Richard Sharpe with second by Julie Rivera. Roll Call: Foreman - Yes, Rivera - Yes, Miller - Yes, Schieben - Yes, Sharpe - Yes, Niemeyer - Yes. Vote: 6-0.

- 3. Acceptance of a Performance Letter of Credit Extension for Birchwood Farms, Phase 1 extending the expiry date to October 5, 2023, in the amount of \$565,070.19

 A motion to accept was made by Colleen Schieben with second by Julie Rivera. Roll Call: Foreman Yes, Rivera Yes, Miller Yes, Schieben Yes, Sharpe Yes, Niemeyer Yes. Vote: 6 0.
- 4. Acceptance of a Reduced Performance Letters of Credit for Cedar Lake Storage, LLC
 - a. Interior/Private Performance Letter of Credit from \$129,559.92 to \$113,181.48
 - b. Public Infrastructure Performance Letter of Credit from \$18,854.00 to \$7,700.00

A motion to accept was made by John Foreman with second by Richard Sharpe. Mr. Niemeyer asked if the problem with the sidewalk has been resolved. Mr. Salatas stated he believes they are still working through that. Mr. Kubiak stated it has not been finished as of yet. They still need to pave. A brief discussion continued on the matter. Roll Call: Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

5. Acceptance of a Performance Letter of Credit Extension and Amendment for Rose Garden Estates, Unit 1 in the amount of \$6,067,696.25, extending the expiry date to October 13, 2023, changing the Applicant's Name from "Lennar Homes of Indiana, Inc." to "Lennar Homes of Indiana, LLC", and changing the Advising Bank from "Peoples Bank SB" to "Peoples Bank"

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

NEW BUSINESS

1. Sediment Dewatering Facility Pay App 2 in the amount of \$1,064,886.39

Mr. Salatas reported they are getting closer to substantial completion with the project. This pay request is about half the cost of the project. It's something to behold. The Police Department has been getting drone footage of the site. It is available on the YouTube site. They will be working on another video to share. A brief discussion continued on the project.

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

REPORTS

- 1. Town Council Mr. Foreman reported he received correspondence from the Wynkoop's on 141st Avenue and the embankment. An email may be coming soon but it seems to be a matter between them and the developer. Mr. Niemeyer stated it sounds like it may be a civil matter. Mrs. Schieben reported they will have Trunk or Treat on the Town Grounds on October 22nd from Noon to 2:30PM. They will have candy, food, and pop for those that attend
- 2. Town Attorney None
- **3.** Clerk-Treasurer Ms. Sandberg stated she continues to work with Mr. Thompson to make sure the budget forms are in order for submittal. The year is quickly winding down and they'll get ready for 2023. Mr. Niemeyer discussed the comment on the extension of services levy and stated there is no guarantee the DLGF will approve it. Ms. Sandberg stated that is correct. They have to wait for the 1782 Notice from the DLGF. She anticipates receiving it by the end of December.
- **4. Town Manager -** Mr. Salatas stated he has created the first draft for the narrative that will accompany the extension of services petition. It explains the need for the parks budget. He'll continue working with Corby on getting that done because as Mrs. Dickson said, the Town deserves it. Construction projects are starting to wind down. The road projects are coming to a close. They will start working on striping. They ask for continued patience of the roads as those projects wind down.
- 5. Director of Operations Mr. Kubiak stated the Kiwanis Park lot will be paved tomorrow. They will work on getting the grass planted in the actual dog park areas. They anticipate being operational in the spring. The mailboxes came in for Camelot Villas. Mr. Niemeyer stated he's been getting notices of chronic pothole areas. He asked if they have been operating the total patcher. Mr. Kubiak stated they were out last week and went through the area of 129th Lane. Mr. Niemeyer asked if there was a system in place for checking the roads. Mr. Kubiak stated they are always out and about. The guys are out picking up sticks and leaves. The last few months they've been down a few employees. Now that they are back up in numbers, he stated they're working on it. Discussion continued on the roads.
- 6. Police Department Chief Fisher discussed the new solar speed signs. He stated they are up and running and collecting data. They'll move them around from time to time. Cameras for the squads and body cameras should be in within the next month. He stated he has the drone video of the sediment dewatering site if anyone wants to see it after the meeting. Mr. Niemeyer asked about the data from the speed signs. He asked if that was a way to target enforcement areas. Chief Fisher stated they use the data to look at maximum speeds and target the areas they need to.
- 7. Fire Department Chief Wilkening stated the Fire Union has their fundraiser information on their site. It is a partnership with an organization to support the military. The association is having their annual firefighter/military appreciation luncheon on November 11th. Different organizations in Town have donated. The Eagles is sponsoring it. They put together a binder for Veterans. October 16th will be the annual Fire open house and pancake breakfast. Chief Wilkening asked Mr. Niemeyer for help with a milk donation. A brief conversation continued.

WRITTEN COMMUNICATION

None

PUBLIC COMMENT

Elizabeth Coleman, 13601 Euclid St, stated she addressed the group approximately two weeks ago regarding her home and the flood zone area. She asked for an update. Mr. Foreman asked Mr. Salatas to address. Mr. Salatas stated he has been in communication with Ms. Coleman. As of right now the engineer at DVG has not received the elevation shots from the survey crew that went out. Unfortunately, that engineer is out on vacation. He has talked to both of the Town engineers and they are both aware of the situation and reaching out to DVG to get that information back. It is a critical piece of information they are waiting for. Mr. Niemeyer asked once that information is in hand, what is the process that is undertaken. Mr. Salatas stated he didn't have the answer. Mr. Austgen stated only the administrative appeal to FEMA. Mr. Niemeyer asked how that would be initiated. Mr. Austgen stated by request either by Ms. Coleman or the engineers. Mr. Niemeyer asked about the engineers being able to initiate an appeal. Mr. Austgen stated they could. Mr. Niemeyer asked if that would stop the clock on the flood insurance. Mr. Austgen stated it can if a stay request is made and granted. Mr. Niemeyer asked Ms. Coleman what her deadline is. Ms. Coleman stated October 15th. Mr. Niemeyer asked her if she knew what her options were. Ms. Coleman stated she has to have the flood insurance in place by then. Mr. Niemeyer asked her if she received cost estimates. Ms. Coleman stated she

received a verbal estimate between \$3,000 and \$5,000. She stated she received a quote for closer to \$1,000. She stated she tried to get another quote. She stated she knows they are waiting on the engineer's report but what does that mean once they receive it. She knows Schilling has watched the video and asked what has the correspondence been. She asked what is being done to resolve the issue. Mr. Salatas stated he has not corresponded with Jack on the item because they are going with DVG to get the survey. Mr. Niemeyer stated unfortunately no one wants to volunteer to do anything. Schilling won't volunteer to do anything like pay her bill. It's the harsh reality of this. Mr. Salatas stated Schilling is paying DVG to do the survey work. But he hasn't been in direct correspondence with Schilling only DVG. Ms. Coleman stated she came two weeks ago to ask for help. Mr. Niemeyer stated the Town can't offer financial help. Ms. Coleman stated she isn't asking for financial help. She's asking for the Town to advocate on her behalf. Mr. Niemeyer stated he believes that is happening. It's just slow moving. Mr. Salatas stated their normal turnaround for survey work they request is minimum four to six weeks. Mrs. Schieben discussed seeking help from the Township. She suggested Ms. Coleman reach out to him while the Town waits on the survey. Mr. Niemeyer stated he would put Ms. Coleman in touch with Mr. Toth. Ms. Coleman reiterated she is to wait. Mr. Niemeyer stated that is all they can give right now because they have no other data. Ms. Coleman asked if anyone has been in contact with Schilling. Mr. Salatas stated he has not spoken to anyone at Schilling. Mr. Niemeyer asked what they should be asking Schilling to do. He stated until the survey is in, there is nothing to ask. Ms. Coleman stated she was hoping someone would help take up her cause and talk to them. She stated she appreciates everything that has been done. Mr. Foreman stated he spoke to the Town engineer and he has spoken to the engineers hired by Schilling. Indirectly, conversations have happened. Mr. Niemeyer stated he would call Frank Schilling tomorrow but he doesn't know what he'll get out of that. A brief conversation continued on the survey they are awaiting. Ms. Coleman asked about the insurance bill and hoping for the best with the trustee. Mrs. Schieben stated she's hoping they can assist unfortunately the Town doesn't have a fund for that. She's hoping there can be a solution. Chief Wilkening asked if her insurance would allow her to pay it quarterly. Ms. Coleman stated she has to pay it up front in full. She stated she has gotten a quote closer to \$1,000 from State Farm. Chief Wilkening asked to see Ms. Coleman after the meeting. He has a contact for her to get another quote. A brief discussion continued on the matter.

John Van Ramshorst, 14507 Lake Shore Drive, stated he doesn't know Ms. Coleman but what they are talking about is tragic. He voiced his concerns with Ms. Coleman's situation. Discussion continued on the Utopia area and previous flooding issues. Mr. Niemeyer stated there was an Army Corps project around 2010/2011 that helped resolve some of the drainage issues. The flood map was updated in 2012 without the modeling of the new outflow into Sleepy Hollow Ditch. This latest flood map update happened when the new development went in. Mr. Van Ramshorst continued to voice his concerns with the situation. Mr. Niemeyer stated from a procedural standpoint, they are doing what they can within the confines of law. Discussion continued on the matter

Alice Doughney, 14608 Lee Street, voiced concerns with the safety of south Lake Shore Drive. She stated after the road project they never put back up the no parking signs. She stated about a month ago Bugaboo's had a large gathering. They have a new patio. There were more people than they could handle. There were approximately 20 cars parked along the road. She stated this is unsafe. Mrs. Schieben stated there is not enough room there. Chief Fisher stated they are working on that. The matter was brought up in the Department Head meeting this morning. He stated he agrees and there should be no parking on that road at all. They will get it corrected as soon as possible. Mrs. Schieben stated discussion previously occurred on a crosswalk for the area. Ms. Doughney discussed the danger of the area and the need. Mrs. Schieben stated they're looking for a crosswalk to people know the proper area to cross. Discussion continued on the danger for pedestrians in the area. Chief Fisher stated they would take care of the no parking signs. Discussion continued on the need for additional parking at Bugaboo's. Mrs. Schieben continued to advocate for a crosswalk near Dewey and Lee streets. She asked Mr. Kubiak about getting one. Mr. Kubiak stated the cost is approximately \$5,000. Mr. Foreman stated the businesses went 50/50 on those. Mr. Kubiak continued to discuss the expenses. Mrs. Schieben asked if there was money to do it. Ms. Sandberg stated not at this point in the budget. Mr. Kubiak stated they would look and try to come up with a plan.

Mary Joan Dickson, 8711 W. 132nd Place, asked about the Summerfest contract. Mr. Salatas stated he sent her an email stating it would be on the next agenda.

John Van Ramshorst, 14507 Lake Shore Drive, discussed the South Shore Subdivision and the danger of the area. He stated people drive and look at the lake not where they should. Mr. Foreman agreed and discussed similarities to Bartlett/Wahlberg Park.

A brief discussion continued on the increased traffic and hope to build a pedestrian walkway in the near future.

ADJOURNMENT President Niemeyer called the meeting to adjournment at approximately 8:12 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, CMC, CPFIM Clerk-Treasurer	Colleen Schieben, Ward 6

The Minutes of the Cedar Lake Town Council are transcribed pursuant to IC 5-14-1.5-4(b), which

- (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.