

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



November 15, 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	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	

**Present via Zoom.*

PUBLIC HEARINGS

**1. Ordinance No. 1433 - Public Way Vacation, Patriot Properties, NWI LLC
(Continued from 11-1-22)**

- Review of Legals – Mr. Austgen stated the legal notices were in order for the last public hearing and the certified mailings to the adjacent property owners of the subject parcel have been made.
- Reading of Ordinance No. 1433 – Council Member Sharpe read Ordinance No. 1433 by title only.
- Remonstrators - None
- Town Council Discussion – Mr. Austgen stated this is the standard form for a public way vacation. Mr. Niemeyer asked if there were any utility conflicts in the vacation. Mr. Austgen stated not to his knowledge.
- Town Council Decision on Ordinance No. 1433

A motion to approve was made by Richard Sharpe 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 for a second reading was made by Colleen Schieben with second by Julie Rivera. 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. 1433 by title only.

A motion to adopt Ordinance No. 1433 was made by Colleen Schieben 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. Ordinance No. 1434 - Bay Bridge Annexation

- Review of Legals – Mr. Austgen stated the legal notices are in order.
- Reading of Ordinance No. 1434 – Council Member Sharpe read Ordinance No. 1434 by title only.
- Remonstrators - None
- Town Council Discussion – Mr. Austgen discussed the matter before them requiring a fiscal plan and resolution. At this point in time that is not ready. He recommended a deferral and to keep the public hearing open. This matter should be an agenda item at the December 6th meeting.

A motion to defer and keep the public hearing open 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.

PUBLIC COMMENT

None

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CONSENT AGENDA

1. **Minutes:** October 18, 2022, and October 19, 2022
2. **Claims:** All Town Funds: \$593,314.86; Wastewater Operating: \$128,711.02; Water Utility: \$36,669.56; Storm Water: \$3,121.11; Payroll: November 10, 2022 - \$340,374.98; and October Remittances: \$183,577.40
3. **Manual Journal Entries:** October 1, 2022 – October 31, 2022
4. **Donations:** Trunk or Treat Donations from Bugaboos, \$100; Fraternal Order of Eagles \$100; and Donations in Kind by Bethel Church and Kay Williams

A motion to accept and waive the reading of the minutes and accept the consent agenda as listed 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.

ORDINANCES & RESOLUTIONS

1. Resolution No. 1325 – A Transfer Resolution

Clerk-Treasurer Sandberg read Resolution No. 1325 by title only. She explained this was for transfers totaling \$38,000 within the General Fund and \$5,000 within the Motor Vehicle Highway Fund.

A motion to approve Resolution No. 1325 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.

BZA/PLAN COMMISSION

1. Extension of Performance Letter of Credit for Rose Garden, Unit 2, from December 10, 2022, to December 8, 2023, in the amount of \$1,685,193.13

A motion to approve 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.

NEW BUSINESS

1. Ratify Agreement with Compass Minerals America, Inc for 800 tons of bulk deicing salt at the price of \$101.07 per ton

Mr. Salatas reported Mr. Kubiak solicited quotes to secure road salt. This was the best price available.

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. Change Order No. 3 from CBBEL for the Parrish Avenue Roadway Project to Milestone for an increase in the amount of \$222,839.46 for a new total amount of \$1,564,223.63

Mr. Salatas stated this should be the last change order. Mr. Carnahan reported this is due to the extra work on the roadway completed.

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

3. Pay Request No. 3 from CBBEL for the Parrish Avenue Roadway Project to Milestone in the amount of \$381,336.56

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

4. Pay Request No. 1 from CBBEL for the Vermillion Roadway Project to Milestone in the amount of \$915,015.73

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.

5. Pay Request No. 4 from CBBEL for the Highland Subdivision Roadway Project to Milestone in the amount of \$62,978.73

A motion to approve 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.

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Mr. Niemeyer congratulated everyone for their hard work in getting these projects completed. Mr. Kubiak noted that both the Vermillion and Highland roadway projects came in under budget. This will help with the overage on Parrish Avenue. Mr. Salatas stated they also learned a little more about the system due to the utilities found during the project.

6. Reimbursement Agreement with GM Development Companies, LLC

Mr. Salatas stated this is a reimbursement agreement with the developer. The committee has been working on this item. Mr. Austgen stated the committee assigned the project development cost schedule have been working since the set off of the BOT. This agreement contemplations payment to the construction management team of up to \$1,000,000 for the cost incurred during development. Mr. Niemeyer stated this was all part of what was contemplated when this started with developing project budgets. Mr. Austgen stated it was except for that number. They knew it would be in there but not what that final number would be. Mr. Austgen requested their consideration of checking off and fine tuning the final document.

A motion to approve the reimbursement agreement with GM Development Companies, LLC contingent upon continued claim work and check-off by Mr. Salatas and Mr. Austgen and approve signature by the Town Council President 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.

REPORTS

1. Town Council - Mr. Carnahan reported the Jean Eberle Parade of Lights would be on November 19th at 6PM. There are 150 trees lined up around Town. Mr. Niemeyer thanked the people who voted in the last election. He stated there was 36% voter turnout in Lake County. He stated voting is open for a month and there's no excuse. Mr. Miller reported on the sediment dewatering facility. He went out there with Mr. Salatas, Bob Gross, Dan Pager, and Doug Spencer. He stated it was a well spent afternoon. He stated on Sunday he attended the Fire Associations Annual Veteran Event at the Eagles. He stated it was a well-attended event and congratulated the Association for their work. Mr. Niemeyer reported the Lake County Council voted unanimously to approve the resolution to transfer funds to the Town of Cedar Lake from the Lake County ARPA funds. The Town requested \$650,000 and is for water utility development.
2. Town Attorney - None
3. Clerk-Treasurer - Clerk-Treasurer Sandberg reported she is working on the 2023 Salary Ordinance and it will be ready for the next agenda.
4. Town Manager - Mr. Salatas reported the sediment dewatering facility is officially completed. There is a final pay request outstanding. A staff meeting with Dredge America is set for November 28th. They will then go into the details of that project. They have a tentative start date of April 15th.
5. Director of Operations – Mr. Kubiak stated they had two crews working overtime this past weekend to get the leaves taken care of. They've been throughout the Town once and will be going back around.
6. Police Department – Chief Fisher reported on the monthly call report. There were 1,013 calls this past month. All equipment for the body cameras and car cameras has been received. They will begin working on installation in the cars. No cameras will go online until January at the earliest. Officers will begin training classes for the body cameras. They've already started going over policy as well as the statutory requirements with cameras.
7. Fire Department - Chief Wilkening reported on the monthly call report. He reported they've had 28 structure fires so far this year within the call area. He stated there have been 40 calls for mutual aid. They are up to 100 accidents with injuries. He discussed recent work completed on the ladder truck motor and injectors. He stated the truck is in great shape. He stated he will have a new job description for them to look at and hopefully approve. It is for Division Chief of the Marine Unit.

WRITTEN COMMUNICATION

1. Building Department Report - Eleven new residential permits for October, bringing the yearly total to 239 permits. Fifty-five new other permits were given, bringing the yearly total to 517.
2. Christopher B. Burke Report – Mr. Salatas reported he has been working with the Burke firm and VS Engineering on NIRPC grants. They will be submitting five applications. These are predominantly sidewalk related.
3. Veridus Report - Work continues on the public safety buildings. There has been some small movement on the bluffs project and they will work on scheduling the master plan for the Town complex.

PUBLIC COMMENT

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

Richard Sharpe, Vice President, Ward 7

John Foreman, Ward 2

Ralph Miller, Ward 4

Colleen Schieben, Ward 6

- (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.