

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



March 21, 2023

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	John Foreman Vice-President	At Large
Present	Julie Rivera Council Member	Ward 2	Present	Richard Sharpe President	At Large
Present	Nick Recupito Council Member	Ward 3	Absent*	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	

*Chief Deputy Clerk Margo Nagy was present.

PUBLIC COMMENT

None

CONSENT AGENDA

1. **Minutes:** March 7, 2023
2. **Claims:** All Town Funds: \$166,609.26; Wastewater Operating: \$379,614.18; Water Utility: \$11,978.86; Storm Water: \$2,221.83; Payroll: 3/16/2023 - \$252,067.59; and February Remittances \$188,992.55
3. **Manual Journal Entries:** February 1, 2023-February 28, 2023
4. **Tag Day Requests:** American Legion Auxiliary Unit 261: 4/29/23 with 5/6/23 rain date; Hanover Jr. Wildcats Football: 6/10/23 with 6/17/23 rain date; Cedar Lake Lions Club: 8/5/23 with 8/12/23 rain date; Hanover Central Middle Cheer: 9/16/23 with 9/23/23 rain date
5. **Donations: DARE Donations: \$250:** Elmwood Funeral Chapel & Crematory; Lake County FOP Auxiliary 125; Forever Green Lawn Care; Lawrence Property Group; and Ray & Wally's Towing Service, Inc.

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 John Foreman. Mr. Carnahan asked about the donations to DARE all being \$250. It was answered yes. He thanked all of the businesses. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

ORDINANCES & RESOLUTIONS

1. **Ordinance No. 1437– Annexation Ordinance: Cedar Lake Flume Parcel**

Mr. Salatas stated this is the introductory reading of the annexation of approximately 60 acres of Town owned property. It is located south on Morse Street; in house it is known as the Flume. It is where the flume and EQ basin is located. The major sewer line runs to that property and then enters Lowell's side of the interceptor. The annexation law that is being used is for non-contiguous annexation. This is several feet outside of Town limits. The non-contiguous annexation law of the State allows a municipality to annexation a territory that is non-contiguous to its boundary if it is for a sewer utility, water utility, airports, or an electric utility. The purpose is to bring it under Town jurisdiction so that when the Town goes to do improvements at that site, it goes through the Town's building department and not the County. Council Member Foreman asked if they could utilize the contiguous area to move towards Town limits. Mr. Salatas stated no. This is for express use of municipal utility services. It is for no other use than expanding the utility use. He stated Lowell has two of these outside of their jurisdiction, one for their sewer plant and one for their water utility. A brief discussion continued. Council Member Foreman read Ordinance No. 1437 by title only.

A motion to approve the introductory reading was made by Colleen Schieben with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

2. **Ordinance No. 1454 – Amending Ordinance No. 1450 Police and Fire Fees Schedule**

Council Member Foreman read Ordinance No. 1454 by title only. Mr. Austgen stated this is a correction clean-up of the fee schedules that were previously approved but not accurate. Mr. Salatas added it was just a clarification of what was passed. Specifically, clean-up of the section on digital media. Mr. Carnahan asked about having an explanation of the fee schedule. A brief discussion continued on explanations and clarity of items that

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come before the Council for the public. Chief Fisher offered to explain this update. He stated there was a clerical error. The biggest clarification was on the digital media. They changed the term video because now it is broken down by media type. The digital media is for a DVD disk of photos not a video. Videos are broken down by the amount of time it takes to redact. That was corrected and they added for anything greater than 90 minutes. He stated there was a lot of back and forth with the attorney and the first draft was accidentally presented to them for approval. Mr. Carnahan asked about the \$10.00 fee for digital media. Chief Fisher stated originally it stated it was audio/video. Now they have video from the body worn cameras and car cameras. It is now broken down by redaction time and how long it takes to do so by statute.

A motion to approve Ordinance No. 1454 was made by Julie Rivera with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

A motion to suspend the rules and allow for a second reading was made by Nick Recupito with second by John Foreman. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

Council Member Foreman read Ordinance No. 1454 by title only.

A motion to adopt Ordinance No. 1454 was made Colleen Schieben with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

BZA/PLAN COMMISSION

- 1. Variance of Use: Petitioner: Morgan Stupeck, 9701 W 134th Place, to allow a hair salon out of a duplex residence in an R-T Zoning District Property Owner: Lynn Sarti**

This item received a favorable recommendation from the BZA on March 9, 2023. Ms. Stupeck stated she wishes to run a salon out of her home. It is a one chair, one stylist salon by appointment. There will be no signs in the yard. She stated she would take one to two clients at a time. She will create a walkway to her backdoor. The operation would be no more than five days a week and the earliest opening hour would be 8:00AM and latest would be 9:00PM. Mr. Austgen added it was an excellent presentation to the BZA. A unanimous 5 – 0 favorable recommendation was certified to the Council. This is the type of documentation they will see from staff moving forward on variances of use. It describes exactly what happened and what the conditions were.

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

NEW BUSINESS

- 1. Approval of Veridus' Updated Fee Proposal for the Municipal Complex Project**

Mr. Salatas explained the proposal is to carry the Town through the rest of the project including bidding, construction, and construction observation, commissioning, and close-out. It is in the amount of \$190,000. This cost is already accounted for in the guaranteed maximum price of the \$16,000,000 for the project. Mr. Carnahan added this is for the police and fire stations. Mr. Foreman asked if this is being portioned out of both the A & B bonds. Mr. Salatas stated yes, it would be split between the A & B bonds according to the percentage breakdown of the overall project. Cheryl Parker, 7227 W. 136th Ct., discussed the fee proposal. She read the project description as follows: it is a project that will combine multiple community services in one central location and under one roof. The community desires to house police, fire, and Town administrative staff in the new facility. She asked if that was separate from what was occurring on the Town grounds. She asked if it was an additional project. Mr. Salatas explained what she is reading is from the first proposal when it was contemplated to be one project. It has since changed into a different project. The Town Hall is not included. A brief discussion continued on the project. David Rainey, Veridus Group, apologized for the confusion. He stated they used their original proposal and added a revised section that is in italics. He stated this proposal will also take them through the warranty period of one year.

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

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2. 137th Avenue Crack Seal Project – Consider Waiver of IDOA Public Works Certification

Mr. Salatas read Mr. Oliphant's letter into the record. A copy can be found at the end of the minutes after the signature page.

Mr. Salatas stated they ran into this previously with this specific bid requirement. He's not sure how exactly it got into some of the Town's documents, where the IDOA qualifications for the Board of Public Works, inhibits some from bidding on projects due to the requirements of that specific certification. The INDOT certification by Don's measure is more than adequate for a project of this scope. It is INDOT's own qualifications. It is recommended to waive the IDOA Board of Public Works Certification. Mr. Recupito asked if it would affect grant money received. Mr. Salatas stated Don checked and it will not affect grant money received.

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

3. Approve Unsafe Building Department Meeting to Start at 5:30p.m. Instead of 6 p.m.

Mrs. Schieben stated they run into the Plan Commission meetings. They need more time. A motion to approve was made by Nick Recupito with second by John Foreman. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

REPORTS

- 1. Town Council** – Mr. Carnahan reported this Saturday, March 25th from 9AM to 2PM, Lake County Solid Waste will be holding a Household Hazardous Waste event at the Lake County Fairgrounds. On March 29th the CEO of the South Shore Visitors and Convention Authority will be the keynote speaker at the Chamber of Commerce dinner. It will start at 6PM and the cost is \$24.
- 2. Town Attorney** - No report.
- 3. Clerk-Treasurer** – No report.
- 4. Town Manager** – Mr. Salatas invited the public to the groundbreaking for the Public Safety buildings. It will be on Friday, April 14th at 5PM on the Town Grounds. He reported the Town submitted two public art grants. One is for a centerpiece at the roundabout. The other is a sundial. A meeting was held on the local road safety plan as directed by President Sharpe. A lot of good information was shared by Planning Director Ashley Abernathy. Ms. Abernathy and Mr. Oliphant will spearhead the project to create a local road safety plan for the community. A brief discussion continued.
- 5. Director of Operations** – Mr. Kubiak reported they are making progress on the VIPs building to create a couple of offices for the new Parks Department. He stated the Parrish Pumphouse is now upgraded. By the end of next week, both pumps will be 480V and fully operational. Mr. Carnahan asked about crack sealing. Mr. Kubiak stated they would be working on that within the next couple of weeks. A brief discussion continued on roads.
- 6. Police Department** – Chief Fisher discussed the monthly call report. He discussed the last page of the report and a new traffic analysis. He also discussed the ordinance violations year to date.
- 7. Fire Department** – Chief Wilkening discussed the monthly call report. He stated they've had three structure fires in the last month. He spoke about a local family that has a child with terminal cancer. He stated he was asked to stop by to speak with the child as the child loves the Fire Department. Chief Wilkening stated they are going to try and start something in the area to help support the family. He asked everyone to pray for the family. Mr. Carnahan asked if the fire on Windsor was an electrical car. Chief stated it was not. Mutual aid support was received from Schererville.

WRITTEN COMMUNICATION

- 1. Building Department Report** – Nine new home permits and forty others for the last month.
- 2. Christopher B. Burke Report** - The pipe has been delivered. They will be starting soon. Morse Street Water Main Project will be starting soon. Mr. Oliphant is working on a series of ordinance updates such as subdivision control, floodplain, development standards. A lot of building related ordinances is in the works.
- 3. Veridus** – The public safety building projects are ongoing. They are working on details for a development summit.

Mr. Recupito asked whether boats will be able to travel latterly across the lake. Mr. Foreman stated the pipe will float. They will flag areas and have specific boat crossing areas. Folks may

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have to travel a little further to cross the pipe. Discussion continued on wake zones and speed limits on the lake. It would take coordination with multiple agencies. Mr. Salatas added safety is the top concern but they will try to keep as much of the lake open as possible. Discussion continued on rules of DNR.

Mr. Recupito asked about the Veridus Group and the ongoing tasks. He asked who is tasked with the tasks. Mr. Salatas stated the Veridus staff members. The reports outline who is the project lead. Some of the items have been hanging out there, like the public safety projects. They've been through a few staff members. It depends on the individual's capacity and the stage of the project.

PUBLIC COMMENT

Greg Parker, 14823 Morse Street, voiced his frustrations with things in Town. He voiced his displeasure with conversations with Mr. Foreman. He stated seventeen years ago a subdivision went in not too far from Mr. Foreman. Mr. Foreman was able to voice his opinions to the Town Council at that time. He stated he doesn't understand why his reaction then and Mr. Parker's reaction now is unacceptable. He stated he is concerned with development across the street from his house. He knows what the zoning is now but he doesn't know what the zoning is going to be. He doesn't know anything about it. He stated everyone that was here that night said they hadn't seen any concept plans. Mr. Foreman stated that was a fact. Mr. Parker stated at that time you hadn't seen any concept plans. Mr. Foreman stated that was a fact. Mr. Parker asked Mrs. Schieben if she had seen it. She stated she had not. Mr. Parker asked Mrs. Rivera if she had seen it. She stated no. Mr. Parker asked Mr. Sharpe if he had seen it. He stated no. Mr. Parker asked Mr. Foreman again. He stated no. Mr. Parker asked Mr. Miller if he had seen it. He stated no. Mr. Foreman stated it doesn't matter what Chris or staff is working on behind that wall. Until it comes to the Plan Commission, it is a bar napkin sketch. Mr. Parker asked Mr. Recupito if he had seen it. Mr. Recupito stated yes, he had. He stated he doesn't know why he is the only one speaking out. Mr. Foreman asked where he has seen it. Mr. Carnahan stated he hasn't seen anything. Mr. Foreman asked Mr. Recupito if he could show him. Mr. Recupito stated he doesn't have them. He said he saw them with Chris. He stated Chris has discussed this before. Items are vetted through staff first. Mr. Foreman asked Chris to share with them all that he has shown to Nick. Mr. Salatas stated if that is the desire. Mr. Parker continued to voice his concerns. Mr. Recupito stated it was only him and Chris. No backroom deal it was just here is what was presented. Mr. Parker stated he would be leaving with more suspicions.

Gordon Dickson, 8711 W. 132nd Place, stated he was there on behalf of Cedar Lake Summerfest Committee Inc. He shared a letter with each member of the Council. He read the letter out loud. *A copy can be found at the end of the minutes after the signature page.* Mr. Dickson stated they took a look at it and they cannot operate with them blocking off the roadway. They cannot get cars up to park them. He said they can go ahead and deal with losing the parking spaces but they really feel they need the ADA spaces returned. By moving the construction trailers into their own fenced in area, not only does it provide some of those spaces back, but it takes those trailers out of public areas where people walk around. He doesn't know who all they need to work with to resolve this but they need to do it as soon as possible. He stated they have contracts already signed. He said without the parking it's done. Mr. Foreman asked about a shuttle. He asked if they could utilize a shuttle. Mr. Dickson stated no. He stated they've looked into a lot of things. He said they would have to shuttle people in from somewhere. As most everybody knows, the road in front of the Town grounds is backed up from each direction. There is no way to get a shuttle in. The cost is very restrictive as well. Chief Fisher added there is no way to get them down Morse. Mr. Dickson discussed 10 to 220 cars on fireworks night, looking for somewhere to park. Mr. Foreman discussed a someday idea of an underground parking garage. Mr. Foreman asked if they could utilize the land by the well site. Mr. Salatas stated they only own approximately two acres. He stated well head protection is approximately 100-foot radius. Mr. Kubiak stated it is not very big and it is a terrible spot to pull in and out of. Audience members began discussing issues with people walking on Morse. Mr. Salatas suggested Summerfest come work with him so they can figure something out. Mr. Dickson asked if in a couple of days, they could get this figured out. He continued to voice concerns with the situation. He asked when they can get this figured out. Mr. Salatas stated Mrs. Dickson has his contact information and they can reach out to him tomorrow. Chief Fisher added they were thought of when they did the project. He said they asked the construction company to make sure they fence in everything during the Summerfest because they have to be able to operate. Discussion continued on the concerns.

Bill Hammonds, 9417 W. 145th Court, thanked them for getting the lake dredged. He asked about the lake and if they are paying for the dredging of the lake, why aren't they annexing it. He stated it is like the Wild West out there. He stated they don't have police on the lake. It is a state owned lake. He asked why aren't they annexing it. Chief Fisher stated they aren't policing the lake because they don't have the personnel. Mr. Hammonds voiced concerns with boaters hitting the dredge pipe and damaging it. Mr. Hammonds asked if the police have jurisdiction on the lake. Chief Fisher stated yes, they do. Mr. Hammonds continued to voice concerns. Mr. Foreman stated they had asked the same question before about annexing the lake. There was a response being related to putting in a trust. Mr. Austgen concurred. Mr. Foreman stated he couldn't remember the exact reasoning why. A brief discussion continued on ownership of the lake.

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Cheryl Parker, 7227 W. 136th Court, asked about the Veridus recommendations. She stated there is an item listed as Lake Shore Bluffs. She stated it says the Town Attorney drafted a non-binding MOU with Schilling to move the project forward. The park land was transferred to the RDC. She asked when did that happen and how did it get approved. She asked what park land they are talking about. Mr. Salatas stated this happened about a year ago. Mrs. Parker questioned the transfer of property. Mr. Salatas stated it was transferred from the Town Council to the Redevelopment Commission. Mr. Austgen stated that was for purposes of financing recommendations in the event a transaction ever occurred. Mrs. Parker asked if this was related to the Lake Shore Bluffs development. Mr. Austgen stated there is no Lake Shore Bluffs development. There is a name and there is discussion about a potential project. Mrs. Parker asked which parkland was transferred to the RDC. Mr. Austgen stated Potawatomi Park. She stated she had heard rumors. Mr. Austgen stated it was done in a public meeting. There was public meeting action of the Redevelopment Commission. Mrs. Parker asked if it was in 2022. Mr. Austgen stated he believed so. Mrs. Parker asked what they are doing is transferring the park land and eventually it could be developed. Mr. Foreman stated could be. It is something that was discussed but it never made it anywhere. He discussed the previous concepts regarding the Midway area and the Town Grounds. He stated they are throwing ideas out there. They ruffled feathers but it wasn't on purpose. He stated they have an opportunity to harness the energy that is coming for the good of the residents that live here. He stated that is the motivation behind making a Town center. Mr. Foreman discussed possible future development. Mrs. Parker discussed the business view magazine article. She asked for clarification on an item regarding a Schilling development. She asked which area they are looking at. Mr. Salatas stated that is the Lake Shore Bluffs project. It doesn't include the Town Grounds. Mrs. Parker discussed previous comprehensive plans and leaving the Town Grounds as public land. A brief discussion continued.

Randy Niemeyer, 13610 Ivy Street, stated he is their district's Lake County Councilman. The Town Manager recently sent a request to the Lake County Council for the ARPA fund distribution. There has been question regarding the total amount available that they are working to figure out. The request has many layers to go through. He stated he is checking in with them and any questions they may have. Mr. Foreman discussed Mr. Hammonds question on annexing the lake. Mr. Niemeyer recalled discussion with Senator Niemeyer. He put the subject in front of the DNR. The DNR wouldn't even consider. Mr. Niemeyer stated they would probably have some trouble with federal overreach. He doesn't think it will ever be an option. Mr. Carnahan discussed the money from the County and the amount available. Mr. Niemeyer stated County government is not very well run. He didn't have a number for Mr. Carnahan.

Terry Broadhurst, 14513 Morse, he thanked them for their time. He asked how zoning changes take place and who is actually responsible for them. He discussed his research on the rules. He stated it goes as follows: filing needs to be made with the Board of Zoning of Appeals (BZA) and a recommendation is made to the Town Council. The Council makes a decision and some are on the BZA. Mr. Carnahan stated the BZA is all citizen members appointed by the Town Council. He stated once a recommendation is made, it doesn't mean it will be approved. He stated there are seven (7) people in this town that can make the zoning decision. He continued to discuss the process of zoning. Mr. Broadhurst discussed misinformation going around. He continued to discuss zoning situations. He asked how much is enough. Mr. Foreman stated until it comes to Plan Commission, no one knows anything. Mr. Broadhurst continued to discuss.

Greg Parker, 14823 Morse Street, discussed the golf course property being currently zoned as R-1. He stated the owner bought it and owns it as R-1 zoning. He turned and stated they would try and get a PUD zoning. He asked Mr. Recupito if he could expand on the concept. Mr. Recupito stated he is an honest person. He doesn't have any plans in front of him. He glanced at them. He stated it was not R-1. He stated it was pretty dense but he couldn't say exactly. Mr. Recupito discussed staff getting a first look at plans. Mr. Parker discussed previous administration and his displeasure. He stated he thinks the people here have just as much right to have input on anything that happens. Mrs. Rivera stated they will when something comes before the Plan Commission. She stated she has not seen any plans.

ADJOURNMENT President Sharpe called the meeting to adjournment at approximately 8:58 PM.

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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.