

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



December 20, 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	

PRESENTATION

Chief Fisher presented life-saving awards to Corporal Richard Pennington, Police Department, and Battalion Chief James Schultz, Fire Department. They were recognized for their heroism and actions during a call that resulted in the saving of a child.

ELECTION OF OFFICERS AND APPOINTMENTS FOR Y2023

1. Election of Town Council Officers

John Foreman nominated Richard Sharpe for Town Council President. No other nominations were made. Richard Sharpe nominated John Foreman as Town Council Vice President. No other nominations were made.

A motion to approve the slate 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. Town Council Liaison and Committee Member Appointment

Plan Commission: Carnahan, Foreman and Sharpe
Board of Safety Commission: Miller and Recupito
Unsafe Building: Schieben
Stormwater Management: Carnahan
Joint Management Oversight Board: Miller and Sharpe
Northwest Indiana Regional Planning Commission: Carnahan
Lake County Solid Waste: Recupito
Lake County Community Services: Miller
Ecosystem Restoration Committee: Rivera, Foreman, Miller
Public Works and Safety: Recupito, Rivera, Miller
Parks and Recreation: Schieben, Sharpe, Miller
Council Affairs: Schieben, Miller, Sharpe
Streets: Carnahan, Foreman, Sharpe
Planning Committee: Carnahan, Foreman, Sharpe

A motion to close the nominations 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. Vote: 7 – 0.

A motion to approve the Town Council Liaison and Committee Members are read in the record by the Town Manager 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.

3. Appointments to Boards and Commissions

Julie Rivera nominated Charlie Kaper to the Board of Safety. Colleen Schieben nominated Adam Wornhoff to the Board of Safety.

Roll Call Vote for Charlie Kaper: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – No, Sharpe – Yes, Niemeyer – Yes. Vote: 6 – 1.

Roll Call Vote for Adam Wornhoff: Roll Call: Carnahan – No, Foreman – No, Rivera – No, Miller – No, Schieben – Yes, Sharpe – No, Niemeyer – No. Vote: 1 – 6.

Charlie Kaper is the nominee.

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A motion to approve Charlie Kaper as the appointee of the Board of Safety was made by Richard Sharpe with a second by Julie Rivera. Roll Call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7-0.

John Foreman nominated Eric Burnham and Jeff Bunge for the Board of Zoning Appeals. Discussion ensued on the two spots open. No other nominations were made.

A motion to approve Eric Burnham and Jeff Bunge as the appointees to the Board of Zoning Appeals was made by John Foreman with a second by Richard Sharpe. Roll Call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – No. Vote: 6-1.

Richard Sharpe nominated Paul Rodriguez for the Park Board. No other nominations were made.

A motion to approve Paul Rodriguez for the Park Board was made by Colleen Schieben with a second by Robert Carnahan. Roll Call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7-0.

John Foreman nominated Ryan Lisek for the Storm Water Board. No other nominations were made.

A motion to approve Ryan Lisek for the Storm Water Board was made by Robert Carnahan with a second by John Foreman. Roll Call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7-0.

John Foreman nominated James Hunley for the Unsafe Building. No other nominations were made.

A motion to approve James Hunley for the Unsafe Building was made by Robert Carnahan with a second by Colleen Schieben. Roll Call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7-0.

John Foreman nominated Greg Parker as the Council Appointment to the Board of Zoning Appeals. No other nominations were made.

A motion to approve Greg Parker to the Board of Zoning Appeals was made by Richard Sharpe with a second by Colleen Schieben. Roll Call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7-0.

4. Appointment of Council Members as Members of the Redevelopment Commission

A motion to appoint the Town Council as the members of the Redevelopment commission as well as appoint John Foreman as President, Richard Sharpe as Vice-President, and Ralph Miller as Secretary was made by Julie Rivera with second by Richard Sharpe. Roll Call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7-0.

5. Appointment of Council Members Boards and At Large Positions

Mr. Niemeyer explained this action is part of the redistricting. Discussion occurred on the new wards and the at-large seats.

John Foreman made a motion to approve the wards and at-large seats as follows:

Ward 1: Robert Carnahan
Ward 2: Julie Rivera
Ward 3: Nicholas Recupito
Ward 4: Ralph Miller
Ward 5: Colleen Schieben
At-Large: John Foreman
At-Large: Richard Sharpe

A second to Mr. Foreman's motion was made by Colleen Schieben. Roll Call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7-0

PUBLIC COMMENT

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None

CONSENT AGENDA

- 1. Town Grounds Use Approval for the Beach, Lion's Den, and Restrooms:**
 - a. Moto on Ice (Event days: January 1, 8, 15, 22, 29 and February 5, 12, 19, 26, weather permitting. Note: They will set up on the Saturdays prior to the Sundays with an event)
 - b. Hanover School Education Foundation Annual Penguin Plop (March 5, 2023)
- 2. Claims:** All Town Funds: \$1,081,160.84; Wastewater Operating: \$157,244.99; Water Utility: \$180,679.82; Storm Water: \$58,068.22; Payroll: 12/8/2022 - \$368,535.87; and November Remittances: \$179,177.45
- 3. Manual Journal Entries:** November 1, 2022 – November 30, 2022

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. Ordinance No. 1436 – 2023 Salary Ordinance (*1st Reading was December 6, 2022*)**

Council Member Sharpe read Ordinance No. 1436 by title only.

A motion to adopt Ordinance No. 1436 as amended was made by John Forman with second by Colleen Schieben. Roll Call: Carnahan – No, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-1.

- 2. Ordinance No. 1440 – Job Description Amendments**
 - a. Amending the Technology Director Job Description
 - b. Creating the Part-Time Division Chief of the Marine Unit Job Description

Council Member Sharpe read Ordinance No. 1440 by title only. Mr. Salatas explained that the Part-Time Division Chief of the Marine Unit Job Description was amended following comments from the Town Manager and Clerk-Treasurer. The Technology Director Job Description is moving the position under the Town Manager's purview to reflect the salary ordinance.

A motion to approve the first reading of Ordinance No. 1440 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.

A motion to suspend the rules and allow for a second reading was made by Ralph Miller with second by John Foreman. 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. 1440 by title only.

A motion to adopt Ordinance No. 1440 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. Ordinance No. 1441 – 2023 Salary Ordinance Amendment**

Council Member Sharpe read Ordinance No. 1441 by title only. Mr. Salatas explained this is an amendment to the Salary Ordinance that was just passed to give the Battalion Chiefs a reflective 8.07% raise for 2023.

A motion to approve Ordinance No. 1441 was made by Richard Sharpe with second by John Foreman. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – No. Vote: 6-1. The second reading will be at next meeting.

- 4. Ordinance No. 1442 – Enacting a Supplement to the Town Code of Ordinances**

Council Member Sharpe read Ordinance No. 1442 by title only. Mr. Austgen stated this codifies and updates the Town Codes.

A motion to approve Ordinance No. 1442 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.

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A motion to suspend the rules and allow for a second reading was made by Colleen Schieben with a second by Richard Sharpe. 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. 1442 by title only.

A motion to adopt Ordinance No. 1442 was made by Ralph Miller with a second by Richard Sharpe. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7-0.

BZA/PLAN COMMISSION

1. Extensions of Letters of Credit for Summer Winds Development LLC

- a. Summer Winds, Unit 2, to December 20, 2023, in the amount of \$279,817.13
- b. Summer Winds, Unit 3, to December 23, 2023, in the amount of \$14,575.48

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.

NEW BUSINESS

1. Approval of Board of Zoning Appeals Meeting Time Change for Y2023 from 6 p.m. to 6:30 p.m.

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

2. Adoption of Strategic Plan

Mr. Niemeyer explained the Town worked with Ball State years ago to develop a strategic plan. It was a broad view of everything. In 2020, he developed a set of strategic objectives that he thought was necessary to get into some actionable items. Mr. Niemeyer and Mr. Salatas have been working together to update the next round of strategic objectives. Mr. Salatas summarized the strategic objectives within the document. A copy of the strategic objectives can be found at https://cedarlakein.org/Documents/Agenda_Minutes/Town_Council/2022/2022-12-20_Town_Council_Agenda.pdf.

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.

Mr. Niemeyer introduced Sue Haase, Utility Accounting Specialist, to discuss the utility funds. He discussed the need to look at the utilities as a whole but specifically, the storm water fund. As the storm water fund is also used for matching grants for road projects. Mr. Niemeyer asked Ms. Haase to explain what they might need from a revenue standpoint to be able to accomplish some of the goals they have. Ms. Haase stated in the short-term they were looking at the MS4 fees. Currently, the Town is losing money. They will be looking to get direction to get those fees updated. They will work with the engineer to move forward on those fees as it is a technical calculation. Mr. Niemeyer discussed focusing on capital infrastructure and equipment to be supported by the rate structure. He stated a storm water impact fee was also discussed. Ms. Haase stated the theory is the same as with the other utilities. To have growth paying for growth. Discussion occurred on storm water and MS4. Mr. Niemeyer discussed policy. He stated they'll need to look at adopting a rate schedule that matches the investment into the asset management plan and community crossings grant. They'll need to look at a restructure of the crediting system. Currently, a 20% reduction is automatically given to commercial customers. A repeal of that may have an impact of up to \$70,000 from a cash flow standpoint. Mr. Niemeyer discussed putting together five-year financial pro-forma. Ms. Haase discussed also looking at the sewer utility. The structure of the rates was created back in the 1980s. The Town is outgrowing that structure. They'll need to do a cost-of-service study. The customer base has changed. Eventually, growth won't cover all of the cost. She stated the water utility is under the jurisdiction of the IURC and they have created a budget for this year. Discussion continued on the Town being under the jurisdiction of the IURC.

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3. Y2023 Austgen Legal Services Agreement

Mr. Salatas reported rates remain the same for 2023. No change in the contract other than dates.

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.

4. Approve Chris Salatas, Town Manager, as the authorized signatory to execute all CCMG 2022-1 and 2022-2 documents

A motion to approve 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. Vote: 7 – 0.

REPORTS

1. Town Council – Mr. Carnahan wished all a Merry Christmas. Mr. Niemeyer stated he spoke with Julie Zasada of the Cedar Lake Historical Association about the change in utilities and the metering. She is looking for a grace period before implementation. She also questioned the contract. She is asking the Council to consider postponement. Mr. Foreman agreed it was wise to have it as an agenda item. Mr. Salatas stated he would have a report for the next meeting in January.
2. Town Attorney – Mr. Austgen reported they expect the bond closing of the 2022A & 2022B bond series on Thursday. This is for the new police and fire station facilities. A brief discussion continued on the anticipated bond closing.
3. Clerk-Treasurer – Clerk-Treasurer Sandberg stated she awaits the closing of the bonds as well so that the budget order will finally be in hand.
4. Town Manager – No report.
5. Director of Operations – Mr. Kubiak wished all a Merry Christmas.
6. Police Department – Chief Fisher briefly discussed the monthly calls report. He stated the department has raised almost \$2,000 in their Beards Battling Cancer effort.
7. Fire Department – Chief Wilkening briefly discussed the monthly calls report. He briefly discussed the creation of a response plan once the second station is operational. He stated the Emergency Operations Plan for the Town is close to being done. Chief Fisher stated it is being typed up in order to send over to legal for review.

WRITTEN COMMUNICATION

1. Building Department Report – Mr. Salatas reported there were 242 new construction permits through the end of November, with 562 other permits. Those numbers are under last year but still above what was budgeted.
2. Christopher B. Burke Report – No update.
3. Veridus Report – Mr. Salatas reported they are finishing a couple projects and working on parks related activities. Work continues forward on the public safety buildings.

PUBLIC COMMENT

Yvonne Taves, 13518 Dewey St, apologized for her behavior at the last meeting. She voiced her appreciation to the EMT's for helping her neighbor. She stated she isn't happy with how the garbage service handles picking up garbage. On windy days, garbage gets littered throughout the neighborhood. She voiced concerns with the recycling service as well.

Sharon Greenwalt, 7613 W. 135th Place, asked for clarification on citations. On November 8, 2022, she received a citation regarding her car and then another on November 28, 2022. On December 14, 2022, she stated she received a third citation regarding her car. She voiced concerns with the number of citations received. She voiced concerns about the house across the street and asked about the nuisance things going on and if they were receiving citations. She stated it isn't fair and needs to be straightened out. Chief Fisher stated as far as the citations for the car, every day it is there is considered another violation. They can write a citation daily if need be. Ms. Greenwalt asked if it was \$50.00 every day. Chief Fisher stated it could be. He stated that is why they try to work with the public to get it taken care of. Ms. Greenwalt voiced her displeasure with the citations. She stated she feels she is being singled out. Chief Fisher stated as for the house across the street, it is being taken care of. They went out there and issued citations. Ms. Greenwalt continued to voice her concerns with the house across the street. Chief Fisher discussed the legal process for unsafe buildings. Discussion continued on the matter.

SPECIAL PRESENTATION

President Niemeyer discussed his time with the Town. He voiced his pleasure with the growth and accomplishments they've been able to achieve. He discussed how he's grown as a person and is thankful for his time here and appreciates the support. Mr. Niemeyer thanked the Clerk-Treasurer, Town Council, Town Manager, and Department Heads. Chief Wilkening presented Mr. Niemeyer with a shield of appreciation. With humor, Town Manager Chris Salatas presented Mr. Niemeyer with a plaque of appreciation for his leadership and devotion to the Town of Cedar Lake over the last three terms.

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ADJOURNMENT President Niemeyer called the meeting to adjournment at approximately 7:26 PM.

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

Richard Sharpe, President

John Foreman, Vice President

Robert H. Carnahan

Julie Rivera

Nicholas Recupito

Ralph Miller

ATTEST:

Colleen Schieben

Jennifer N. Sandberg, IAMC, CMC, CPFIM
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.