

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



August 4, 2020

Public Meeting Advertised for 7:00 PM  
Conducted at the Cedar Lake Town Hall

**Pledge of Allegiance & Moment of Silence**

*In an effort to maintain transparency and accessibility while keeping accordance with the Governor’s Executive Orders relating to COVID-19, the Town Council meeting limited in person attendance but the live broadcast was streamed and can be viewed at <https://cedarlakein.org/view-town-meetings/>. Questions and comments were accepted electronically and instructions can be found on the Public Meeting Agenda, a copy of which can be found at <https://cedarlakein.org/wp-content/uploads/2020/08/08.04.20-Town-Council-Agenda-Supplemental-Packet.pdf>.*

**Roll Call:**

Present*	Robert H. Carnahan Council Member	Ward 1	Present	Colleen Schieben Council Member	Ward 6
Present*	John Foreman Council Member	Ward 2	Present	Richard Sharpe Council Member	Ward 7
Present	Julie Rivera Council Member	Ward 3	Absent	Jennifer N. Sandberg, IAMC Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	Jill Murr, CPM, IAMC, MMC Town Administrator	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

\* Council members Carnahan and Foreman participated remotely.

**PUBLIC COMMENT – None**

**CONSENT AGENDA**

1. Minutes: July 7, 2020 and July 21, 2020
2. Claims: All Town Funds: \$130,789.33; Wastewater Operating:\$158,264.57; Water Utility: \$28,803.09; Storm Water: \$19,942.13; and Payroll: July 23 & 31, 2020 - \$190,255.49

A motion to accept the consent agenda was made by Julie Rivera with second by Richard Sharpe. Mr. Carnahan questioned a payment to Chase. Mrs. Murr explained it was items purchased with a credit card. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

**ORDINANCES & RESOLUTIONS**

**1. Ordinance No. 1358 – Job Description Amendment**

Mrs. Rivera read by title only. President Niemeyer added this was to add the Utility Accounting Specialist and the Technology Director positions.

A motion to adopt Ordinance No. 1358 was made by Ralph Miller with second by Robert Carnahan. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

**2. Ordinance No. 1357 – 2020 Salary Ordinance Amendment**

Mrs. Rivera read by title only. Mrs. Murr explained the Utility Accounting Specialist salary is not to exceed \$100 per hour payable from the utilities. The exempt Technology Director’s salary is not to exceed \$2,500 bi-weekly payable from 25% general and 25% from each utility fund. The Fire Chief’s salary is not to exceed \$2,692.31 bi-weekly.

A motion to adopt was made by Ralph Miller with second by Colleen Schieben. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

**3. Ordinance No. 1359 - Voluntary Annexation - Introductory Reading**

Mrs. Rivera read by title only. Mr. Austgen explained the voluntary annexation of Hanover Community School Corporation for their project. Mr. Otis confirmed the area is southwest of the middle school and runs along Route 41, adjacent to land the school owns. A brief discussion continued on the project and planning.

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A motion to approve was made by Richard Sharpe with second by Julie Rivera. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

**4. Resolution No. 1263 - Transfer Resolution**

Mrs. Rivera read by title only. Mrs. Murr stated as discussed at the Council Affairs meeting with the Clerk-Treasurer this transfer is for the Fire Department in the amount of \$5,710. Transfers from the NIPSCO line item will be made in the amount of \$2,400 to Chief, \$2,300 to FICA/MED and \$1,000 to Miscellaneous Supplies. Mr. Carnahan stated the move from NIPSCO is to help cover part of the Chief's raise. President Niemeyer stated it was discussed there is room within Council's budget to cover the NIPSCO bills.

A motion to approve Resolution No. 1263 was made by Ralph Miller with second by Colleen Schieben. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

**BZA**

**1. Boudreau - Expired Variance Request**

President Niemeyer read the request letter into record. A copy can be found at the end of the minutes. Mr. Austgen discussed the developmental variance and the request before them for extension. Mrs. Murr explained variance requests expire after one year and affect the permit application. A brief discussion continued on the request, jurisdiction, and timeframe.

A motion to defer to the BZA was made by John Foreman with second by Julie Rivera. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

**PLAN**

**1. Letter of Credit: Beacon Pointe Unit 1A**

Mrs. Murr explained this is the Beacon Pointe Unit 1A, changing the letter of credit over to a maintenance letter of credit. It is in the amount of \$25,209.17. This has received check off from the engineer and staff.

A motion to approve was made by Colleen Schieben with second by Richard Sharpe. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

**2. Letter of Credit: Beacon Pointe Unit 2**

Mrs. Murr explained this is the same as the previous item. It is changing to a maintenance letter of credit in the amount of \$151,452.32. This has received check off from the engineer and staff.

A motion to approve was made by Ralph Miller with second by Julie Rivera. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

**NEW BUSINESS**

**1. Award Bid for Community Crossing Grant 2020-01 Funding Project – Surface Treatment, Thin HMA Overlay**

Ms. Murr explained the bid opening was held on August 3<sup>rd</sup> for the Community Crossing Grant, Hot-In-Place Project. Three bids were received. It was recommended to award the bid to Walsh and Kelly in the amount of \$1,198,600.45. It was reviewed by the Town engineer. Mr. Carnahan stated they were the lowest bidder. Mr. Oliphant stated the estimate was approximately \$1.358 million. President Niemeyer asked how many miles of payment will they be getting. Mr. Oliphant stated a little over four miles. Mrs. Murr stated this includes the striping and crosswalks as discussed.

A motion to award the bid to Walsh and Kelly and authorize signature by the Council President was made by Robert Carnahan with second by Colleen Schieben. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

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**2. Ambulance Bid**

Mrs. Murr stated they had received two ambulance bids and the specifications have been reviewed. The recommendation is to re-bid them with some alternatives. President Niemeyer asked why that is the recommendation. Mrs. Murr stated the bid specifications included retro fitting another ambulance with equipment. It was the understanding that the original ambulance bid being put out was for the one ambulance and equipment. There are several items that don't meet the bid specifications. President Niemeyer stated the bids received were for \$439,416 and \$453,026.88. He asked if there was an estimate of what the ambulance cost is and what the equipment cost is. Mrs. Murr stated based on the estimate of the equipment that is in the bid, depending on one of the power cot loaders, is \$169,000 for the equipment alone. President Niemeyer asked if this is to be considered for a re-bid, are there options to bid equipment in an efficient manner that won't cause for additional financing charges. Mrs. Murr stated there is an offer from the company that furnishes some of the equipment. Right now that is 0% interest for 36 months plus a trade in allowance for some older equipment. Mr. Carnahan discussed the original price discussed being lower. Chief Wilkening stated they've always bid the ambulance with the equipment. He stated they bid with the extra equipment because that needs to be replaced. Mr. Foreman stated they don't want to delay this. He asked it to be re-bid as soon as possible. Chief Wilkening asked if they would bid the ambulance and the equipment separate. President Niemeyer stated it depends on the will of the Council. He asked Mrs. Murr what the recommendation was. Mrs. Murr stated they could bid the two separately or as alternatives. Mr. Austgen discussed bidding with the alternatives. Mrs. Murr stated her recommendation was to bid it as one spec with alternatives.

A motion to approve the recommendation of the Town Administrator and re-bid was made by Richard Sharpe with second by Ralph Miller. Mrs. Schieben asked that this be expedited. President Niemeyer asked about the timeframe. A brief discussion continued on the specifications and timeframes. Mrs. Murr asked if the Council was okay with bidding out the extra equipment. President Niemeyer asked about the April meeting and the direction given. Mrs. Murr stated the motion made that evening was for an ambulance bid. Chief Wilkening stated the extras were an additional monitor and a cot and a cot loader. Mr. Sharpe asked about the cost of the additional equipment. Chief Wilkening stated \$100 and some thousand. Mr. Sharpe asked about bidding that separately so they can get the zero interest. President Niemeyer discussed the Council Affairs meeting and the discussion on capital planning. A purchase of this size would have negative impact on other purchases out of the fund in year two or three. Discussion continued on capital plans and cash flow within funds. Mr. Foreman asked if a delay would affect the department. Chief Wilkening stated the ambulances break down all the time. It's a long period to get the ambulance. They are in a position where it needs to be ordered as soon as possible. He stated one of the things considered in this was the current ambulance lease was paid off. The defibrillators would be paid off January 1<sup>st</sup>. The air packs were also paid off as well. He was under the impression that all those payments were available to this purchase with the additional cost as well. This would bring the monthly payment down from \$96,000 a year to the thirties. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0. President Niemeyer asked if this could be ready in the next thirty days. A lengthy discussion continued on the bid and specifications. President Niemeyer asked if they could get this together for the first meeting in September. Mrs. Murr stated provided they could meet the advertising deadlines. Mr. Austgen suggested they meet to discuss and report back to the Council.

**3. Fall Soccer Program**

Mrs. Murr stated they had a park committee meeting and discussed the fall soccer program. Mrs. Schieben stated they discussed postponing the season because of COVID19. They'd love to have it but too much is uncertain at this time.

A motion to postpone fall soccer was made by Ralph Miller with second by Julie Rivera. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

**4. Carpere – Second Addendum**

Mrs. Murr stated Carpere has brought back a second addendum which extends some deadlines. One of the provisions would be December 31, 2020 to provide the Town with the preliminary pro forma and the financial feasibility analysis. Having up to 90 days or the balance of the 365 days due diligence period. Generally, extending the agreement period for up to twenty months instead of the original twelve. President Niemeyer stated a lot of this is due to the economic uncertainty due to the pandemic.

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Mrs. Murr stated it was recommended to have the attorney review and clean-up the document.

A motion to approve Carpere Second Addendum was made by Julie Rivera with second by Richard Sharpe. Roll call vote: Robert Carnahan – No, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 6 - 1.

**5. Palmer – Use Extension of 10833 W 133<sup>rd</sup> Avenue**

President Niemeyer stated Mr. Palmer has been utilizing the Town owned property that is subject of closing. This use extension would be to go past the twelve days allotted in the ordinance and to allow a more steady presence on a weekly basis through the end of the year. He was looking at possibly Thursday thru Sunday.

A motion to approve was made by Colleen Schieben with second by Julie Rivera. Roll call vote: Robert Carnahan – No, John Foreman – No, Ralph Miller – No, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 4 - 3. President Niemeyer stated he had a conversation with the soon to be new owner about whether or not they would be amenable to the use until they have building developed. They will talk with anyone utilizing the area.

**6. Ratification of Walsh & Kelly Paving Proposal**

Mrs. Murr stated at the Street Committee meeting it was discussed to get a proposal for work to be done in Noble Oaks subdivision. The original engineer estimate was around \$80,000. This is for the ratification of a proposal and contract from Walsh and Kelly in an amount of \$63,807.50. The funds identified were MVH, Garbage, and Storm.

A motion to approve the paving proposal was made by John Foreman with second by Robert Carnahan. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

**7. Requests for Proposals**

President Niemeyer stated this item came out of a budget committee meeting. In the process of planning the budget, it was discussed since the Town is without a financial advisor, they don't want to rush into a large scale agreement. The current utility accountant is focused on the water utility rate case. In front of them is a request for proposals for a financial advisor for a single project that includes the 2021 Budget Planning and Reporting, revenue and expenditure analysis, meeting attendance, advice on statutory changes, and provide financial planning services. The recommendation of the committee was to circulate it to the three firms being vetted which are Bakertilly, Crowe Horwath, and O.W. Krohn and Associates.

A motion to solicit proposals as recommended was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

**REPORTS**

**1. Town Council** - Mr. Carnahan stated he had a citizen ask why Lake County Solid Waste was stopping the household hazardous waste programs. He found out it was because of the order of the Lake County Health Department. President Niemeyer stated he had a request from a resident that just moved to Town on whether or not he can fill out the census. Mr. Carnahan stated it's based as of where they were on April 1<sup>st</sup>. Mr. Foreman asked what the updated was with the property on Parrish with abandoned vehicles and sewer. Mr. Oliphant stated they are pulling deed from the assessor. Right now they think the road going into there is privately owned. They should have an update within a week.

- a. Council Affairs Committee – President Niemeyer stated they previously discussed the budget. Tax collections have been fairly solid. LOIT impact won't be seen until next year. Some work needs to be done with the Fire Department to make sure that overtime and other expenses are manageable by the end of the year. Otherwise, they should finish the year in a decent position.
- b. Parks and Recreation Committee – Previously reported on soccer. They are getting preliminary proposals for Bartlett-Wahlberg Park.
- c. Stormwater – Numerous projects are ongoing. Mr. Oliphant is working on improvements with the Hot-In-Place projects. Working on properties and developing solutions and policy moving forward.

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- d. **Letter of Gratitude** – A letter from Chief Fisher was addressed to Tim Kubiak and Tom Stevens as well as the staff at Public Works. President Niemeyer read the letter into the record. Chief Fisher stated he sent a letter to other agency's as well for their help. It was a great show of support from the Town employees. Personnel were responsive and ready if needed. Mr. Foreman thanked everyone as well. A brief discussion continued.

President Niemeyer stated he received a message about an event that would include a first responder's parade of some sort. Details are still being worked out. Mr. Niemeyer stated he received a message about parking issues in the South Shore neighborhood near Bugaboo's. It was asked of Mrs. Schieben to discuss it at the next neighborhood meeting.

2. **Town Attorney** - Mr. Austgen reported work is continuing on Ordinance No. 1352, the reimbursement fee. Mr. Austgen discussed the possibility of refunding the 2007 RDA bonds. They can be refunded at a substantial savings. The savings is estimated at \$215,000 to \$300,000. With an interest rate estimated at 1.15%. The outstanding amount due is \$3,085,000. He recommended they give some consideration to this. He received this information from bond counsel.

A motion to amend the agenda to allow the item for consideration was made by Ralph Miller with second by Colleen Schieben. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

A motion to direct the attorney to put together for the next meeting, an item on refunding the 2007 RDA Lease Rental Bonds and the 2013 bonds was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

3. **Clerk-Treasurer** – Mrs. Murr reported on behalf of Clerk-Treasurer Sandberg that budget items are being diligently worked on as well as various items as discussed at committee meetings. President Niemeyer discussed the aggressive schedule for the proposals discussed earlier.
4. **Town Administrator** – Working on various items such as the ambulance bids and road specifications. A lot is ongoing.
5. **Director of Operations** – No report.
6. **Police Department** – Work continues with the Clerk-Treasurer to purchase new vehicles. He will have more at the next meeting. President Niemeyer stated in committee they discussed an outright purchase of one or two vehicles. Mr. Carnahan asked if Chief Fisher saw the article about Valparaiso and a grant they received for new vehicles. He stated he would drop off a copy to him.
7. **Fire Department** – No report.

**WRITTEN COMMUNICATION**

1. **Lingenfelter – Truman Circle** – A thank you letter was received for work completed at Truman Circle by Tom Stevens and staff.
2. **Christopher B. Burke Report** – Mr. Oliphant reported they are going through a lot of projects. They will have a couple more solicitations for storm water projects. This Friday is the submittal for the railroad crossing grant through INDOT. Highland Subdivision is being further delayed by NIPSCO. They are not meeting the deadlines for right of way acquisition. They have a phone call scheduled for next week. Community Crossings Second Call is still up in the air. Possible updates come September. They are doing a ton of as-builts for new lots in Town. They had approximately 30 last month. Mr. Carnahan asked about Robin's Nest and the easements needed. Mr. Oliphant stated that is being worked on by Town staff. Mrs. Murr stated they are reaching out to homeowners and neighbors affected.

**PUBLIC COMMENT**

Pat Scoleri, 15714 W 101<sup>st</sup> Place, stated he was the EMS Division Chief and he is frustrated with what occurred this evening. He thinks there was a lack of communication. He thought he and Chief Wilkening were pretty transparent with what they needed and wanted. He stated they can't get an empty ambulance without the equipment. He understands the sticker shock involved. He discussed a meeting last fall and the numbers involved. He assumed they were going to do an

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ambulance bid and equipment bid. What happened was they did that then they wanted it merged together. President Niemeyer stated the Council never gave direction to merge them together. Mr. Scoleri stated no it was in discussions with the Clerk-Treasurer, Chief Wilkening, and himself. He blames it all on a lack of communication. He's worried about increased costs. He continued to voice his frustrations. President Niemeyer stated they all understand this is expensive equipment and well needed but it's about the procedure that occurred. A brief discussion continued.

**ADJOURNMENT** Council President Niemeyer called the meeting to adjournment at approximately 8:30 PM.

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

Randell Niemeyer, President

Julie Rivera, Vice President

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Robert H. Carnahan

John Foreman

Ralph Miller

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Colleen Schieben

ATTEST:

Richard Sharpe

Jennifer N. Sandberg, IAMC  
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.
- (5) Any additional information required under IC 5-1.5-2-2



**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA  
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Dear Cedar Lake council members,

I am writing this letter to request the extension on my variance and permits for my proposed out building. Due to the pandemic circumstances at the beginning of 2020 I did not realize it had been over 1 year since my variance approval. I have since paid the variance dues and I am looking for the permitting process to begin. I do apologize about not meeting the 1 year required deadline but there were some changes to the building size after having boring samples done. Also the size of the building changed so I had to have Professional engineered drawing re issued which took longer than expected. The new building size is 40ft by 60 ft with a 16ft high wall. 2400sq ft gravel bed with concrete columns for support. This is smaller than the building that was variance approved at 3500sq/ft. Due to the boring samples I was not able to fit the size of the building on the pad originally proposed thus shrinking the building to be on suitable bearing soil.

I ask of the council to please approve an extension to the variance approval as I have put in a lot of time and effort on this project to make sure everything is done in a professional manner. To start over at this point would be very difficult and would be very costly to me.

Thank you for your time and look forward to joining you at Thursday August 4<sup>th</sup> meeting to answer any questions about this project.

Have a great day.

Steve Boudreau

8311 W 147<sup>th</sup> ave

Cedar Lake, IN 46303



## Cedar Lake Police

7408 Constitution • P.O. Box 305  
Cedar Lake, IN 46303  
(219) 374-5416 FAX (219) 374-9231

Chief William T. Fisher

OFFICE OF CHIEF OF POLICE

[www.cedarlakein.org](http://www.cedarlakein.org)

July 29, 2020

Tim Kubiak  
Director of Operations

Tom Stevens  
Superintendent Cedar Lake Public Works

Dear Mr. Kubiak and Mr. Stevens,

The past weekend, we had an event that took place within the Town of Cedar Lake. This event, known as the Trump Parade 2020, was taking place on a Saturday afternoon. Upon notification of this event and the possibility of protests, we began to plan. Many Departments were notified including Cedar Lake Town Council, Cedar Lake Fire Department, Lake County Sheriff's Department, Indiana Department of Natural Resources, Northwest Regional SWAT Commander, Business Owner's within the Town and the Cedar Lake Public Works Department.

We set up to be prepared for unknown protests that may or may not happen around the Lake. I wanted to personally thank you both and your Department for being there and available during this event. You both have been a staple to our Public Works for several years. Your caring and love for our community shines each and every time the Police Department is in need of your assistance. Neither of you have ever said "no" and always work with us to complete the task at hand, to make our community better, safer and following the mission of Town of Cedar Lake.

Please accept this letter of gratitude for your support last Saturday, you're continue support any time the Cedar Lake Police Department is in need and your continued work ethic that we see on the Streets of the Town of Cedar Lake each and every day. I can only pray that those values are passed on to other workers which will continue the great relationship we have between our two Departments. God Bless.

Respectfully and Honorably,

William T Fisher  
Chief of Police  
Cedar Lake Police Department

Cc: Randy Niemeyer, President Cedar Lake Town Council, Jill Murr, Town Administrator