



May 16, 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 Margo Nagy was present.

**CONTINUED PUBLIC HEARING**

**1. Ordinance No. 1457, Public Way Vacation – Davis**

- a. **Review of Legals** – Mr. Austgen stated the legals were in order.
- b. **Opening Remarks** – Thomas Davis and Alexis Davis were present. Mr. Salatas stated he believes at the last Town Council meeting the discussion was for them to go to the Plan Commission in regards to the cul de sac. This board cannot give any waivers from the subdivision control ordinance. Mrs. Davis stated they were told to comeback for it to be voted on the second time. Discussion continued on the public way vacation request and the separate matter of the subdivision requirements. Mr. Foreman stated he thinks what is in front of them is cut and dry. Mr. Carnahan asked what the \$200 charge was for. Mr. Salatas stated that is the application fee. A brief discussion continued on the matter before them.
- c. **Reading of Ordinance No. 1457** – Council Member Foreman read by title only.
- d. **Remonstrators** - None
- e. **Town Council Discussion** – Mr. Recupito asked if this was for adoption. Mr. Sharpe stated yes, it is the second reading.
- f. **Town Council Decision**

A motion to adopt Ordinance No. 1457 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.

**NEW PUBLIC HEARING**

**1. Ordinance No. 1455 – Annexation of Two (2) Additional Small Parcels into Lakeside South**

- a. **Review of Legals** – Mr. Austgen stated the legals were in order.
- b. **Reading of Ordinance No. 1455** – Council Member Foreman read by title only. Mr. Austgen stated this is the public hearing on the fiscal plan policy. The written next item is the resolution. They will not act on the ordinance but the resolution.
- c. **Reading of Resolution No. 1331** – Council Member Foreman read by title only.
- d. **Remonstrators** - None
- e. **Town Council Discussion** – Mr. Carnahan asked why are they not doing the ordinance. Mr. Austgen stated someone put it on the agenda but they are following statute. Tonight, is just for the resolution. Mr. Recupito asked if the fiscal plans are standard for what they are doing with the verbiage and such. Mr. Austgen stated yes. Introduction of the parcel into Town as an Agricultural zoning and all responsibilities for everything that occurs is on the developer. A brief discussion occurred on the subject property.
- f. **Town Council Decision on Resolution No. 1331**

A motion to approve Resolution No. 1331 was made by Robert Carnahan with second by Nick Recupito. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0. Mr. Austgen stated this will be an agenda item at the next meeting for the ordinance.

**2. Resolution No. 1332 - Community Development Block Grant (CDBG)**

- a. **Review of Legals** – Margo Nagy noted the legals were in the packet and published on 4/29/23 and 5/3/23. They are in order.
- b. **Opening Remarks** - Mr. Foreman read the opening remarks. *A copy can be found at the end of the minutes.*
- c. **Remonstrators** – Mary Joan Dickson noted it said funds could be used for demolition of unsafe buildings. She asked if the money could be used to

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eliminate a lien on someone's property if they are low income. Mr. Austgen stated probably not. Statute and direct correlation to Town costs on that property. She asked about ADA accessibility and if it needed to be on a public location. It was stated yes. A brief discussion continued on the next potential ADA project.

- d. Reading of the Affirmative Action Program** – Mr. Foreman read the Affirmative Action Program into the record per Mr. Austgen's recommendation. *A copy can be found at the end of the minutes.*
- e. Reading of Section 3 Understanding** – Council Member Foreman read by title.
- f. Reading of Resolution No. 1332** – Council Member Foreman read by title only.
- g. Town Council Discussion** – Mr. Recupito asked if this was for Lynnsway. Mr. Salatas stated yes, approximately eighteen handicapped accessible ramps, sidewalks, and/or intersections. Mr. Recupito asked about the workers requirements and if it was not for these types of projects. Mr. Salatas stated the Davis Bacon Wage Act applies to this program due to it being federal funds. Jason Ryder within Tim Brown's office monitors and is responsible for the compliance. He also participates in any pre-construction meetings with the contractor to make sure they understand the requirements.
- h. Town Council Decision on adoption of the Affirmative Action Program**  
A motion to approve verbatim insertion of the Affirmative Action Program and give the President approval to sign was made by John Foreman with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.
- i. Town Council Decision on adoption of Section 3 Understanding**  
Mr. Recupito asked about the hiring requirements and if it applies to them and what they do with the sidewalks. Mr. Salatas stated yes, they abide by all regulations. It would be on the contractor and Lake County would monitor compliance. A motion to adopt Section 3 Understanding and approve verbatim insertion was made by John Foreman with second by Nick Recupito. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.
- j. Town Council Decision on Resolution No. 1332**  
A motion to approve Resolution No. 1332 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.

**PUBLIC COMMENT**

Mary Joan Dickson, 8711 W. 132<sup>nd</sup> Place, asked about New Business Items 1 and 2. She asked if they could share the location when they get to the items. Mr. Sharpe stated they could do that.

**CONSENT AGENDA**

- 1. Minutes:** April 4, 2023
- 2. Claims:** All Town Funds: \$916,150.25; Wastewater Operating: \$561,920.65; Water Utility: \$110,468.00; Storm Water: \$20,437.51; Payroll: 4/23/23, 5/1/23, & 5/11/23 \$633,262.73; and April Remittances \$166,800.12
- 3. Manual Journal Entries:** April 1, 2023 – April 30, 2023
- 4. Donations:** People's Bank, \$250 Dare Donation
- 5. Tag Day Request:** Rick Larsen Wrestling, June 24, 2023 (no rain date)
- 6. Sweetcorn Sales:** July 1 – September 1, 2023, in True Value's parking lot

A motion to accept and waive the reading of the minutes and accept the consent agenda as listed was made by Julie Rivera with second by Ralph Miller Mr. Carnahan stated someone asked him a question about what is paid to Lowell for sewer treatment. He stated he saw two claims in there for approximately \$103,000. He stated for anyone interested in the bills paid, it is posted out in the front foyer. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

**ORDINANCES & RESOLUTIONS**

- 1. Ordinance No. 1460 – Job Descriptions: Soccer Referee and Seasonal Open Space Groundskeeper**

Mr. Salatas stated this is an ordinance amending the job descriptions for the soccer referee and the seasonal open space groundskeeper positions. It is to modernize them now that they have a Parks Department running. A brief discussion occurred on the two separate job descriptions and duties. Mr. Foreman read Ordinance No. 1460 by title only.

A motion to approve Ordinance No. 1460 was made by Colleen Schieben with second by John Foreman. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

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

Mr. Foreman read Ordinance No. 1460 by title only.

A motion to adopt Ordinance No. 1460 was made by John Foreman 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. Centennial Estates Reinstatement of Zoning**

Mr. Salatas stated they previously adopted the zoning ordinance with the accompanying map. The intention of the zoning map was not to give credence to what they expect to go into an area. That is the comprehensive plan's job. The zoning map is to show you what current properties are zoned. Previous to the zoning map that they now have, was a very old book kept in the building department that was used and referred to for zoning. The undertaking was to take the book and modernize it into a map. With that process, came some errors. There are some scriveners' errors that need to be cleaned up and some map errors. This item is a map error. The parcel being discussed is approximately seventeen (17) acres and south of Industrial Drive. It was originally part of Centennial Pod C. It was annexed into Town in approximately 2006 with zoning. It had received PUD zoning. The map currently reflects that it is zoned Industrial and Agricultural inaccurately. It should be zoned for the PUD. It does not have a rezone on it. The property owner brought it to their attention. This is the second instance of a zoning map correction. This would be a correction of the zoning map to restore that underlying zoning that was received with annexation. Mr. Salatas stated the next component is that the potential purchaser/developer of the property, Olthof Homes, brought a conceptual plan to the last Plan Commission Work Session. Restoring the underlying zoning allows for a density of twenty (20) dwelling units per acre. The current modernized plan from Olthof Homes shows a zoning density of approximately 7.8 dwelling units per acre. Working with the potential purchaser of the property, staff had several concerns. The main one being two access points in and out of the subdivision. It is a safety concern. The potential property purchaser has committed to eliminating one of the lots to the east and to provide secondary access. It was shown on the concept plan. Mr. Austgen stated this parcel is a very unique parcel. He stated it is the last piece to be developed. He stated the only way they have a chance of getting it developed and having it done in conformance with the current zoning ordinance is by finding a developer who would bring something like this to them. It is a concept only. There will be a lot of discussion in the coming months. Mr. Recupito asked if it would still have to go through the regular Plan Commission meeting process. Mr. Austgen stated yes, everything. Mr. Foreman stated it was discussed at the Plan Commission meeting. A plan was shown with the new road. It was only a work session. No voting took place. Mr. Austgen suggested the item be deleted from the agenda moving forward. Plan Commission will get the item next. Mr. Sharpe asked if he meant the item before them. Mr. Austgen stated yes, until it is time and ready. He stated it will come back with a recommendation certification from the Plan Commission on a zone map amendment. They will consider a zoning ordinance map amendment or not. It will be here before them on the record. Plan Commission will have a public hearing on the item as well. Mr. Sharpe asked for a motion to delete the item. Mr. Austgen stated he could use the gavel and direct. Mr. Sharpe stated the item is deleted from the agenda.

**2. Beacon Pointe West, Unit 5 – Performance Letter of Credit Extension with a 25% Reduction for a new total in the amount of \$212,835.71 and a new expiration date of May 24, 2024**

Mr. Salatas stated it has been received and is in order. It is with Peoples Bank. Mr. Recupito asked the reason for the reduction. Mr. Salatas stated they have installed infrastructure that qualifies them to receive the reduction. Mr. Austgen noted the engineers have checked off also. He added the engineer's letter should be attached to the surety. Mr. Salatas stated it is not in the packet.

A motion to approve was made by Nick Recupito with second by Ralph Miller. Mr. Foreman stated years ago they never had to do this. The folks on the other side of the wall executed it all. He asked if it was necessary to go through this process. Mr. Austgen stated the Town of Cedar Lake is accepting the surety and they are the representatives of the Town. That is why it is here. A brief discussion continued. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

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**3. Hanover Community School Corporation –Extension of a Performance Letter of Credit in the amount of \$373,557.25 with a new expiration date of May 19, 2024**

Mr. Salatas stated the letter of credit is in order and from Centier Bank. It is recommended the motion include attaching Don's review letter to the letter of credit.

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

**4. Extension of Variance of Use for 141 Partners LLC / Mike Neubauer for 10702 W 141<sup>st</sup> Avenue**

This item received a favorable recommendation from the BZA on May 11, 2023. The vote was unanimous. Mr. Salatas stated this is a ministerial extension of the variance of use received. They had some challenges getting ductile iron water pipe. Mr. Recupito asked if it was a one-year extension. Mr. Salatas stated yes, a one-year extension from the BZA meeting.

A motion to extend the variance of use to expire on May 11, 2024 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.

**NEW BUSINESS**

**1. Consider approval to Purchase an Easement for trail improvements from James and Corey Chambers in the amount of \$46,750 and to Authorize the Town Manager, Clerk-Treasurer, and Town Attorney to Finalize the Execution of Documents**

Mr. Salatas stated this is an easement they are looking to acquire. Several more will come as they are negotiated through Mr. Austgen's office. It is for the Founders Creek Trail and Sidewalk Project. Those are two separate projects through NIRPC but the Town views them as one as a walkable corridor is created on the east side. This is on the 133<sup>rd</sup> Avenue side of the corridor between Lemon Lake Park and the churches on the south side. This will be paid from Park Impact Fees. Mr. Foreman asked if Mr. Salatas had the address as requested during public comment. Mr. Salatas stated he did not but it could be GIS located. A brief discussion continued on location. Mr. Austgen added that the prices are based upon appraisals and there is a median of the appraisals secured. Mr. Salatas stated since the projects are likely federally funded through NIRPC, they are going through the NIRPC process for acquiring the easements. That way there are no hiccups. Mr. Foreman asked Mrs. Dickson if that answered her question. She thanked them and stated it did.

A motion to approve 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. Consider approval to Purchase an Easement for trail improvements from LBL Development in the amount of \$12,000 and to Authorize the Town Manager, Clerk-Treasurer, and Town Attorney to Finalize the Execution of Documents**

Mr. Salatas stated similar to the last item, this is formally part of the Founders Creek Trail section of the project that was funded through NIRPC. It is going through the same process as described before. This is through the Founders Creek/Brunt Farm and will come out onto Morse Street on the southwest corner of the property. Mr. Foreman stated next to the Methodist Church. Mr. Salatas stated that is correct. It will also be paid for out of Park Impact Fees. Mr. Recupito asked about the trail size. Mr. Salatas stated a standard walking trail and approximated eight feet. They have not gotten into engineering yet. Engineering is set to commence in 2026.

A motion to approve was made by 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.

**3. Consider Approving hiring additional staff for the Fire Department**

This item received a favorable recommendation from the Board of Safety. Mr. Salatas stated they do have the letter. He stated two members did drop out so this would be for one part-timer and two volunteers for the Fire Department. Chief Wilkening stated that was accurate. He asked to make a request. He stated the actual process to hire volunteers and actual experienced part-timers is too long. He stated they are losing people. They are pulling their applications. He stated if you are a career firefighter and you have to go through an interview process with the Cedar Lake Fire Chiefs, the Board of Safety for an

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interview process, and come to the Town Council for approval, you are going to another department. He stated no other department around here has that long of a process. He discussed the hiring process of surrounding departments. He asked to allow the Fire Department, the Fire Chief, if the person is experienced and comes from another department, to hire part-time people. He stated he does not mind the volunteers going through the Board of Safety process. He stated they are down on part-time people. He stated they do not have part-time people to fill spots. Full-timers are put in the spots and it puts them in an overtime situation again. He stated he is missing a person who just quit and there is another out on administrative leave. He stated if he was able to hire part-time people quickly, they could put them in those slots and work them quickly. He asked for the Council to approve letting them hire the experienced part-time people to get them on the roster and schedule as soon as possible. Mrs. Rivera asked how long it is taking. Chief Wilkening stated months. Mrs. Rivera asked if that was because of the meeting schedule. Chief Wilkening discussed the application and interview process at length. He voiced concerns with the length of the process and the Clerk's office not processing a part-time employee until it came before the Town Council. Chief Deputy Nagy stated she believes the reason Jen wanted to process the part-timer is because of the way the budget is going. It is going to exceed the part-time line item unless he can find a way to transfer money into the line. The overtime line item is running way over too. Chief Wilkening stated it is because of things like this. He stated it does not matter how many part-time people they have. There are only so many part-time shifts. Mr. Sharpe asked how many part-time people they have. Chief Wilkening stated six. Mrs. Nagy stated it was fifteen. Chief Wilkening stated on the roster but they do not work. It was discussed to remove those. Mr. Carnahan asked for more information. Mr. Sharpe concurred. Chief Wilkening stated he is sent tons of emails with no response. He stated they need help. Mr. Sharpe stated they are not saying no. Mr. Carnahan stated he wants more information from the Clerk-Treasurer. Mr. Foreman stated he thinks they are in a dire situation. Mr. Foreman asked if they are purchasing the gear for them. Chief Wilkening stated no. Part-Timers typically bring their own gear with them or they hook them up with old gear. Mr. Foreman stated he is in favor of what the Chief is asking. Chief Wilkening stated he does not mind if when the Chiefs interview, having the board of safety chairman and Chris sit in as well. He continued to discuss the issues with getting personnel. Mr. Sharpe asked Mr. Austgen for his thoughts. Mr. Austgen stated he did not want his thoughts. Mr. Foreman asked if they would still have to do a background check. Chief Wilkening stated yes. Mrs. Rivera asked if they could do a joint interview with the board of safety. Chief Wilkening stated he does not mind that at all. He continued to voice his concerns. Mr. Foreman suggested it being done before in an executive session and voted on that night. Mrs. Rivera stated she does not know if it needs to go before the Council if the board of safety is the second check. Mr. Salatas stated his opinion is they are trying to do what they try to avoid on the Plan Commission, which is engineer something on the fly. He thinks he would like to see a written proposal like the proposal they have for the firefighters on the agenda now. This way they have something in writing and before them to review. He thinks and little more information would be wise. He stated they do have an item on the agenda right now. A brief discussion occurred on a written proposal. Mr. Austgen stated the reason the initial hires come before them is because that is what the Indiana Code says. They are the approval of initial hires. When talking part-time people there is the distinction between initial hires or not. If they are initial hires, statute says this body has to approve, it is for Police also. It can be a bit more substantive. However, they deem appropriate. Chief Wilkening stated he did not see that anywhere in the law. Mr. Austgen stated he would show it to him tomorrow.

A motion to approve the hiring of one part-time employee and two volunteers 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. Mr. Foreman asked how many liaisons they had. He asked Ralph and Nick to make it happen sooner rather than later. Chief Wilkening stated he would put it in a Lexipol procedure to be viewed. That way if it is approved it will be in their procedures.

**4. Approve Chris Salatas, Town Manager, as the authorized signatory to execute all CCMG 2023-1 documents**

Mr. Salatas stated similar to last years CCMG, he just needs authorization to execute the contracts with INDOT.

A motion to approve was made by 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.

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**5. Consider lifting the 133<sup>rd</sup> Corridor Moratorium on commercial development enacted by the Town Council on August 16, 2022**

Mr. Austgen stated he has been working with Town Staff to review the 133<sup>rd</sup> Avenue Corridor. They have been doing that in context of zoning, an overlay district, and identifying ways and means under the zoning laws of preserving property values. Making similarities to uses that will complement each other in the overlay district. As well as assure the quality of uses is B2 exclusively. In the course of study, they have learned a lot about the land and parcels. Given the small amount of vacant land that exists in the corridor that a moratorium to day might not be warranted and particularly, given the high-quality commercial development that is about to occur. It is their recommendation that the moratorium be lifted and removed pending further review and analysis and study with the Plan Commission. Mr. Recupito asked about the status of this item at the Plan Commission level. Mr. Austgen stated a public hearing has been held and as a consequence, they got a lot of good comments and input from folks. From that series of comments, they went away with a lot more information to supplement. It appears at the present time; they are in good shape. If they come back to the Plan Commission, they will advertise another public hearing.

A motion to approve lifting the 133<sup>rd</sup> Corridor Moratorium was made by Robert Carnahan with second by Nick Recupito. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

**6. Approve Parks & Recreation’s request to host a free Summer Concert Series on the Town Grounds featuring Lakeside Artists Guild and other artists and to allow attendees to bring their own refreshments as they have in the past**

This was approved by the Park Board as a co-sponsored event with Lakeside Artists Guild. Mr. Salatas stated this item was approved by the Park Board to give the Town seven concert series events. It was a heavy topic of discussion. They are still required to have a Police Officer on the grounds monitoring the event as well as insurance. It is the Park Board’s desire to somehow make the concert series happen in Town. Mrs. Schieben added without waiving the fees. Mr. Salatas stated that is their recommendation. Mr. Austgen stated he doesn’t recommend this be considered. They are in charge. It is a parcel owned by the Town of Cedar Lake. They allow special events to occur and contract with vendors, producers, whoever the entity may be for use of the property. There are important terms and conditions considered depending on the event. It was acknowledged in the public meeting of the Park Board that they do not have that. He referenced the contracts with the Cedar Lake Summerfest and Moto on Ice. He discussed the requirements made in those contracts. He stated they have important events on the property and everyone understands what their responsibilities are as a consequence. He stated they don’t have that here. He knows it is an important objective and the Park Board is passionate about it. To be successful it probably needs a bit more structure, organization, and some understanding about the undertaking between them and the Town. He recommended there be a contract or alternatively, at least on this year basis only, a special event permit with staff working out the details with them identifying responsibilities and cost structures. This is proposed as a summer series. There is a significant use of the Town Grounds for this function and series of performances. He does not recommend they deviate from what has occurred and developed over time about the use of this property. Mrs. Rivera asked about what they did with the orchestra. Mr. Austgen stated there was a contract. Mr. Foreman stated that was via the Chamber. Mr. Carnahan stated they contracted with the Chamber. Discussion continued on a special event permit for the requested use.

A motion to authorize the Town Manager to execute a special event permit including the waiver to allow attendees to bring their own refreshments was made by John Foreman with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

**7. Consider Summerfest Committee’s request for the Town to waive the \$100 per night fee for the two nights of fireworks during the 2023 Summerfest**

A motion to approve was made by Robert Carnahan with second by Julie Rivera. Mr. Foreman stated he thinks it is noble but finds it a slippery slope they start opening. Mr. Recupito stated he agreed with John. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – No, Miller – Yes, Schieben – No, Foreman – No, Sharpe – Yes. Vote: 4 – 3.

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**8. Consider Summerfest Committee's request to exchange the \$1000 nightly fee, \$5,000 in total, for a Gold Sponsorship**

A motion to approve was made by Robert Carnahan. Mr. Sharpe stated this is something they have done in the past. Mr. Salatas stated that was his understanding. Mrs. Schieben stated it is a sponsorship not actually waiving a fee. Mrs. Rivera stated it is \$1000 a day they would trade. It was stated it would be a wash. Mr. Recupito asked if the nightly fee is what they charge Summerfest to use the grounds for five days. It was stated yes. Mr. Carnahan stated they put on their banner over the stage that it is sponsored by the Town of Cedar Lake. Mr. Foreman stated Summerfest is a non for profit. Sometimes Summerfest will sponsor other non for profits and other events. He stated he thinks that is wrong. If they want to sponsor it, they should sponsor it, not trades. Mr. Carnahan discussed the electrical upgrades completed by Summerfest in the past. He stated they do contribute back to the Town. A lengthy discussion occurred on the Summerfest and their costs as well as contributions made. Mr. Recupito asked if these kinds of requests could be handled in the contract negotiations. Mr. Austgen stated in his opinion yes and they should be. They have a comprehensive contract. A second was made by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – No, Recupito – No Miller – No, Schieben – Yes, Foreman – No, Sharpe – Yes. Vote: 3 – 4. Motion fails. Mrs. Rivera added that she does not exactly see John's point but she thinks of all the overtime. The in-kind donations by Public Works, Police Department, and Fire Department. The overtime budget is being stretched. She feels like the thousands of dollars in that every year is equivalent to an in-kind donation. That is taxpayer money and not everyone is Cedar Lake goes to Summerfest but the taxpayers are paying for the additional labor, overtime, etc. That is her reason for voting no. Mr. Recupito stated if they are going to sponsor it, they need to make the decision to sponsor it. Waiving the fee is not a road he wants to go down. Mr. Foreman stated if they want to sponsor, they should use a fund like the tourism fund. Mr. Salatas stated there was a request for the tourism funds but those have been dedicated to the Labor Day Fest.

**9. Disbursement Request No. 2 from 2022A Fund No. 323 in the amount of \$127,497.98 for the Police Department Project**

Mr. Salatas stated there are three pay requests for K2M Design Fees for a total of \$127,497.98. As this project continues to roll along, like the projects for the Utility Board, they will see monthly disbursements. As mentioned in prior meetings, these get vetted first by the BOT Developer, GM Development. They go to Veridus for verification. It then goes to the Utility Billing Specialist/CPA, Sue Haase, who reviews it as well before it makes it to the agenda for Council consideration. Mrs. Haase discussed her process of review and use of the local funds on hand before utilizing the construction account. Mr. Recupito asked if anyone in the building reviewed the invoices. Mr. Sharpe stated the Clerk-Treasurer. Mr. Salatas stated the Clerk-Treasurer and Sue is technically a staff member, just not located in this building. Mrs. Haase stated she prepares them and they go to Jennifer to review and then they make it on the agenda. Mr. Foreman stated this is the first BOT they have engaged in. Mr. Salatas stated the statute is approximately thirty years of but in the last ten years it has started to take off. He discussed local municipalities that have used the process for projects.

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

**10. Disbursement Request No. 1 from 2022A Construction Fund No. 10011031163 in the amount of \$15,132.12 for the Police Department Project**

Mr. Salatas stated this is also a K2M Design fee. This closes out the locally held funds. Mrs. Haase stated that is correct.

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

**11. Disbursement Request No. 2 from 2022B Fund No. 324 in the amount of \$236,705.28 for the Fire Department Project**

Mr. Salatas stated similar to the last two items, these are three design fees from K2M for a total of \$236,705.28. Mr. Sharpe stated this is for the Fire Department Project.

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.

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

**12. Consider approving beautification-geese mitigation gardens in three parks, Park of the Red Cedars (Town Complex), North Park (Chamber), and Bartlett-Wahlberg, with added butterfly garden to Bartlett-Wahlberg Park**

This item received a favorable recommendation from Park Board on May 4, 2023 with a vote of 4-0. Mr. Salatas asked for a slight tweak to the Park of the Red Cedars Plan. He thinks the design immediately on the boardwalk is appropriate and good. The tweak would be with the no mow fescue area that they have. It is an awfully large swath of no mow fescue area. North Park and Bartlett-Wahlberg Park are good in his opinion. If they are going to approve all three, he asked for a contingency to review the no mow fescue area. Perhaps tie it into the master planning of the Park of the Red Cedars. That is set to start taking place this summer. No mow fescue areas are essentially grass that is eight inches tall the deters geese, but he does not necessarily know if that is the look they are going for on the site. Mr. Foreman asked about the no mow fescue areas at the parks. Mr. Salatas stated North Park does not have the areas because in discussion with the working group, the geese problem is not really in the park but the swamp area across the way and then they cross over. They have a shrubbery and fence line along the sidewalk with gates that would keep them out. It will stay turf grass. There is a larger gate closer to the Chamber side for mowing crews. Bartlett-Wahlberg does not show any no mow fescue areas. Mr. Salatas added it was the same architect that provided the preliminary for the bandshell, so he had him place that in the concept so they could see what it could potentially look like with the landscaping. He believes the master planning of the sight and the arrangement and location of the bandshell needs to be solidified. Mr. Salatas stated the architects were given orders to keep everything under three feet in height. This way no views from the water are interrupted or vice versa. The fencing that is contemplated on the sites around the shrubbery contemplated would be like the nautical rope at Bartlett-Wahlberg Park. A brief discussion continued on the project. Mr. Recupito discussed the safety railing on the grounds by the lake. He asked if it was the whole frontage by the lake. Mr. Salatas stated yes.

A motion to approve with recommendations made by the Town Manager was made by Colleen Schieben. A brief discussion continued on the conceptual designs for the project presented. Second was by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

**13. Consider approving the revised 2023 Meeting Schedule**

Mr. Salatas stated this is the revised meeting schedule. There is only one change. They are condensing the calendar to allow for staff as well as the Town Manager and Town Attorney to be at meetings. They are moving the Storm Board meeting to the first Thursday of the month. It will be immediately following the Park Board meeting. The Park Board is moving their start time to 5:30PM and Storm Board will begin at 7:00PM. Mr. Carnahan stated he asked if that could be changed for the Storm Board. He asked if they could meet on the third or fourth Thursday. He stated he could not meet the first Thursday. He voiced concerns being the liaison. He asked if any of the other Thursdays were available for Dave. Mr. Austgen stated he had a conflict as well. Mr. Salatas stated this would be effective for June.

A motion to approve was made by John Foreman with second by Colleen Schieben. Roll Call: Carnahan – No, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 2.

**REPORTS**

1. **Town Council** - Mr. Carnahan reported the kids fishing derby sponsored by the Chamber would be the first Saturday in June from 8:00AM to 12:00. The first 100 kids will receive free cane poles. Different businesses will be providing refreshments. Mr. Foreman asked if anyone had spoken with Jennifer about finding funding for the used ambulance at Tri-Creek. Mr. Sharpe stated there was a meeting yesterday that included Council Affairs and Board of Safety. Mr. Foreman asked what about. Mr. Salatas stated at this time he believes the desire is to look at a new ambulance. Funding right now is not in the budget. It would have to be contemplated in the budgeting process with Corby. Mr. Recupito asked how the funding works when you do not take possession of the equipment for a lengthy period of time. Mr. Salatas stated payments are generally due on delivery. If the funding is to be from the physical budget, it would have to be programmed into the year you anticipate to take delivery. That is something the year prior budget sessions would have to contemplate and allocate. If it is bonded out or a similar fashion, the bond would be written in a way or pulled slightly before the expectation of delivery.
2. **Town Attorney** - No report.
3. **Clerk-Treasurer** – No report.
4. **Town Manager** – No report.



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5. **Director of Operations** - Mr. Kubiak stated they had an incident between Summer Winds and Beacon West that bypassed all the reviews and engineers. The water main is seventeen inches under the box culvert at the entrance of Summer Winds. The Water Department caught it and got the developers out there so it could be lowered down to the proper burial. Mr. Kubiak stated it was a great catch on their part. He wanted to recognize them for the work. A brief discussion continued. Mr. Carnahan discussed the street sweeper and it not working properly. Mr. Kubiak stated it is not. A street sweeper is approximately \$260,000. When they take it out, something else breaks. Mr. Carnahan voiced concerns with lack of a street sweeper being used. Mr. Kubiak stated they are still working on it. They have it on the list. He discussed possibly looking at a used unit. Mr. Foreman asked if they could rent a street sweeper. Mr. Kubiak stated it is not an expense they budget for. Discussion continued on capital expenses and budgeting.
6. **Police Department** - Chief Fisher briefly discussed the monthly calls report. He discussed the traffic stop analysis they have begun. It has increased but that is due to the schedule change the department went to.
7. **Fire Department** - Chief Wilkening briefly discussed the monthly calls report. He asked about the decision on the ambulance. He asked why he was not involved in such a meeting with Board of Safety and Council Affairs. Mr. Sharpe stated he was not sure. Council Affairs did not call the meeting. Mr. Salatas stated that is his understanding. It is the purview of those who call the meeting, who they include. Chief Wilkening asked if the decision was to go for a new ambulance. Mr. Salatas stated it was discussed. Chief Wilkening voiced his confusion with the process and lack of inclusion in the meeting.

**WRITTEN COMMUNICATION**

1. **Building Department Report** - Mr. Salatas reported they have received three new construction permits for the month of April. They are at a grand total of 28 year to date. Other permits were 54 in April for a grand total of 165 year to date.
2. **Christopher B. Burke Report** - Most of the projects are ongoing such as the sediment dewatering facility, coordination with MS4, the NIRPC projects, and getting road projects ready. As they get into the summer months, they will be preparing projects either for bid or design and overseeing construction. Mr. Carnahan asked Mr. Salatas to list the road projects. Mr. Salatas stated he believes he did that at the last meeting and did not have the list with him. He directed anyone who is interested to look at the last meeting minutes.
3. **Veridus** – Mr. Salatas stated they are prepping for public listening sessions for master planning of the Town Grounds site and public safety buildings are moving forward. Other work includes getting the Park Superintendent prepped and getting to work on the parks.

**PUBLIC COMMENT**

Mary Joan Dickson stated she sent an email to the Council on the electricity. She said John was the only one who responded. She wanted them to have an understanding that the pole with all the outlets, Summerfest pays the bill. Farmers Market uses that and they do not have a problem with that as long as it does not exceed the basic monthly fee. If it goes over, they would like some direction on how to obtain their money back. She stated the reason they pay for that is for the carnival and all of that. The pole has been there for twenty years. She said there is a lock on it and they will need the key because they will need it for Summerfest. She shared with John that the bylaws are filed with the State of Indiana as a non for profit. She said in their bylaws they are allowed to donate to organizations that participate in Summerfest such as the Fire Department, Police Department, Boy Scouts, Girl Scouts, and Boys and Girls Club. She stated they do follow those bylaws.

Cheryl Parker, 7227 W. 136<sup>th</sup> Court, she asked about the plans for the Parks and if and when they would be available for the public to see. She asked if it was part of the comprehensive plan. Mr. Salatas asked for clarification. Mrs. Parker stated it was item 12 on the agenda. Mr. Kubiak stated the butterfly gardens. Mr. Foreman stated they can get her a print out. Mr. Salatas stated if she puts in a public record request, they can get her a copy. Mr. Foreman handed her a copy. Mr. Salatas reminded her it was only a draft. Mrs. Parker asked why President Niemeyer was adjourning a meeting for 2023. Mrs. Rivera stated she saw that on the March 7, 2023 minutes. Mr. Salatas stated it was a scrivener's error.

**ADJOURNMENT** President Sharpe called the meeting to adjournment at approximately 8:55 PM.

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

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.

**OPENING REMARKS FOR CDBG PUBLIC HEARING**

Each spring, the Lake County Community Economic Development Department applies to the U.S. Department of Housing and Urban Development (HUD) for new funding through the Community Development Block Grant program (CDBG).

One of the application requirements is to hold public hearings in the communities where CDBG funding is allocated in order to obtain input from the local citizens on the proposed use(s) of the new funding for FY2023, the Town of Cedar Lake CDBG allocation is \$66,320.00.

The most common use of CDBG funds is for infrastructure, including street reconstruction, sanitary sewers, water line extensions, storm drainage improvements, sidewalks, and projects to remove architectural barriers (handicapped access), such as curb cuts and wheelchair ramps. CDBG funds may also be used to eliminate slums and blight through demolition of unsafe buildings or other clearance activities.

CDBG funded infrastructure projects may only be done in areas where the neighborhood is at least 51% low/moderate income according to HUD guidelines. In most cases, an income survey must be done to qualify the area for funding eligibility. The income information taken by the survey is strictly confidential, and is used solely for the purpose of determining the area's eligibility for CDBG funding.

Handicapped access projects and demolition may be done anywhere in a community, without the need for area income determinations.

The public hearing is just the start of the application process for Lake County. There are a series of legal advertisements and comment periods that take place during the summer, prior to final grant approval from HUD in late August. New CDBG funding is released to the County and its entitlement communities on or around September 1<sup>st</sup> and needs to be expended by June 15<sup>th</sup> of the following year.

After public comment tonight, three documents need to be read and adopted: the Affirmative Action Program, Section 3 Understanding, and a Resolution authorizing the City/Town Executive to submit a project proposal for CDBG funding.

Finally, Project Applications, and supporting documentation, need to be submitted no later than May 19, 2023, for review by Lake County.

The floor is open for comments.

**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA  
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**AFFIRMATIVE ACTION PROGRAM  
IMPLEMENTING SECTION 3 OF THE  
HOUSING AND URBAN DEVELOPMENT ACT OF 1968**

**SPECIFIC AFFIRMATIVE ACTION STEPS**

TOWN OF CEDAR LAKE agrees to implement the following specific affirmative action steps directed at increasing the utilization of lower income residents and project area businesses.

- A. To ascertain from the HUD Area Office Director the exact boundaries of the Section 3 covered project area and where advantageous, seek the assistance of local officials of the department in preparing and implementing the affirmative action plan.
- B. To attempt to recruit from the appropriate areas the necessary number of lower income residents through: local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, Hometown Plan, or the U.S. Employment Service.
- C. To maintain a list of all lower income area residents who have applied either on their own or on referral from any source and to employ such persons, if otherwise eligible and if a vacancy exists.
- D. To insert this affirmative action plan in all bid documents, and to require all bidders to submit a Section 3 affirmative action plan including utilization goals and the specific steps planned to accomplish the goals.
- E. To ensure that contracts which are typically let on a negotiated rather than a bid basis in areas other than Section 3 covered project area, are also let on a negotiated basis, where ever feasible when let in a Section 3 covered project area.
- F. To formally contact unions, subcontractors, and trade associations, to secure their cooperation for this program.
- G. To ensure that all appropriate project area business concerns are notified of pending contractual opportunities.
- H. To maintain records including copies of correspondence, memoranda, etc., which document that all the above affirmative action steps have been taken.
- I. To appoint or recruit an executive official of the company or agency as Equal Opportunity Officer to coordinate the implementation of this Section 3 Affirmative Action Plan.