

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

October 19, 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	

President Niemeyer asked everyone to keep the family of Jim Keilman in their prayers. Mr. Keilman was a reserve officer for many years for the Town of Cedar Lake. He was a unique individual that had a positive impact on everything he did.

PUBLIC COMMENT

None

PUBLIC HEARINGS

1. Ordinance No. 1394, Annexation Petition – 10702 W 141st Avenue, Neubauer

- Review of Legals – Mr. Austgen stated the legals are in order. The notices were published timely. This is the fiscal component of the annexation ordinance.
- Reading of Ordinance No. 1394 – Council Member Sharpe read by title only.
- Reading of Resolution No. 1293 – Council Member Sharpe read by title only.
- Remonstrators – Mr. Anderson of Anderson & Anderson was present of behalf of the petitioner. Mr. Eberly stated late this afternoon he saw the legal notice advertised for September 7th. He asked if it was corrected. Mr. Austgen stated he thought it was corrected. He will check into it.
- Town Council Discussion – Council Member Carnahan asked about the parcel location and the proposed business. Mr. Anderson stated west of Rose Garden and it's proposed as a storage unit.
- Town Council Decision on Resolution No. 1293

A motion to approve Resolution No. 1293 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.

2. Ordinance No. 1395, Annexation Petition – 12416 Wicker Avenue, Ravens

- Review of Legals – Mr. Austgen stated the legals are in order for the public hearing. This is the fiscal component of the annexation ordinance.
- Reading of Ordinance No. 1395 – Council Member Sharpe read by title only.
- Reading of Resolution No. 1294 – Council Member Sharpe read by title only.
- Remonstrators – Mr. Anderson of Anderson & Anderson was present on behalf of the petitioner.
- Town Council Discussion – Council Member Foreman stated this is on Wicker Avenue. A few months back there was discussion on making this B-3. He thought in the proper section it should be updated. Mr. Eberly recalled the same as Mr. Foreman that discussion included having it annexed in as B-3. Mr. Austgen stated policy has always been to annex as agricultural. A brief discussion continued on the zoning process. Mr. Niemeyer stated he was in agreement with Mr. Foreman on this particular item. Mr. Austgen stated they could do it right now. A brief discussion continued on the zoning of this particular parcel.
- Town Council Decision on Resolution No. 1294

A motion to approve the amendment of Resolution No. 1294 to include B-3 zoning as the zoning classification for the property 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.

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A motion to approve Resolution No. 1294 was made by John Foreman 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.

CONSENT AGENDA

1. **Minutes:** July 6, 2021; September 7, 2021; September 28, 2021; and October 12, 2021.
2. **Claims:** All Town Funds: \$605,832.32; Wastewater Operating: \$180,901.09; Water Utility: \$82,559.69; Storm Water: \$45,504.14; and Payroll: 9/30, 10/1, and 10/14/2021 - \$517,152.10
3. **Monthly Payroll Expenditures:** September 1-30, 2021 - \$233,986.25
4. **Manual Journal Entries:** September 1 – 30, 2021
5. **Donations:** You're a Lucky Dog, Police Donation \$220

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 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. 1399 - Y2022 Budget

Council Member Sharpe read Ordinance No. 1399 by title only. Clerk-Treasurer Sandberg stated everything is the same as previously presented at the Public Hearing on September 28th. Mr. Niemeyer asked if it was posted online. Ms. Sandberg stated yes it was added to the Town's website the day after the public hearing. The presentation as well as the Form 1, Form 2, and Form 3 can be found at www.cedarlakein.org. Mr. Thompson stated no changes were made. The material is available to the public. After adoption they await the 1782 Notice. Mr. Niemeyer commented this is the first time he knows of that they are adopting a budget that appropriates a portion of the miscellaneous revenues from permits that's above and beyond general fund levy. It's actually part of a budget plan rather than additional appropriations. They were able to formulate a strategy for the worst case sustainable to continue sustainability. Yes, we're outspending the levy but it will be done so in a manner that the levy will catch up. Mr. Foreman asked Mr. Eberly if this was vetted with department heads. Mr. Eberly stated during the process they met with department heads multiple times. There was a lot of good give and take. He praised Jen and Corby for their work. Mr. Foreman thanked Jen for her work and Mr. Thompson for his help.

A motion to adopt Ordinance No. 1399 was made by Ralph Miller with second by Colleen Schieben. Mr. Carnahan stated he would be voting no because he doesn't believe the Town Council needs another raise. Roll call vote: Carnahan – No, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 1.

2. Resolution No. 1291 - ADA Transition Plan, Self-Evaluation Guide, Title VI Implementation Plan Updates

Council Member Sharpe read Resolution No. 1291 by title only. Mr. Eberly thanked Chief Fisher for allowing Sarah Moore to spend as much time revising this as she did. He also thanked Tim Kubiak, Don Oliphant, and Margaret Abernathy for their contributions. They received a startling email notifying them they were out of compliance. They jumped on it pretty quickly to get it updated. If adopted, they'll get the plan to INDOT right away. The plan was robust but needed a few updates. The Town is required to update it with INDOT every three years. The plan is to schedule an update every year. Without this plan submitted, it could jeopardize grant funding.

A motion to approve Resolution No. 1291 was made by Robert Carnahan with second by Julie Rivera. A brief discussion continued on the importance of having an ADA plan and making sure all have access. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

3. Resolution No. 1292 - Appropriation Transfers

Council Member Sharpe read Resolution No. 1292 by title only. Clerk-Treasurer Sandberg reported she received transfer requests from the Police and Fire Department. The total amount of transfers requested is \$61,420. Ms. Sandberg discussed some of the operational needs of the departments. Chief Fisher discussed some weaponry needs. The largest purchase is to access a camera system. They system captures license plates. This will be used as an investigative too. It will constantly scan for stolen vehicles. The company dropped \$5,000 of the quote to sign up for five-year access. The total of the quote is \$14,000. The following transfers between categories are requested:

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Police Department 003 Total Transfers \$53,250.00

\$ 13,500.00	From: 112 – Full Time Officers	To: 116 – Overtime
\$ 1,550.00	From: 124 – Longevity	To: 362 – Vehicle Repairs
\$ 30,000.00	From: 123 – Perf	To: 445 – Equipment
\$ 700.00	From: 120 – VIPS Stipend	To: 232 – Tire Replacement
\$ 5,000.00	From: 115 – Part-Time Clerks	To: 445 – Equipment
\$ 2,500.00	From: 122 – FICA/Med	To: 233 – Vehicle Maint Supplies

Fire Department 005 Total Transfers \$8,170.00

\$ 1,170.00	From: 132 – Physicals	To: 241 – Misc Supplies
\$ 500.00	From: 322 – Travel	To: 241 – Misc Supplies
\$ 500.00	From: 331 – Printing	To: 241 – Misc Supplies
\$ 3,000.00	From: 361 – Equip Repairs	To: 241 – Misc Supplies
\$ 1,800.00	From: 339 – Copier Lease	To: 241 – Misc Supplies
\$ 1,200.00	From: 398 – Awards/Promotion	To: 241 – Misc Supplies

A motion to approve Resolution No. 1292 was made by Colleen Schieben 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.

NEW BUSINESS

1. 133rd Avenue and King Intersection Project Change Order No. 1, Change Order No. 2, and Change Order No. 3

Mr. Niemeyer stated Change Order No. 1 is in the amount of \$1,290 and Change Orders No. 2 and 3 are time extensions.

A motion to approve Change Orders No. 1, 2, and 3 for the 133rd Avenue and King Intersection Project was made by Robert Carnahan 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.

2. Appointment of New Member to the Redevelopment Commission

Mr. Niemeyer stated Mrs. Covaciu moved to Winfield and resigned her post on the Redevelopment Commission. This is an important position for one to step into. Many projects are on the horizon. Mr. Carnahan made a motion to appoint Greg Parker. A second was made by Ralph Miller. Mr. Foreman asked if they advertised. Mr. Niemeyer stated they didn't have to because it is a vacancy. No other nominations were made. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0. Mr. Niemeyer stated Mr. Parker is willing to serve.

REPORTS

1. Town Council

- a. Ordinance for Collection of Fire Response Fees
- b. Ambulance Fees

Mr. Austgen stated he received additional information from Chief Wilkening. He is working on it. Mr. Carnahan asked someone to announce Trunk or Treat. Mrs. Schieben reported it will be on the Town Grounds on October 30th. A brief discussion continued on volunteers for the event. Mr. Carnahan stated the Methodist Church will also have their Trunk or Treat the evening of October 30th. Mr. Niemeyer discussed the AIM Conference attended recently by a majority of the Council and the Town Manager. He discussed a class on redistricting. There have been statutory changes. They are required to do it next year. It was strongly suggested that a consultant be hired to help navigate the process. A lengthy discussion continued on redistricting. Mrs. Schieben discussed a de-escalation class at the conference. She stated she would share the information with Chief Fisher. Chief Fisher stated they are required to take de-escalation training.

2. Town Attorney - No report.

3. Clerk-Treasurer - Clerk-Treasurer Sandberg asked for Council's blessing to move forward with a quote from American Legal Publishing. This would be to get the Town Code updated online. It would be an easier format to navigate. There is a one-time set-up fee of \$795 and an annual hosting fee of \$295. A brief discussion continued on records management and the authority of the Clerk-Treasurer to make improvements. Ms. Sandberg thanked them for their consideration and stated she would move forward with the project.

4. Town Manager - Mr. Eberly reported they have a meeting tomorrow morning with Senator Niemeyer and representatives from the DNR for a LARE Grant related to the lake eco project. The east side paving project is completed. The west side should be started pretty quickly. Mr. Niemeyer thanked Mr. Eberly and his leadership on the road

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projects. Mr. Miller stated he went to a funeral today and had four different persons thank him for the work on the roads. A brief discussion continued on the roads. Mr. Foreman remembered Betty Becker.

5. Director of Operations – No report.
6. Police Department – Chief Fisher briefly went through the monthly calls report.
7. Fire Department - Chief Wilkening discussed the ongoing renovations at the station. It looks good and they'll be working on upcoming projects. This Saturday there will be a service in memory of Rob Dowling at Burdan Funeral Home. They plan to move forward with the new hire. They anticipate having them start January 1. The UCAN helicopter will now be stationed in Gary. Mr. Niemeyer discussed reaching out to the Township Trustee to make sure everything is in order for next year.

Mr. Niemeyer discussed rumors on vaccine mandates. He stated he has never been a part of any discussion on a vaccine mandate. He is not a believer in any type of that stuff. It's not something he thinks they can practice here.

WRITTEN COMMUNICATION

1. Building Department Report - Mr. Niemeyer briefly reported on the up-to-date numbers.
2. Christopher B. Burke Report – The report is included in their packet.

PUBLIC COMMENT

David Novosel, 10805 W. 134th Place, asked the board to put a ban on the ball fields from hosting large activities. He stated the ball fields previously sent residents letter stating they would hand the issues and they have never been handled. He stated he has sent numerous emails to the ball field director and the director refuses to do anything. He states it is the responsibility of the Town Board. The director put fault on Mr. Novosel for moving to that neighborhood. Mr. Novosel stated when he moved to the neighborhood it wasn't like what it is today. He voiced concerns with the large tournaments that bring large crowds. He thinks they should be banned from further activities until they can present a proper plan. Property is being destroyed and things are being fixed. The Town owned property itself has been destroyed. Visitors Park in the grass and it gets destroyed. There are large ruts. He stated he doesn't know how to handle this. He asked if there is something that can be done. Mr. Niemeyer discussed long term planning and the possibility of utilizing Town owned property to build an athletic complex. This would require some private public partnerships. Mr. Niemeyer stated there isn't much more the Town can do other than write citations. He stated it isn't an immediate resolution but it is something they hope to start soon. Mr. Foreman asked who Mr. Novosel spoke to. Mr. Novosel stated his name was Mark. He would share his last name. Mr. Niemeyer stated they looked forward to talking with Mark and him being a part of the conversation on developing the site.

Heather Novosel, 10805 W. 134th Place, voiced concerns with the increased traffic in the neighborhood due to the activity at the ball fields. She asked about speed bumps or resident only parking. Residents' driveways and mailboxes get blocked. Mr. Niemeyer asked Chief Fisher what can be done. Chief Fisher stated it's difficult. They installed stop signs previously to combat traffic issues. Unfortunately, they can't be there all time. He stated speed bumps become an issue with the plows. A discussion occurred on temporary speed bumps. Chief Fisher stated if they are blocking driveways, they can cite them. He doesn't believe there is an enforceable ordinance to cite for blocking mailboxes. Chief Fisher stated the people running these tournaments are not doing so properly. Mrs. Novosel stated they are basically renting the fields out to others. She continued to voice concerns with the traffic and speeding. She stated they play ball until after 11 at night. She stated she has videos of all the traffic. A discussion occurred on possibly permitting for special events. Mr. Niemeyer asked Chief Fisher to look into the temporary speed bumps. Chief Fisher stated he would work with Mr. Kubiak. He asked about the destruction of property. He asked where it occurred. Mrs. Novosel stated in the field. Mr. Eberly stated he talked to Dale Gurgel about possible getting some fencing around Town owned park land because of the rutting. They have poles bordering the green space but not completely enclosing. He suggested adding some more barriers or paving it. Mr. Niemeyer stated it's a public park. When there's a tournament, public parking becomes unusable. Mrs. Novosel voiced concerns with them charging fees to park on the public space. Chief Fisher stated whoever is hosting these tournaments should be responsible for the damage. A lengthy discussion continued on the matter.

Dave McDaniel, 7129 W. Vermillion, stated he met with Rick and Chief in March to discuss an easement issue. He said Chief was going to put up speed limit monitors. Chief Fisher stated there wasn't anywhere good to place them. Mr. McDaniel voiced disappointment with the lack of follow through. He stated he received a letter from Rick that states there are easement rights based on the deed book. Mr. McDaniel stated he got documents from County and there are no easement documents associated with his property. He stated he needs some help as he has got no help from these two. He wants something done. Mr. Eberly stated that is not true as he has reported to the Council on this matter several times. He stated Mr. McDaniel left a profane laced voicemail on his phone stating it was a civil matter between he and his neighbor. Yet he wants help from the Town. Mr. Eberly stated every document he has seen shows there is a legitimate access easement on the east side of the property serving the two properties behind him. Mr.

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Eberly stated he feels the Town has gone above and beyond trying to solve this issue. From what he's found an easement is on the property. Mr. McDaniel stated what he found doesn't exist. Mr. Eberly stated it does exist. It is a platted recorded subdivision. Mr. McDaniel and Mr. Eberly argued over the matter. Mr. McDaniel stated he spent two hours at County and it doesn't exist. Mr. Niemeyer stated the Town has zero jurisdiction over property matters. Mr. McDaniel stated if he shuts the road tomorrow, he doesn't want to hear a word. Chief Fisher stated he would be out there to remove any blockade. Public Safety has to have access to the homes in back. Mr. McDaniel argued the access and maintenance of the road. Mr. McDaniel asked how he can resolve this issue. Mr. Niemeyer stated the board has no jurisdiction over property issues. That is county and legal. Mr. McDaniel again voiced shutting the road down as he walked out of the building.

ADJOURNMENT President Niemeyer called the meeting to adjournment at approximately 8:50 PM.

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.