

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



September 21, 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	Absent	Colleen Schieben Council Member	Ward 6
Present	John Foreman Council Member	Ward 2	Absent	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	

SPECIAL PRESENTATION

Emily Linz, special education teacher, and Shawna Aeschliman, paraprofessional, Jane Ball Elementary School, presented the Police Department and Fire Department with artwork created by the children of her class. The artwork was created to honor and remember the events of September 11<sup>th</sup> and the first responders.

PUBLIC COMMENT

Mr. Cox, 14230 Sherman, chaired an ad hoc committee in his neighborhood for community improvements. A number of people have voiced the opinion that they would like to see a pavilion and picnic area not playground equipment. Mr. Cox stated they said they're not opposed to having something there. They would just like to see something geared toward picnicking. The vision for park improvements was discussed. Mr. Kubiak stated the discussion on improvements included a pavilion as well as a tot lot. The neighborhood isn't strictly seniors but the majority of it is. Discussion at the committee meeting included the possibility of having pavilions at the parks as well. Possibly following a similar style as to what is being installed at Bartlett-Wahlberg Park. A lengthy discussion continued on the neighborhood layout and proposed park improvements.

Mr. Niemeyer asked about the timeline for some of the improvements. Mr. Eberly reported the hope was to get approval to order the equipment. If they order it before the end of the month they can lock in the prices. Lead time is twelve to sixteen weeks. The equipment would be installed next spring. The Park and Recreation Committee chose option 2 equipment and option 2 swings to be uniform. Mr. Niemeyer asked if the parks were set in place or if they can adjust where they place equipment. Mr. Eberly stated he believes there is room to do both at their park. The idea was to make it uniform in size at all of the parks. The parks identified were Kiwanis, Lynnsway, Monastery North, and Woods of Cedar Creek. Those were recommended by Mr. Dale Gurgel who primarily works on all the Town parks. The recommendation in front of them is for that specific equipment in those four parks. A lengthy discussion continued on proposed park improvements.

Mr. Cox shared fond memories of resident Dave Brunius. He passed away before seeing anything with the park come to fruition. He asked the Council to consider naming the park after him.

Mary Joan Dickson, 8711 W. 132<sup>nd</sup> Place, discussed the park projects and ADA facilities. She stated there is no playground equipment for children with disabilities and they need to look at that. Mr. Kubiak stated the new equipment is. Mrs. Dickson discussed the state of the basketball courts at the Town Grounds and Meyer Manor. She stated it is uneven and needs to be resurfaced. She asked them to address it.

CONSENT AGENDA

1. **Minutes:** August 17, 2021 Special Joint Meeting
2. **Claims:** All Town Funds: \$340,830.12; Wastewater Operating: \$53,230.55; Water Utility: \$66,630.32; Storm Water: \$79,862.25; and Payroll: 09/16/21 - \$220,271.45
3. **Manual Journal Entries:** August 1 – 31, 2021
4. **Donations:** Police Donation: Schillings, \$7,599 / DARE Donations: American Legion, \$100; Elmwood Funeral Chapel, \$250; Gerald Smith, Parking Lot Collections, \$1,100

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 asked about a claim to Bosak Ford for an Escape Hybrid at \$25,766. He asked if that was to be reimbursed through a grant. Clerk-Treasurer Sandberg stated yes. The total grant is for \$50,000 and a second vehicle will be coming. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Vote: 5 - 0.

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**ORDINANCES & RESOLUTIONS**

**1. Ordinance No. 1398: Rezone Ordinance from R-1 and PUD to PUD**

Council Member Foreman read Ordinance No. 1398 by title only. Mr. Austgen stated the matter before them is the zone change applied for by the Cedar Lake Ministries. This is for the entirety of the property. The matter is a replat of the portion of the property into lot 2. It contemplates a zoning change from R-1 and PUD to PUD. The Town's ordinance requires a development agreement. The development agreement is the commitment by the developer for use consistent with what the ordinance permits. It was the subject of a significant amount of dialogue for a period of approximately four months. It was mutually agreed upon guidance of what will happen on the property. The development agreement was approved by the Plan Commission for being appended to the ordinance. The matter before you also include addressing some storm/drainage issues. There is a separate agreement. The community will commit to some improvements that were recommended by the Town's engineer. These improvements will be mutually beneficial. Mr. Austgen recommended if they act favorably upon the items before them, they do so but withhold signatures until staff and consultants check off on the exhibits.

A motion to adopt Ordinance No. 1398 with contingencies as discussed was made by John Foreman with second by Robert Carnahan. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Vote: 5 - 0.

Mr. Niemeyer stated the Planned Unit Development (PUD) Contract Agreement was vetted over many, many discussions. It is a lengthy document. It's been a lot of work to get to this point. He thanked everyone for working through all the details.

A motion to approve the Planned Unit Development Contract Agreement was made by John Foreman with second by Robert Carnahan. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Vote: 5 - 0.

Mr. Niemeyer stated this storm agreement will be appended to the ordinance. The Drainage and Stormwater Management Agreement has mutual consideration between the parties. A motion to approve the agreement was made by Julie Rivera with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Vote: 5 - 0. A representative of Cedar Lake Ministries, John Pershing, thanked the Council for the action taken this evening. A brief discussion continued.

**2. Resolution No. 1289: Confirmatory Transfer Resolution**

Clerk-Treasurer Sandberg read Resolution No. 1289 by title only. She stated this is a simple confirming resolution. The total amount of the transfer is \$2,000 within the General Fund. This is for operating expenditures.

A motion to approve Resolution No. 1289 was made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Vote: 5 - 0.

**BZA/PLAN**

**1. Birchwood Phase 3 - Performance Letter of Credit**

Mr. Eberly reported this item was recommended unanimously by the Plan Commission for the Council to accept this performance letter of credit for Birchwood Phase 3. It is in the amount of \$288,556.68 with an expiration date of September 5, 2024.

A motion to approve the Performance Letter of Credit for Birchwood Phase 3 was made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Vote: 5 - 0.

**2. Rose Garden Estates – Phase 1 - Performance Letter of Credit**

Mr. Eberly reported this is the same as the previous item. This is the Phase 1 performance letter of credit for Rose Garden Estates. It is extending the expiration date to October 14, 2022 in the amount of \$6,067,696.25. It comes with a favorable recommendation from the Plan Commission.

A motion to approve the Performance Letter of Credit for Rose Garden Estates Phase 1 was made by Ralph Miller with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Vote: 5 - 0.

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**3. Rose Garden Estates – Phase 2 – Performance Letter of Credit**

Mr. Eberly stated this is also an extension. It extends the expiration date to December 9, 2022. It is in the amount of \$1,685,193.13. It comes with a favorable recommendation from the Plan Commission.

A motion to approve the Performance Letter of Credit for Rose Garden Estates Phase 1 was made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Vote: 5 - 0.

**4. Centennial – Phase 13 – Maintenance Letter of Credit**

Mr. Eberly stated this is a maintenance letter of credit. It comes with a favorable recommendation from the Plan Commission. It has an expiration date of October 29, 2024. It is in the amount of \$121,699.59.

A motion to approve the Maintenance Letter of Credit for Centennial Phase 13 was made by Ralph Miller with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Vote: 5 - 0.

**NEW BUSINESS**

**1. 129<sup>th</sup> Roadway & Drainage Improvements Change Order 1**

Mr. Eberly reported this change order is a result of doing a little extra grading on 129<sup>th</sup> Avenue. This was a community crossing matching grant project. The original engineer's estimate was \$785,000. The bid came in under at approximately \$687,000. This change order is only \$6,925. It is 100% the responsibility of the Town but well under the original budget. Mr. Eberly praised Mr. Kubiak for his work on the project as well as securing and completing updates to the Clubhouse parking lot.

A motion to approve Change Order 1 was made by Robert Carnahan with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Vote: 5 - 0.

**2. 129<sup>th</sup> Roadway & Drainage Improvements Request 3**

Mr. Eberly stated this item comes to them with a recommendation from Don Oliphant at Christopher Burke. This is for pay application request number 3 for the 129<sup>th</sup> Avenue project. The amount of the request is \$153,468.

A motion to approve Pay Request Number 3 was made by John Foreman with second by Robert Carnahan. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Vote: 5 - 0.

**3. Morse Street Corridor HMA Surface Overlay**

Mr. Eberly stated earlier this year the Council Street Committee met and talked about some local street projects that they could get done. This is for hma surface overlay to roads on the east side of the lake. The work came in well under the requirement to bid. The received quotes for the work. Don Oliphant with Christopher Burke is recommending they go with Milestone Contractors North who submitted a quote in the amount of \$111,619. Mr. Niemeyer asked which streets. It was answered the list included 135<sup>th</sup>, 137<sup>th</sup>, 140<sup>th</sup>, and 143<sup>rd</sup>. Mr. Kubiak stated the streets include the smaller ones that were left off last time. A brief discussion continued on street projects.

A motion to approve was made by Julie Rivera with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Vote: 5 - 0.

**4. Request to Purchase Street Signs Using Fund No. 270, IIC Special Revenue Non-Reverting Fund**

Mr. Eberly stated this is a request from Mr. Kubiak. Mr. Kubiak discussed the signs recently installed from Constitution Avenue and south. This dollar amount is what they need to purchase the signs for the top of the posts they currently have. They started buying the signs last year that include the new Town logo. The goal is to get these done before the end of the year. They should have enough to get to Meyer Manor.

A motion to approve the request in the amount of \$3,460.25 was made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Vote: 5 - 0.

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**5. Park Projects**

A motion to approve the park equipment as previously discussed in the amount of \$160,776 was made by John Foreman with second by Julie Rivera. Mrs. Rivera thanked everyone on the committee for their time and thought on the park improvements. Mr. Niemeyer asked they look and take into consideration the items discussed earlier this evening. Mr. Kubiak thanked Dale Gurgel for his effort and work on the parks. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Vote: 5 - 0.

**REPORTS**

1. Town Council - Mr. Carnahan stated October 8<sup>th</sup> the Chamber is having a 50<sup>th</sup> Anniversary at the Lighthouse. They received a memo on the 2020 Census. Mr. Carnahan tried getting a hold of someone at the census office but hasn't received a response. Mr. Niemeyer discussed possibly being under counted and the possibility of appealing. Mr. Carnahan stated NIRPC reported the largest growth was in Crown Point, St. John, Winfield, and Cedar Lake. A lengthy discussion continued on the Census and outdated methods for data collection. Mr. Niemeyer asked about the Ordinance for Collection of Fire Response Fees as well as the Ambulance Fees. Mr. Austgen stated they are working on these. He will meet with Todd next week. Mr. Niemeyer discussed the 2022 budget and discussions that involve the contemplation of spending in excess of the levy. He discussed the requests made by department heads. Part of the contemplation is to invest miscellaneous revenues that they don't currently collect. They are putting together conservative numbers but could be looking at an excess of spending near \$700,000 over last year. It's a pretty significant change but part of the discussion centers on utilizing cash to sustain until the property taxes from the growth of the Town catches up. Mr. Niemeyer continued to discuss sustainability and revenue sources. Discussion continued on the 2022 budget and public hearing.
2. Town Attorney
  - a. Ordinance No. 1394, Annexation Petition – 10702 W 141<sup>st</sup> Avenue, Neubauer
  - b. Ordinance No. 1395, Annexation Petition – 12416 Wicker Avenue, RavensMr. Austgen stated these are the annexation items. October 19<sup>th</sup> there will be a public hearing on both.
3. Clerk-Treasurer - Clerk-Treasurer Sandberg reported work on the budget continues as well as going through the State Board of Accounts Examination.
4. Town Manager – No report.
5. Director of Operations – No report.
6. Police Department – No report.
7. Fire Department – Chief Wilkening reported on the September 11<sup>th</sup> Ceremony. They had a great community turnout. The ceremony at St. Michael's was well attended. He thanked Father John for hosting. Amy Early did an outstanding job setting up the entire event. He thanked her for her dedication. They plan on doing a 25<sup>th</sup> anniversary celebration. Chief Wilkening discussed the improvements at the fire station. They are still working on it and plan to hold an open house once they are able to.

Mr. Carnahan discussed his personal connection to September 11<sup>th</sup>. He had a family member in the area of the Twin Towers. Chief Wilkening discussed visiting the site of the Twin Towers in the aftermath. Mr. Austgen discussed the 9/11 Ceremony in Schererville. He stated they may be able to offer some guidance. Chief Wilkening discussed Schererville having a dedicated area for a ceremony. A lengthy discussion continued on the events of September 11, 2001.

**WRITTEN COMMUNICATION**

1. Building Department Report - Mr. Niemeyer briefly went over the building department report.
2. Christopher B. Burke Report – Items previously discussed. Mr. Carnahan asked John if there was an update on the Ecosystem project. Mr. Foreman stated not at this time. They are moving forward with their work.

**PUBLIC COMMENT**

Mary Joan Dickson discussed drainage issues in Meyer Manor. She discussed a significant amount of money being spent on a study and nothing being done with it. She stated water washes into her property as well as her neighbors. Mr. Niemeyer asked her to refresh his memory on what they've done. She stated nothing. Mr. Kubiak discussed the previous road project in Meyer Manor. Approximately, five years ago the roads were redone. Her road didn't get finished with storm drains. Mr. Niemeyer voiced issues with accountability. He stated people shouldn't have to come to their meetings to get things done. There are departments and people that are supposed to respond. He voiced his frustration. Mrs. Dickson stated it is not only her street but Grimm wasn't finished either. She voiced concerns with money being spent on a study and nothing being done with it. Mr. Kubiak stated they've been out to look at her issue. It is on the list of things to tackle

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but the amount of water that goes down the hill is water that is going down a hill. They have all these things they are working on and there are only so many things you can address at a time. Curbs and drainage gutters are needed. It is on the list. Mr. Kubiak discussed the frustration of trying to prioritize these similar drainage issues. A lengthy discussion continued on storm/drainage projects and updating as well as circulating the list of projects.

Mr. Kubiak briefly discussed new issues with trees in the parkways. Multiple conversations overlapped on the debated issue of allowing trees in the parkways.

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

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

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Randell Niemeyer, President, Ward 5

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Richard Sharpe, Vice President, Ward 7

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Robert H. Carnahan, Ward 1

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John Foreman, Ward 2

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Julie Rivera, Ward 3

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Ralph Miller, Ward 4

ATTEST:

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Colleen Schieben, Ward 6

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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.