

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



February 21, 2023

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

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|---------|--------------------------------------|--------|---------|-----------------------------------------------------------|----------|
| Present | Robert H. Carnahan Council Member | Ward 1 | Present | John Foreman Vice-President | At Large |
| Absent | Julie Rivera Council Member | Ward 2 | Present | Richard Sharpe President | At Large |
| Present | Nick Recupito Council Member | Ward 3 | Present | Jennifer N. Sandberg, IAMC, CMC, CPFIM Clerk-Treasurer | |
| Present | Ralph Miller Council Member | Ward 4 | Present | Chris Salatas Town Manager | |
| Present | Colleen Schieben Council Member | Ward 5 | Present | David Austgen Town Attorney | |

OATH OF OFFICE

Clerk-Treasurer Sandberg gave the Oath of Office to Probationary Patrolman, Sabrina Stolarz.

PUBLIC COMMENT

Kevin Toth, 9725 W. 129th Ave B, asked about a use agreement for the Town Grounds. He asked about the requirement for security at special events. He stated this agreement lists security as needed. He asked how it is determined. Mr. Austgen stated when the application is submitted, whatever information is provided by the applicant, will be used to determine the need. Mr. Toth asked if it is based on how large the event is or how many people will be there. He asked how it is determined. Mr. Austgen stated he's exactly right, it is determined from the application made and the description by the petitioner. It depends on the event and information received.

CONSENT AGENDA

1. **Minutes:** February 7, 2023
2. **Claims:** All Town Funds: \$1,256,473.80; Wastewater Operating: \$286,795.40; Water Utility: \$119,455.62; Storm Water: \$8,059.94; Payroll: February 16, 2023 - \$247,442.60 and January Remittances \$196,297.16
3. **Manual Journal Entries:** January 1, 2022 - January 31, 2022
4. **Donations:** Donation in kind of new office furniture, \$2950, anonymous donor; **Dare donations: \$100:** Austgen Kuiper Jasaitis PC, Christopher B Burke Engineering; Sheehy Well and Pump Co. Inc.; **\$250:** Action Plumbing Inc., American Legion Post 261, Aron Schuhrke – State Farm, Cedar Lake Lions Club, Illiana Heating and Air Conditioning, Indiana Grocery Group LLC, Nagy's, NIES Engineering Inc, Olthof Homes LLC, Phil & Sons Inc, Pine Crest, St John Paving, Stan's Towing, Sterling Machine Co Inc., Tech Credit Union; **\$500:** Diamond Peak Homes; Fraternal Order of Eagles; **\$550:** Kubal Rentals.

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. Mr. Carnahan thanked every one of the donors. Mr. Sharpe agreed with Mr. Carnahan's statement. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

ORDINANCES & RESOLUTIONS

1. **Ordinance No. 1449 - An Ordinance to Create Job Descriptions:**
 - a. Full-Time Parks and Recreation Superintendent
 - b. Full-Time Parks Crew Worker

Council Member Foreman read Ordinance No. 1449 by title only. Mr. Salatas reported the positions have been approved by the Park Board. The open positions have been advertised. These positions were part of the approved budget.

A motion to approve Ordinance No. 1449 was made by Colleen Schieben with second by Ralph Miller. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

A motion to suspend the rules and allow for a second reading was made by John Foreman with second by Colleen Schieben. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

Council Member Foreman read Ordinance No. 1449 by title only.

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A motion to adopt Ordinance No. 1449 was made by John Foreman with second by Colleen Schieben. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

2. Ordinance No. 1435 – Harvest Creek Rezone from Agricultural to a residential PUD

This item received a favorable recommendation from the Plan Commission on 2/15/2023. Council Member Foreman read Ordinance No. 1435 by title only. Mark Anderson introduced the project on behalf of the petitioner. He stated this is a 98-lot subdivision on the northeast corner of Parrish and 155th Avenue. This parcel was part of a parcel swap with the Town. David Austgen explained this was professionally handled by all parties. He stated this is a zone map amendment. He suggested if adoption is made to approve the ordinance it include approval of the PUD guidelines and agreement. He recommended signatures be withheld pending final review. A brief discussion continued on the project.

A motion to adopt Ordinance No. 1435 and follow the recommendations made by Attorney Austgen was made by John Foreman with second by Ralph Miller. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

BZA/PLAN COMMISSION

1. Conversion of a Performance Letter of Credit to a Maintenance Letter of Credit for Centennial Estates Subdivision in the amount of \$107,235.11

Mr. Salatas stated the letter of credit is held by Centier Bank. It has been reviewed and approved by the Plan Commission as well as the Town Engineer. Mr. Austgen stated everything was in order.

A motion to approve was made by Colleen Schieben with second by Nick Recupito. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

2. Variance of Use Approval and acceptance of the Use Commitment for BZA Petition 2022-52, Kendra Kracht, for Region Rage at 12841 Wicker

This item received a favorable recommendation from the BZA on February 9, 2023. Mr. Vis spoke on behalf of the petitioner. They are requesting the Town Council to approve the favorable recommendation made by the BZA. The petitioner is looking to establish a new business in Cedar Lake. Any one of the proposed uses by itself would be okay and not have to come before the BZA or Town Council. The three proposed uses are to operate an entertainment venue, a retail venue for art supplies and products, and the third use is for a smash room. In a B-2 Zone that has a B-3 overlay, requires the approval of the BZA and Town Council for operating multiple uses on a property. Mr. Vis further explained the rage/smash room proposed. He briefly discussed the entertainment side. He stated they will have requirements for those under the age of 14 required to be with a parent. Parent permission would be required for those between the ages of 15-16. The rooms will be monitored by video and employees will be present to monitor the areas. Ms. Kracht stated the hours will be Wednesday, Thursday, and Friday from 4PM to 10PM. The hours will be 2PM to 10PM on Saturdays and Sundays. Mr. Austgen added it was vetted intensely from October to current. There is good documentation of that vetting by the BZA. Before them in the packet is the certification of the BZA with the conditions made. The body of the document is what has been agreed upon. Attached to the certification is a use commitment. That is a zoning tool under Indiana Code. His recommendation is if there is favorable action to approve based on the certification and all conditions contained within and authorize signatures after final review.

A motion to approve the variance of use as applied for based on the certification and conditions included as well as authorize signatures after final review was made by Nick Recupito with second by Colleen Schieben. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

NEW BUSINESS

1. Police Department Reimbursement Agreement with Sabrina Stolarz

A motion to approve was made by Robert Carnahan with second by John Foreman. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

2. Sewer Elimination Agreement for 8217 Lake Shore Drive

Mr. Salatas reported the homeowner has demolished the house and is requesting to eliminate the sewer tap. Mr. Carnahan asked if they are aware they would have to pay a tap fee if they decide to rebuild at a later date. Ms. Sandberg reported it is made very

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clear that once this process has occurred, any future development would require development and tap fees. A brief discussion occurred on tap and development fees. Mr. Recupito asked if this would remove trash billing. Ms. Sandberg stated yes, trash would be eliminated and only the storm water fee would remain.

A motion to approve was made by Colleen Schieben with second by Ralph Miller. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

3. Sewer Elimination Agreement for 7805 W 127th Avenue

Mr. Salatas stated this was like the first item just a different address.

A motion to approve was made by Nick Recupito with second by Colleen Schieben. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

4. 2023 Farmers Market Agreement

Mr. Salatas explained this is the agreement with the coordinator of the Farmers Market. Updates have made to the dates and times as well as the addition of rain dates. Last year there were several rain dates. This is to formalize that into the agreement so they do not have to make a special exception each time. The coordinator must provide signage on rain dates to make sure Town public parking is not for events. Parking attendants to help facilitate traffic are also included. A booth would also be provided for the Town. The idea is to have the booth utilized by the Parks Department and/or staff to promote the RAVE system and get other information out. A brief discussion continued on the new public safety buildings and parking.

A motion to approve was made by Nick Recupito with second by Colleen Schieben. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

5. Acceptance of ULAO Counter-Offer for a portion of the Kregel property

Mr. Salatas explained this is a counter-offer for the last easement for Phase II of the west side sanitary sewer project. This is in the amount of \$32,250 with four conditions as listed: top soil is returned to the top, any damaged drainage tile be repaired, any crop loss be paid for, and that drainage swales be re-established. David stated he drafted the documents and everything is in order.

A motion to accept was made by John Foreman with second by Robert Carnahan. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

6. Consider approving a \$5000 donation to Rebuilding Together

Mr. Salatas explained Rebuilding Together will be in Cedar Lake this year to help repair homes. When applications are available, the Town will share. He asked for a \$5,000 donation from the promotion line item to the organization. A brief discussion continued on the organization.

A motion to approve a donation in the amount of \$5,000 was made by Robert Carnahan with second by Colleen Schieben. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

7. Appointment of Elected Official to Shared Ethics Committee

Mr. Salatas stated the Town does have two appointments for the committee. One is a citizen appointment and one is an elected official. Mr. Bill Kuhn is the citizen member. Mr. Foreman nominated Jennifer Sandberg. A second was made by Robert Carnahan. No other nominations were made. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

8. Approval to purchase salt from Schererville

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Mr. Salatas explained Schererville has excess salt due to their commitment and the mild winter. The Town would like to purchase directly from Schererville at their cost. Mr. Salatas stated the authorization is up to 400 tons.

A motion to approve the purchase at cost was made by Colleen Schieben with second by Ralph Miller. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

REPORTS

1. **Town Council** - Mr. Carnahan reported the Chamber of Commerce will be having a dinner on March 29th at Harry O's restaurant at 6PM. The cost is \$24. Mr. Carnahan stated the food pantry will be open tomorrow. He briefly discussed the community need. Mr. Recupito stated residents of Summer Winds have been contacting him regarding a letter circulating. He stated it may be from the builder or developer on changing the performance letter or credit to a maintenance one. Mr. Salatas stated this is the first he has heard. Mr. Foreman stated they will not get that change approved by the Plan Commission until they hit 80% complete. It has not been an item brought before the Plan Commission yet. A brief discussion continued on the matter.
2. **Town Attorney** - No report.
3. **Clerk-Treasurer** – Clerk-Treasurer Sandberg reported the utility budgets are now in place. They'll have good data at the end of the year to see how the utilities are running and how they should proceed in the future. Mr. Carnahan added this is not something they are required to do but decided they wanted to do.
4. **Town Manager** – Mr. Salatas stated they are working with NIRPC on projects.
5. **Director of Operations** – No report.
6. **Police Department** – Chief Fisher reported on the monthly call report. He stated they are averaging 45 calls per day. He stated they will have the NICK Foundation at the next meeting to present a check for funds raised during their beard contest. He estimated the funds raised being close to \$4,000. Mr. Carnahan asked about an officer leaving. Chief Fisher stated they had an officer resign. They will be advertising for an emergency hire.
7. **Fire Department** – Chief Wilkening reported on the monthly call report. He stated the Firefighter's Association has opted to stop holding the annual ball. A brief discussion continued on recent calls.

WRITTEN COMMUNICATION

1. **Building Department Report** - Mr. Salatas reported they had three new permits in January with nineteen others.
2. **Christopher B. Burke Report** - Work included the NIRPC applications as well as some road surveying.
3. **Veridus** – Work continues on the public safety buildings. They have been working with the Park Board on some RFPs for various projects to come. Mr. Foreman briefly discussed software for the Parks Department.

PUBLIC COMMENT

Mary Joan Dickson, 8711 W. 132nd Place, asked for a layout of what is being taken by the public safety buildings. This is information needed for state permits. She discussed safety and traffic during the Summerfest. She asked about any worksite potential issues related to safety. She asked about mitigating the potential for issues. Chief Fisher stated they talked about stopping construction during the week of Summerfest. They discussed additional lighting as well.

Cheryl Parker, 7227 W. 136th Court, voiced concerns about traffic with the new public safety facilities and events. She voiced concerns with Morse Street being two lanes. She asked if there have been discussions for the future of Morse Street. She also asked about impact fees from developers. Mr. Foreman discussed future plans for sidewalks and easements needed along Morse Street. A lengthy discussion occurred on road projects as well as future planning. Mrs. Parker continued to voice concerns with traffic. Discussion continued on future planning and impact fees.

Barb Orze, 10290 W. 138th Place, discussed Smart911. She thanked them for starting to put out more information. She thinks more information could be put out. She stated her other point was made. A few days after that meeting there was a boil advisory for what started out as one subdivision but ended up affecting others. A brief discussion continued. She discussed the traffic on 151st and US 41. She stated she's asked about crashes down there and stated there are a lot of comments on Facebook about the safety. She stated she already contacted INDOT. She voiced concerns with another subdivision being put down that way. She asked about Town Police and Fire responding to crashes on US 41. She asked about the Council having insight about anything that can be done or who can be reached out to. Mr. Foreman stated the County Council and/or the County Commissioners, possibly. Mr. Salatas stated it is a state road and State Senator Niemeyer would be the contact. Mr. Sharpe stated they are frustrated too. Mrs. Orze discussed signage and street lights being placed in the area of concern. Mr. Foreman asked Mr. Salatas to send a letter to

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Rick Niemeyer regarding the signage on the State highway. Mr. Carnahan stated it took ten years to get the speed limit changed on US 41. A lengthy discussion continued on the concerns presented.

Jeff Biel, 10240 W. 134th Avenue, stated he lives in Summer Winds. He stated there is a letter circulating. He asked about the 80% necessary. Mr. Sharpe stated the requirement is 80%. Mr. Foreman stated that is part of the ordinance. A brief discussion continued on the matter.

Cheryl Parker asked about the fire station and the trucks exiting on to Morse Street. She asked if lighting was discussed. It was stated special lighting had been incorporated into the project.

ADJOURNMENT President Sharpe called the meeting to adjournment at approximately 7:31 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.