



September 7, 2021

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	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	Present	Jennifer N. Sandberg, IAMC Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	Rick Eberly Town Manager	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

**PUBLIC COMMENT**

None

**CONSENT AGENDA**

- 1. Minutes:** August 3, 2021 and August 17, 2021
- 2. Tag Day Requests:** Rick Larson Wrestling Club, 10-2-2 (Rain Date 10-9-21)
- 3. Claims:** All Town Funds: \$248,655.13; Wastewater Operating: \$187,372.50; Water Utility: \$69,562.07; Storm Water: \$7,477.81; and Payroll: 8/19/21, 9/1/21, and 9/2/21: \$515,396.17;

A motion to accept and waive the reading of the minutes and accept the consent agenda as listed was made by Ralph Miller with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**ORDINANCES & RESOLUTIONS**

**1. Ordinance No. 1390: Amended and Restated Waterworks Bond Ordinance**

Council Member Sharpe read Ordinance No. 1390 by title only. Mr. Austgen explained this is an amendment to an ordinance adopted last year. It authorizes issuance of water bonds for the water utility and improvements on the east side of Town. It has been amended by bond counsel for the purposes of expanding the financing opportunities to include use of funding through the SRF program.

A motion to approve the 1<sup>st</sup> reading of Ordinance No. 1390 was made by John Foreman with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

A motion to suspend the rules and allow a second reading was made by Colleen Schieben with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

Council Member Sharpe read Ordinance No. 1390 by title only.

A motion to adopt Ordinance No. 1390 was made by Julie Rivera with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**2. Ordinance No. 1393: Establishing Background Check Fees for the Police Department**

Council Member Sharpe read Ordinance No. 1393 by title only. Chief Fisher stated they had a discussion today and are asking for this item to be deferred. They will be looking into the fee structure for quite a few things. They will correct and amend under one ordinance.

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

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

**3. Ordinance No. 1394: Annexation Petition Introductory Ordinance – 10702 W 141<sup>st</sup> Avenue – Michael Neubauer**

Council Member Sharpe read Ordinance No. 1394 by title only. Mark Anderson of Anderson & Anderson, spoke on behalf of Michael Neubauer, the petitioner. This is in regards to the 8.04-acre parcel that is surrounded on all sides by the Town. They are seeking annexation. Mr. Austgen stated this is pro forma. They have the introductory reading on the annexation ordinance. That will beg the next actions including the notice of public hearing for the resolution on the fiscal plan. It will be a period of 90-days. Mr. Carnahan asked for clarification on the parcel location. It was clarified it is west of Lennar and east of the middle school. Mr. Niemeyer stated that Mr. Neubauer has a tremendous idea for the area that doesn't include houses. It will greatly enhance the area.

A motion to approve the 1<sup>st</sup> reading of Ordinance No. 1394 was made by Ralph Miller with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**4. Ordinance No. 1395: Annexation Petition Introductory Ordinance – 12416 Wicker Avenue – Rory Ravens**

Council Member Sharpe read Ordinance No. 1395 by title only. Mark Anderson of Anderson & Anderson, spoke on behalf of CL Leasing LLC/Rory Ravens, the petitioner. This is in regards to the 1.5-acre parcel. It is similar to the last request. This is the introductory ordinance and the beginning of the process for annexation. Mr. Austgen stated this is pro forma. Same as the last item.

A motion to approve the 1<sup>st</sup> reading of Ordinance No. 1395 was made by Robert Carnahan with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**5. Ordinance No. 1396: Rezone Boersma/Wiers Electric 12828 Wicker Avenue from B-1 to B-3**

Council Member Sharpe read Ordinance No. 1396 by title only. Mr. Eberly stated they have the certification of the Plan Commission of their unanimous recommendation. This would be to rezone the property from B-1 to B-3.

A motion to adopt Ordinance No. 1396 was made by John Foreman with second by Robert Carnahan. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**6. Ordinance No. 1397: System Wide Development Ordinance – Introductory Reading Only**

Council Member Sharpe read Ordinance No. 1397 read by title only. Mr. Austgen stated this ordinance presents the opportunity to support the petition that was filed before the Indiana Utility Regulatory Commission (IURC). This is to consolidate to a single Town water system wide system development charge rate. Presently, and from the time of acquisition of the water utilities, there have been separate system development charge rates. When they finished the last petition before the commission last year, that proceeding ended with orders and direction from the IURC to consolidate on or before September 1<sup>st</sup>. They made the September 1<sup>st</sup> filing consistent with the orders of the IURC. The petition is being prepared and evidence is being submitted by consultants and staff. This ordinance supports that evidence. The amount will be system wide. \$2,703 is the amount deemed appropriate and payable by new users not existing customers. This is an introduction only.

A motion to approve the 1<sup>st</sup> reading of Ordinance No. 1397 was made by Colleen Schieben with second by Julie Rivera. Mr. Foreman confirmed this rate is for new users only. Roll call vote: Carnahan – No, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 1.

**7. Resolution No. 1288: Master Lease Agreement for Police Vehicles**

Council Member Sharpe read Resolution No. 1288 by title only. Clerk-Treasurer Sandberg explained they previously approved the purchase of new police vehicles. It has been quite a process to get said vehicles. They finally have a delivery date for the first of the four vehicles. This resolution is to enter into the master lease agreement with BB Community Leasing for the vehicles. It includes the first vehicle and as the next vehicles become available, they will add another schedule to the master lease agreement. This is similar to action taken in the past with Tax-Exempt Leasing Corp. The total price of the first vehicle is \$43,968.50. The first payment will be due in January 2022. A brief discussion continued.

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

A motion to approve Resolution No. 1288 was made by Colleen Schieben with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**BZA/Plan Commission**

**1. Letter of Credit: Centennial Phase 15**

Mr. Eberly stated this comes to them with a recommendation from the Plan Commission to accept the Letter of Credit. The Letter of Credit is in an amount of \$82,029.20. This is for the 15<sup>th</sup> phase of Centennial.

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

**2. Letter of Credit: Rose Garden Estates Unit 3**

Mr. Eberly stated this item is similar to the last. It comes to them with a recommendation from the Plan Commission to accept the Letter of Credit. The Letter of Credit is in an amount of \$1,913,079.85.

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

**NEW BUSINESS**

**1. Peterson Consulting Services Agreement to Assist in Preparing the GASB 34 Report for FY 2021**

Clerk-Treasurer Sandberg stated for the last few years Peterson Consulting has been helping the Town with the annual reporting of capital assets. This is the annual agreement. State Board of Accounts has stated capital assets will be higher on their priority list when conducting future examinations. The amount of the agreement has not changed from previous years. It is \$3,500.

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

**2. Sewer Elimination Agreement for 14705 Dewey Street**

Clerk-Treasurer Sandberg reported this sewer tap had been capped off and inspected. Everything is in order and ready for their consideration.

A motion to approve was made by Richard Sharpe with second by Julie Rivera. A brief discussion continued on the location. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**REPORTS**

1. Town Council - Mr. Carnahan reported the Fire Department would be having a September 11<sup>th</sup> Memorial Ceremony at St. Michael's Church on September 11<sup>th</sup> at 2 PM. The Chamber is celebrating their 50<sup>th</sup> Anniversary on October 8<sup>th</sup> at the Lighthouse Restaurant. Household hazardous waste collection will take place this Saturday at Lowell Middle School. Mr. Niemeyer asked for an update on Bartlett-Wahlberg Park. Mr. Eberly stated he received correspondence from the architect. They are completing the plans. The expectation is still to have it out to bid and constructed before the end of the season. Mr. Niemeyer stated now that they have the Census data, they need to undertake the process of redistricting locally. He stated the previous Town Manager worked diligently with the Council and County staff to make sure they followed statute. He would like to see them get that done in the near future. There has been a lot of growth in Town, especially on the west side, and they need to make sure they balance the ward maps. He would like to see that made a priority. Mr. Carnahan stated in the past they have tried to get an equal amount of population in each ward. Some areas may have to be moved. Mr. Eberly stated there can be no more than a 10% variation between the most and the least populated wards. Mr. Eberly asked if that is something a Council sub-committee would like to be a part of. A brief discussion occurred on participation during the process. Mr. Carnahan added that according to Census data the Town's population went up 22%. 14,106 is the total population according to data. A brief discussion continued on prior redistricting efforts. Mr. Niemeyer addressed rumors about an athletic complex. He introduced the idea of an athletic complex on the 114 acres parcel the Town owns earlier this year. He has been working with Veridus Group to find a consultant who can help facilitate an initial visioning meeting. This meeting would include community stakeholders. That is something he is working on. All he is doing is taking input from citizens around the

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

community and applying it to something people have said they desire. They have the opportunity to do something with the growth they are seeing. This is a matter of creating a platform. There are rumors that the Town is going to eminent domain the current softball and baseball fields. That has zero truth to it. The Town has nothing to do with property that is owned by someone else. Mr. Niemeyer reported they had a couple of Council Affairs meetings to discuss the 2022 budget. At the last meeting he feels they have taken a step closer to getting there. The department heads have submitted their requests. One of the things they discussed in the development of the sustainability plan, was looking at how to take miscellaneous revenues and utilize those to help supplement the needed growth of services until the property tax collection takes the place. That was one of the first concepts when discussing growth of services. Based on requests of departments, there is a hole of approximately \$450,000 when compared to current revenues and requests. Based on calculations of miscellaneous revenues and cash balances, they can possibly sustain. Mr. Thompson was looking into the sustainability. A lengthy discussion continued on needs as well as cash balances and sustainability. Mrs. Rivera thanked Mrs. Schieben for her hard work in regards to the Labor Day Fest that was held. The Council concurred and thanked Mrs. Schieben. Mr. Foreman discussed looking into a speaker system for use during these types of events. A brief discussion continued.

Mr. Niemeyer briefly discussed the Ordinance for Collection of Fire Response Fees as well as Ambulance Fees. These items were discussed during budget meetings as items that could help sustain revenue streams. Mr. Austgen stated he is working on the items. He has some information from Chief Wilkening and they need to get together to discuss. Mr. Niemeyer stated they would like to have those adopted prior to the budget adoption. A brief discussion continued.

2. Town Attorney - No report.
3. Clerk-Treasurer - Clerk-Treasurer Sandberg stated the Town has received the first distribution from the American Rescue Plan Act. The Town of Cedar Lake received just over \$1.4 million dollars. It has been receipted into the appropriate fund. She thinks it would be wise to have Council Affairs meet to discuss the plan for the funds. Mr. Foreman asked if the state gave a list of what they can or can't use it for. Ms. Sandberg stated in reading the fine print it seems the smartest route would be to utilize the funds on water and/or wastewater infrastructure. Those uses are repeated multiple times throughout the Interim Final Rule. Ultimately, it comes down to how the Council deems it appropriate to spend. They will be required to have backup documentation to go along with any and all expenditures from the fund. Ms. Sandberg stated she will be responsible for reporting all expenditures to the State and Federal Government. This includes letters from the financial consultants as well as the attorney. Mr. Niemeyer stated the sustainability plan identified a portion of the funds to be used for the eco-restoration project. In talking with the financial advisor, he thinks it is available for that. Like Jen said, they have to be clear and careful with how they craft the language that allows them to appropriate that money. A lengthy discussion continued on the subject matter.
4. Town Manager - Mr. Eberly stated they would like to plan for the budget public hearing on September 28<sup>th</sup>. They have one more sub-committee meeting for this Thursday. If they push the public hearing to the 28<sup>th</sup>, they can have an additional sub-committee meeting. A brief discussion continued. Council concurred with having a special meeting on September 28<sup>th</sup>. Mr. Miller asked if they were still having a JMOB meeting on the 28<sup>th</sup>. Mr. Eberly stated they are still working on scheduling a date for JMOB.
5. Director of Operations - No report.
6. Police Department - Chief Fisher stated they have the monthly call report for August in their packets. He briefly discussed the increased calls for service.
7. Fire Department - Chief Wilkening reported the call volume is increasing. He discussed the hospitals filling quickly again. A lengthy discussion continued on COVID and hospitalizations. He thanked the community for the great turnout at the Fireman's Ball. It's estimated they raised over \$14,000. The remodel project is continuing. The upstairs is estimated to be completed by the end of this week.

**WRITTEN COMMUNICATION**

None

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

**PUBLIC COMMENT**

Robert Fahler, 12828 Alexander Street, voiced concerns with the mask mandate at Hanover Community Schools and lack of e-learning opportunities. He stated he would like to see some recourse as he gets nowhere with the school board. Mr. Niemeyer asked if he attended school meetings. Mr. Fahler stated yes. He stated he has his reasons for not wanting his child to wear a mask. He continued to voice concerns with the mask mandate and lack of e-learning options. Mr. Foreman stated at this venue, they are powerless. This is a decision by the school. Mr. Fahler asked if he could freeze his taxes that go to the school. Mr. Foreman stated that is a county issue. Mr. Niemeyer stated the state does have a school voucher program he could look into. Mr. Fahler continued to voice concerns. A lengthy discussion continued.

Carol Kerr, 9900 W. 129<sup>th</sup> Place, stated she had to call an ambulance over the weekend. They stated to her that her pressure wasn't that bad. She didn't understand at the time but now she gets it. They really had no where to take her. What's happening is the ICU is filling with unvaccinated people. She voiced her opinion on masks and vaccinations. She added she wished to apologize to Mr. Kubiak because she was harsh on him. After their direction, all the work previously discussed was completed. She discussed three news articles about wage increases and premium pay in surrounding communities. She asked if someone was working on that for the Town. Mr. Niemeyer stated they have been working on that all along. This year they approved mid-year raises for the Fire Department. Last year they raised police and fire pay. They've gone up approximately 15% in the last two years. Mr. Niemeyer stated they have been addressing it all along, they just didn't call a newspaper to report it. Mrs. Kerr asked if they will be giving the police and fire departments as well as themselves raises. Mr. Niemeyer stated the budget includes the consideration of fulfilling the needs of the departments and ways to sustain that. They want to sustain these things.

Kathy Kowalczyk, 10717 W. 134<sup>th</sup> Place, soon she will be a resident of Rose Garden Estates. She asked what her address would be. There seems to be some confusion with addresses. Mr. Eberly stated the developer is going through a plat of correction before the Plan Commission. They have not yet gone through the official meeting but the changes were agreed to. They need to go through the plat of correction process. A lengthy discussion continued on the Lennar development.

Marvin Mickow, 13428 Robin Drive, stated he has been a resident of Cedar Lake since 2007. He voiced concerns with noise pollution. A neighbor has two stock cars and is running the vehicles constantly in the garage with the door open. The vehicles have no exhaust pipes. They are parked in the front lawn during the holidays. Mr. Mickow approached the Town Manager and he received a copy of the Town ordinance. He voiced concerns with the ordinance not being able to be enforced by the police. All the neighbors hear it and most are concerned by the noise. Mr. Mickow voiced concerns with a forty-foot trailer for the stock cars being parked on the street. It's been there for quite some time. He asked if there is anything the Town can do. The HOA said it isn't their problem because it is parked on a Town owned street. Mr. Mickow continued to voice concerns with the noise and trailer. He asked the Council for their comments and suggestions on the matter. Chief Fisher stated they have responded to complaints multiple times. The problem is there is no noise violation when they get there. The trailer is in a terrible spot but it doesn't violate an ordinance. There is nothing the officers can do. If they don't hear the noise violation, they won't write a ticket. Mrs. Rivera asked about cars parked on a lawn. Chief Fisher stated it's private property. Mr. Mickow stated there are no license plates on the cars. Chief Fisher stated he is not driving them on the road. They are a special vehicle and don't require registration like a regular car. Chief Fisher stated they've tried to address this before and were met with many passionate community members. Mr. Niemeyer stated recreational trailers are all the same. He believes it was his second year on the Council when they discussed this. Chief Fisher reiterated there is no ordinance violation. A very lengthy discussion continued on the matter.

Carol Kerr briefly discussed rumors of a raffle win.

**ADJOURNMENT** President Niemeyer called the meeting to adjournment at approximately 8:45 PM.

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

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

Randell Niemeyer, President, Ward 5

Richard Sharpe, Vice President, Ward 7

Robert H. Carnahan, Ward 1

John Foreman, Ward 2

Julie Rivera, Ward 3

Ralph Miller, Ward 4

ATTEST:

Colleen Schieben, Ward 6

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.