

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



June 6, 2023

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

Absent	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	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	

PUBLIC COMMENT  
None

CONSENT AGENDA

1. Minutes: April 27, 2023
2. Claims: All Town Funds: \$626,490.87; Wastewater Operating: \$65,321.51; Water Utility: \$121,404.29; Storm Water: \$16,988.70; and Payroll: May 25, 2023 & June 1, 2023 - \$285,260.54
3. Tag Day: Knights of Columbus, Tag Day 6/24/2023, No rain date

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 Julie Rivera. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1455 – Annexation of Two (2) Additional Small Parcels into Lakeside South (Public Hearing was held on May 16, 2023)

Mr. Salatas explained this is for the small area on the west side of the Schillings 200-acre parcel on the east side of the community. It is approximately four acres. Council Member Foreman read Ordinance No. 1455 by title only. Mr. Austgen stated if adopted, the ordinance would be required to be published one time. Thirty days must elapse before it is effective and notice give to the taxpayers.

A motion to adopt Ordinance No. 1455 was made by John Foreman with second by Ralph Miller. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

2. Ordinance No. 1461 - Boyer – 9720 W 133<sup>rd</sup> Avenue Rezone from B-1 & B-3 to a PUD (Public Hearing 4/21 continued to 5/17/23 Favorable recommendation from the PC on 5/17/23)

Council Member Foreman read Ordinance No. 1461 by title only. Mr. Austgen stated this is a single reading zone map amendment ordinance. It is a PUD zone change that has been requested and processed through the Plan Commission Public Hearing. It is before them on unanimous recommendation. If adopted, it contains the exhibits related to legal description, development agreement, and development plan. Mr. Recupito asked about the permitted uses of the PUD being B1 and B2. He discussed it being utilized for a bank. He asked about the B1 and B2 uses being discussed and negotiated at the Plan Commission. Mr. Salatas answered yes. He stated there are contingencies in there as well. There will be two buildings, one which will be the Centier. There will be an electronic message board that will shut off between 11:00PM and 5:00AM. There will also be a cross access agreement between the two properties for maintenance of the singular entrance. Mr. Austgen added this item was negotiated and vetted by the Plan Commission. A brief discussion continued on the vetting process. Mr. Austgen asked them if adopted, to consider withholding signatures for final review to occur.

A motion to adopt Ordinance No. 1461 was made by John Foreman with second by Colleen Schieben. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

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

**3. Ordinance No. 1462 - Lakeview Business Park PUD Amendment (Favorable recommendation from the PC on 5/16/23)**

Council Member Foreman read Ordinance No. 1462 by title only. Mr. Austgen stated this is an amendment request to the PUD plan that Lakeview Business Park provided and Council previously adopted. He stated Section One of the proposed amendatory ordinance identifies the items sought to be changed. They were reviewed by the Plan Commission also. Mr. Austgen read Section One into the record as follows:

*a. For contiguous lots owned by the same person or entity, the Plan allows a building to be constructed over contiguous property lines b. The Plan allows multiple buildings on one (1) lot, with a setback of twenty (20) feet between the buildings; c. The Plan allows a building to contain multiple tenants; and d. The Plan relocates the subdivision monument sign from Lot 1 to Lot 16, with the exact location along Wicker Avenue to be approved by the Town Engineer.*

Mr. Austgen stated the reason it is before them is because it was deemed to be an amendment that required a change of the contract agreement before the Town and Developer. The details of the plan were important. The Plan Commission thought these were acceptable and appropriate for consideration by the Town Council.

A motion to adopt Ordinance No. 1455 was made by Nick Recupito with second by John Foreman. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0. Mr. Austgen asked for Town Council to direct signatures be withheld pending integration of the terms into the contract. Mr. Sharpe said yes.

**BZA/PLAN**

**1. Lakeview Business Park Maintenance Letter of Credit Conversion in the amount of \$217,777.62 (Favorable recommendation from the PC on 5/17/23)**

Mr. Salatas reported this is a conversion from performance to maintenance letter of credit in the stated amount. This has been reviewed by the attorney, engineer, and public works. Mr. Recupito asked about the amount being approximately 10% of the overall improvements worth. Mr. Salatas stated yes, the value of the public infrastructure.

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

**2. Accept the Extension Letter of Credit for the Perez property in the amount of \$4,430.25 (Favorable recommendation from the PC on 5/17/23)**

Mr. Salatas reported this is extending the letter of credit for one year. Expiration will now be June 14, 2024 in the said amount. This letter of credit is from First Merchants Bank. Mr. Recupito asked what the letter of credit is for. Mr. Salatas stated for performance. Mr. Recupito asked for clarity. Mr. Salatas stated there is public infrastructure that will need to be constructed as part of the Perez's two-lot subdivision. That install is usually curbs and sidewalks. Mr. Austgen discussed the letter of credit addendum.

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

**NEW BUSINESS**

**1. Consider approval to Purchase an Easement for trail improvements from Andrew Ricci in the amount of \$6,950 and to Authorize the Town Manager, Clerk-Treasurer, and Town Attorney to Finalize the Execution of Documents**

Mr. Salatas explained this easement will be located on 133<sup>rd</sup> Avenue as part of the trail project as discussed. It will be paid out of Park Impact Fees.

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

**2. Consider a Joint Interlocal Cooperative Agreement between The Town of Cedar Lake, Indiana, and Lake County, Indiana for Improvement Costs Incurred by the Town for Water Well Exploration, Drilling, Testing and IDEM Permitting Activities Projects**

Mr. Salatas explained this is one of the final steps in the process to get \$650,000 from Lake County. This will be for east side water development. If this passes tonight, once signed it will be forwarded back to Lake County. Lake County will accept the agreement

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

and hopefully cut the check. They are looking to create a special non-reverting fund to receipt the money into to properly track all the expenses related. Mr. Austgen stated he reviewed the documents and they are in good order.

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

**3. Authorization to put the Morse Street Waterline Project out for bid**

Mr. Salatas stated the Morse Street Waterline Project is ready for bid. They are looking for authorization. It will go from the well site on Morse Street up to the northeast corner of the Town Grounds. There will be an extension west on Constitution. They will have secured the final three easements for the project, ideally, by the end of the month. The acceptance of the easements will probably be on the next agenda.

A motion to approve was made by Ralph Miller with second by Julie Rivera. Mr. Salatas noted this is expected to be paid for out of the system development charges, which is the new growth, this project was approved by the IURC. Remaining charges will be paid for from TIF. This is planned in its budget. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

**4. Appointment of a new member to the Unsafe Board**

Colleen Schieben nominated Donna Rozenich. No other nominations were made. A second was made by Ralph Miller. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

**5. Approval for Fire Department's New Hire Todd Konradi, Firefighter/Paramedic (Favorable recommendation from the BOS on 5/24/23)**

Chief Wilkening explained that Mr. Konradi is coming from another department with seventeen years of experience. He replaces another who left. He is ex-military as well. He brings a lot of experience and training to the job. He would be a lateral transfer. A brief discussion continued.

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

**6. Consider a Fireworks Usage & Special Permit Application – July 3, 2023**

Mr. Jeff Bianchi, 8209 Lake Shore Drive, applied for a permit to have a fireworks display. Chief Wilkening discussed previous discussions with Mr. Bianchi on fireworks. Mr. Bianchi built a barge for the water. He made his applications to the state for the permits needed. If Council approves, Chief Wilkening will sign off on the state permit. He stated he thinks it will be a nice display and they have gone through the proper channels. He stated it will not compete with the Summerfest displays. Mr. Sharpe asked if it would interfere with the dredge barge. It was stated it would not. A brief discussion continued.

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

**7. Approval for Fire Department's Emergency Hire Travis Able**

Chief Wilkening explained this is a request for an emergency hire. This is for an EMT/firefighter position. He will need to go through the PERF process. Chief Wilkening stated they are currently down three people. Mr. Salatas stated it is his opinion that an emergency does exist. A brief discussion continued.

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

**REPORTS**

- 1. Town Council** – Mr. Foreman asked Mr. Salatas about a culvert in Meyer Manor. When the subdivision was redone, the culverts were too. He discussed complaints about the culvert popping up. Public Works did redo the culvert. The driveway apron was not repaved only grindings were put in. Mr. Foreman discussed having them reconsider. He asked what the official stance was. Mr. Kubiak stated it was a ductile iron pipe that heaved a little. They dug it out and reset it. They extended the culvert another twenty feet to the west. Normally, they supply the culvert and fix it. They will not replace the

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

pavement or asphalt. He stated it heaved up minimally. They did put millings and total patched over it to the best of their ability. He stated the repaired it two years ago or so. That was nine years after the original project. Mr. Kubiak questioned the length of time that had passed. Mr. Foreman asked who paid for the culvert. Mr. Kubiak stated they supplied the twenty extra feet. Discussion continued on the work that was completed. Mr. Foreman voiced the opinion that they should repave it. He stated he would like to make a motion to give Tim approval to do that. Mr. Kubiak stated he spoke to the resident when they redid it and that they would not repave it. Mr. Foreman made a motion to amend the agenda and add the item to repave the driveway apron at 8221 W. 126<sup>th</sup> Place. Mr. Austgen asked if the improvement is in the public right of way or private property. Mr. Kubiak stated it should be in the public right of way. Mr. Foreman asked how many years after. Mr. Austgen stated it is a six-year statute. Mr. Recupito voiced concerns about setting precedent. He discussed perhaps developing a policy. Discussion occurred on the matter. A second was not made. Motion failed. Mr. Foreman stated he spoke with a gentleman on the storm board who stated the camera was broken. He asked if they could give Tim approval to buy a new camera. Mr. Kubiak stated the camera is not broken. Mr. Salatas stated it was a lack of operator. Mr. Kubiak stated they have a lot of storm projects that are waiting to be done. It is a lack of hours. The sewer guys are the ones that no how to work the camera. A brief discussion continued on the matter.

2. **Town Attorney** - No report.
3. **Clerk-Treasurer** – Clerk-Treasurer Sandberg reported Council Affairs will be meeting this Friday to kick off the 2024 budget. They will go through the Sustainability Plan, meet with department heads, and sit with Council Affairs before holding a special work session to discuss the budget.
4. **Town Manager** – Mr. Salatas stated he meet with Don Oliphant, INDOT, and Lake County Highway Dept. regarding 151<sup>st</sup> Avenue and US 41. They have a tentative plan to build Michigan “J” Turns. INDOT will look to hold a public information meeting in the last quarter of the year. They are looking at engineering and construction in 2025. Mr. Foreman asked if they considered roundabouts. Mr. Salatas stated the Town engineer did bring up roundabouts but it was shot down. The Town and Lake County petitioned for a lighted intersection. They said the powers that be in Indianapolis felt this was the preferred path. A brief discussion continued. Mr. Salatas stated he put in a request to Lake County for some of their Monsanto lawsuit proceeds for the lake project. It is his understanding they received approximately \$5 million and asked them for \$4 million with \$2 million for sediment removal and \$2 for the alum treatment. Mr. Salatas stated Dredge America is pulling pipe to install the buoys. They are tentatively looking at Friday as the start date for removing material. The Chief has been amazing to work with. The drone operators will be on sight to take video of the start of the dredge. It will take three minutes for the material to move through the three-mile pipeline. A safety announcement has been requested to be shared. Jet skis are using the pipeline as a ramp. They have notified the Police Department and Department of Natural Resources. People are to stay 200 feet away from the pipeline.
5. **Director of Operations** - Mr. Kubiak stated the Robins Nest Generator has been received. They are getting ready to install it.
6. **Police Department** – No report.
7. **Fire Department** – No report.

**WRITTEN COMMUNICATION**

None

**PUBLIC COMMENT**

Pam Davenport, 13035 Schubert Street, she stated she addressed Potawatomi Park a couple of meetings ago. She stated she understands the equipment had to be taken out. She stated that is not her issue. Her issue is that the park is one of the largest greenspaces in Town for the public to use. She stated she uses it daily. She stated she needs to make sure that she can still take her dog down to the lake. She stated she questioned Dale and he answered her correctly. She discussed asking for honesty. She stated she was told in a Council meeting last year the park was transferred to the Redevelopment Commission. She stated she had no input on this. She has heard the rumors too. She stated she need to know if she is still going to enjoy the greenspace. Mr. Salatas stated the park and any potential plans for the park will have to go through the process that every single project has to go through, which is the Plan Commission. At this time, it is currently expected to be maintained as greenspace. They do not have plans at this time to install any new park infrastructure. The park will go through a master planning process to identify the needs. They assume out of the certified playground inspectors report, that multiple other fixes around the parks system will be necessary. At this time, it will remain greenspace. Mr. Foreman stated the motive behind it was to always keep that area accessible for Town residents. Right now, more than half of it is a series of cliffs. If anything happens to that area, keeping the publics interest is of the utmost importance. As far as any plans, there was some talk of ideas. Mr. Foreman briefly discussed the master plan years ago and the previous attempt at annexation. If anything does

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

happen with the property, it will all be vetted in public meetings. There is nothing on the radar short-term. He stated they do not want to give up lake greenspace by any means but, there could be a chance to gain. He stated it could be interesting. A brief discussion continued.

**ADJOURNMENT** President Sharpe called the meeting to adjournment at approximately 7:55 PM.

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

\_\_\_\_\_  
Richard Sharpe, President

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John Foreman, Vice President

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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.