

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

**November 16, 2021**

**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	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	

**OATH OF OFFICE: Robert VanKuiken**

Clerk-Treasurer Sandberg gave the Oath of Office to Firefighter/Paramedic Robert VanKuiken.

**PUBLIC HEARINGS**

**1. Ordinance No. 1394, Annexation Petition – 10702 W 141<sup>st</sup> Avenue, Neubauer**

- Review of Legals – Mr. Austgen stated the legals are in order. Last month, the date was in error for the advertisement. A re-advertisement with the proper date has occurred in the Post-Tribune and the Times.
- Reading of Ordinance No. 1394 – Council Member Rivera read by title only.
- Reading of Resolution No. 1293 - Fiscal Plan and Policy for Annexation – Neubauer – Council Member Rivera read by title only.
- Remonstrators - None
- Town Council Discussion - None
- Town Council Decision on Resolution No. 1293

A motion to approve Resolution No. 1293 was made by Julie Rivera with second by Colleen Schieben. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Niemeyer – Yes. Vote: 5 - 0.

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

- Review of Legals – Mr. Austgen stated the legals are in order. Like the previous item, was a subject of a misprint. A re-advertisement with the proper date has occurred in the Post-Tribune and the Times.
- Introductory Reading of Ordinance No. 1395 – Council Member Rivera read by title only.
- Reading of Resolution No. 1294 - Fiscal Plan and Policy for Annexation – Ravens – Council Member Rivera read by title only.
- Remonstrators – None  
Mr. Anderson asked that as with last month, they wished to amend the default zoning from agricultural to B-3, given the location. He requested it be entertained again. Mr. Austgen stated that will be at the ordinance adoption.
- Town Council Discussion - None
- Town Council Decision on Resolution No. 1294

A motion to approve Resolution No. 1293 was made by John Foreman with second by Ralph Miller. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Niemeyer – Yes. Vote: 5 - 0.

*Mr. Niemeyer added an item to the agenda under New Business. Item 10 will be Training Reimbursement Agreement.*

**PUBLIC COMMENT**

None

**CONSENT AGENDA**

- Minutes:** November 2, 2021.
- Claims:** All Town Funds: \$581,258.33; Wastewater Operating: \$126,901.09; Water Utility: \$40,488.16; Storm Water: \$2,036.73; Payroll: 10/28/21 and 11/10/21 - \$297,769.01; and Payroll Remittances: \$166,907.04
- Manual Journal Entries:** October 1 – 31, 2021
- Donations:** Fraternal Order of Eagles, \$100 for Trunk-or-Treat.



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A motion to accept and waive the reading of the minutes and accept the consent agenda as listed was made by John Foreman with second by Colleen Schieben. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Niemeyer – Yes. Vote: 5 - 0.

**ORDINANCES & RESOLUTIONS**

**1. Ordinance No. 1400 – Adoption of the Y2022 Salary Ordinance**

Clerk-Treasurer Sandberg read Ordinance No. 1400 by title only. She stated there were no major changes from what was discussed at the last meeting. She asked to strike one holiday from the list. As listed, it has January 3, 2022 as New Years Day Observed. That goes against what is written and the holiday should be observed the Friday before. She asked to remove that holiday from the list. She will bring an amendment for the 2021 Salary Ordinance to the next meeting to add the proper day observed to the list.

A motion to adopt Ordinance No. 1400 with the comments of the Clerk-Treasurer on the dates for holiday observance was made by John Foreman with second by Ralph Miller. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Niemeyer – Yes. Vote: 5 - 0.

**2. Ordinance No. 1401 - Establishing and Setting Fire & Emergency Medical Service Rates & Fees**

Council Member Rivera read Ordinance No. 1401 by title only. Mr. Austgen stated this is the long-awaited amendatory Fire and Emergency Medical Service rate ordinance. He has been working on it with Chief Wilkening. They've analyzed the costs and expenses to provide the services specified and that is how they came up with the proposed rates. This is ready for the introductory reading. Chief Wilkening stated they eliminated the out of Town and in Town fees. It is a flat fee for everyone. This is for transparency across the board. They added the fire service charges to the list. They have added the increase in the EMS calls as well as the addition of structure fire, vehicle fire, and extrication as well as hazmat clean-up costs. Those items are to be billed to the insurance company only. Those costs would not go to collections. EMS billing does go to collections. It has always been that way. He has the right to write-off hard case situations. He has the authority as the Chief to do that. This is a simple version of what he wanted. At the end of the day, they'll be able to charge the insurance for costs incurred. Mr. Niemeyer discussed the cost structure set-up. He stated he reviewed his own policy and the items listed fall right in line with what is allowable. Chief Wilkening stressed this is to charge the insurance company only, not the property owner. Mr. Niemeyer asked for a copy to be forwarded to the Township Trustee as they are a contract partner.

A motion to approve the first reading of Ordinance No. 1401 was made by Colleen Schieben with second by Julie Rivera. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Niemeyer – Yes. Vote: 5 - 0.

**3. Resolution No. 1296: Lake Ecosystem Restoration Project Stormwater Service User Fee Waivers**

Council Member Rivera read Resolution No. 1296 by title only. Mr. Eberly shared an updated document with the Council. He explained one small change was needed. It would be in Section 1. The duration of the waiver would be to the end of the project plus one year. No other changes to the waiver.

A motion to approve Resolution No. 1296 was made by Ralph Miller with second by John Foreman. Mr. Austgen stated the consideration for the resolution needed to be established so there were no violations of law and enforcement of the storm water rate fee ordinance. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Niemeyer – Yes. Vote: 5 - 0.

**BZA/PLAN**

**1. Letter of Credit – Centennial Estates Phase 2**

Mr. Eberly stated this comes with a favorable recommendation from the Plan Commission. Mr. Austgen has reviewed and approved. The letter of credit is in the amount of \$132,532.10.

A motion to approve the Letter of Credit was made by John Foreman with second by Julie Rivera. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Niemeyer – Yes. Vote: 5 - 0.



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**2. Letter of Credit – Centennial Villas Phase 2**

Mr. Eberly stated this comes with a favorable recommendation from the Plan Commission. Mr. Austgen has reviewed and approved. The letter of credit is in the amount of \$103,940.34.

A motion to approve the Letter of Credit was made by Colleen Schieben with second by John Foreman. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Niemeyer – Yes. Vote: 5 - 0.

**NEW BUSINESS**

**1. Professional Services Agreement – Lake Eco System Bond Financing of 2021 – Phil Faccenda, Barnes & Thornburg, LLP**

Mr. Eberly stated this is in anticipation of the Redevelopment Commission bond financing for the Lake Eco-System Project. Mr. Austgen has reviewed the contract. The estimated fees will be \$50,000 to \$65,000. Mr. Niemeyer asked if that was accurate. Mr. Austgen stated yes. It is fairly fluid financing. He spoke with Mr. Faccenda today. It may not be a pure TIF financing. It may be a lease rental revenue bond financing. This would be to comply with statutory authority on various types of financing. They are working hard on this to drill it down to the best value. A brief discussion continued on the project financing. Mr. Niemeyer recommended to include a not to exceed to the motion.

A motion to approve the agreement not to exceed \$65,000 was made by John Foreman with second by Julie Rivera. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Niemeyer – Yes. Vote: 5 - 0.

**2. New Special Events Permit – Police Department**

Chief Fisher stated this item was previously proposed to Mr. Eberly. This is for events held around Town so that everyone involved can be properly notified. The Police Chief, Fire Chief, and Town Manager would be notified. They would like to be more informed of events happening. Mr. Eberly stated there is no fine or fee anticipated with this document. Mr. Niemeyer stated it would be important to identify what is a special event. A lengthy discussion occurred on identifying special events and creating a policy.

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

**3. Cedar Lake Storage License Agreement**

Mr. Austgen stated performance surety for the asphalt installation at the Cedar Lake Storage property was the purpose of this agreement. In order to access the property their needed to be permission as to the private property involved. This was a condition of approval from the BZA.

A motion to approve the license agreement was made by Colleen Schieben with second by Julie Rivera. Mr. Niemeyer added this was heavily vetted in meetings. A brief discussion occurred on standards and acceptance. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Niemeyer – Yes. Vote: 5 - 0.

**4. Request to Purchase Additional Decorative Posts and Signs Using Fund No. 270, IIC Special Revenue Non-Reverting Fund**

Mr. Kubiak stated this is sixty more of the decorative signs and posts. He stated the cost would just be over \$21,000. This would be enough to finish Lake Shore Drive to Cline, north to the Town limits as well as Parrish and Lauerman. It would leave a few extra. A brief discussion continued on the project. There are two quotes one for the posts and the other for the signs.

A motion to approve the two quotes for a total of \$29,179.25 was made by Ralph Miller with second by Julie Rivera. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Niemeyer – Yes. Vote: 5 - 0.

**5. Use of Park Impact Fees for New Clubhouse Equipment**

Mr. Eberly stated in light of the fact that they increased rental fees of facilities, they began discussing upgrades. This is specifically for the Clubhouse. Mr. Kubiak stated this is for the kitchen area. This would be for a stove, refrigerator, sink, and table in the kitchen area. As well as new chairs, tables, and a cart for the facility. Updates to the facility are necessary. Mr. Niemeyer asked Mr. Austgen if this met the legal usage of the park impact fund. Mr. Austgen stated it does.



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A motion to approve for the total of \$25,861.95 was made by Colleen Schieben with second by Ralph Miller. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Niemeyer – Yes. Vote: 5 - 0.

**6. Seeking Request for Qualifications (RFQs) for an Insurance Broker – Awarded in December**

Mr. Niemeyer discussed previously asking for support to develop an RFQ for an insurance broker. He'd like to see who is out there and see if they can improve the service model. One of the goals he thinks they need is to become self-insured at some point. As the community grows, it could save on costs and help support those who serve the public. He discussed creating a safer work environment. He stated they may end up with the same provider they have now. Going through the process will help everyone understand what they have better. He discussed the basic outline for the RFQ.

A motion to approve the RFQ outline as presented was made by John Foreman with second by Julie Rivera. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Niemeyer – Yes. Vote: 5 - 0. Mr. Niemeyer stated a broker of record change doesn't necessarily mean you have to give up your insurance policies.

**7. Authorization to Allow the Town Council President to Be the Sole Signatory for the CCMG and the INDOT LPA Contracts**

Mr. Eberly reported the Town needs to authorize a signatory. For simplicity, he suggested the Town Council President. It can be Town Council President and not specific to a name, but the position. The Town has a couple options. It can be done by resolution or by motion within a meeting to authorize the President to sign either of the two documents or both of the documents. What cannot be done by resolution or motion is to authorize the President to sign all INDOT contracts going forward. That has to be done by ordinance according to INDOT. That is something he would like them to consider at a future meeting. Mr. Eberly addressed Ms. Sandberg and stated INDOT would need an excerpt of the minutes of the meeting along with the signatures. Once the minutes are fully transcribed and approved, they would follow-up accordingly.

A motion to authorize the Town Council President to sign the CCMG agreement and the INDOT LPA Contract was made by John Foreman with second by Colleen Schieben. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Niemeyer – Yes. Vote: 5 - 0.

**8. Ratify INDOT Agreement to Combine the Two 2021-2 CCMG Projects**

Mr. Eberly reported this is a new development at INDOT. If a community is lucky enough to receive funding for two projects through CCMG, they can combine the projects. If one project overruns and the other underruns, you can interchange the funds. The Town received two awards for the Parrish Avenue and Vermillion projects in 2022. There was a time crunch for the document to be returned to INDOT and Randy previously signed it. This is a ratification of the signature.

A motion to approve the ratification of the INDOT agreement was made by John Foreman with second by Ralph Miller. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Niemeyer – Yes. Vote: 5 - 0.

**9. West Lake HMA Overlay Change Order No. 1**

The change order is for the West Lake HMA Overlay project. The change order is because they anticipate more work on 129<sup>th</sup> Place. They will not get it done until next year. Mr. Kubiak discussed the planned work for 129<sup>th</sup>. The change order is an increase of \$14,000.

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

**10. Training Reimbursement Agreement**

Ms. Sandberg stated this is part of the normal hiring process for public safety. This is for acceptance of the training reimbursement agreement for Firefighter/Paramedic Robert Van Kuiken.

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



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**REPORTS**

1. Town Council - Mr. Niemeyer reported on November 22<sup>nd</sup> there would be a meeting at Town Hall at 6PM. It will include Veridus Group and Context Design. They will hold a visioning session for the dream of an athletic complex. He has reached out to community stakeholders. Any one interested is welcome to attend. Chief Fisher stated the Board of Safety meeting had to move to Monday due to Thanksgiving. It was discussed to move the location of the Board of Safety meeting. Mr. Niemeyer stated he has discussed with Chief Wilkening on getting the process started for a new fire engine. He would like to see that as a part of future discussions with the Board of Safety. They need to sit with the financial advisor to make that a part of future plans. Mr. Eberly reported a facilities meeting would occur on the 23<sup>rd</sup> of November. Mr. Miller mentioned CLEA will be having a fundraiser at the Lighthouse to help with the lake project. Mr. Foreman added they need to send a letter to the Hanover Football team to recognize them for their season. Mr. Niemeyer stated the athletics and academics at Hanover are outstanding. He stated huge credit goes to the leadership that has kept the kids in school. A brief discussion continued.
2. Town Attorney – No report.
3. Clerk-Treasurer – Ms. Sandberg stated they are still awaiting the 1782 Notice and getting ready for year end reporting.
4. Town Manager – No report.
5. Director of Operations – No report.
6. Police Department - Chief Fisher stated he spoke with a new resident in Rose Garden with sidewalk concerns and walkers to the middle school. The resident worried about the kids walking across the road. She discussed the struggles with the bus routes. She suggested some lighting. He's not sure what they could do with all the construction in the area. Mr. Niemeyer suggested they discuss with Mr. Oliphant. A brief discussion continued. Chief Fisher briefly discussed the monthly calls for service report. Chief Fisher stated the piers would be removed shortly.
7. Fire Department - Chief Wilkening clarified the ordinance on fire billing. The fee of \$1,000 for a structure fire is the high end. If someone's insurance will only pay out \$500, that's what they'll take. He discussed using the non-reverting fund for some needed rescue tool replacements. The brush truck has some needed repairs but it may have to wait until early next year. The Fire Department is pushing approximately 1,700 calls this year. Chief Wilkening stated Dick Henn has offered to store the old fire truck at his barn. He asked the Council to consider and authorize storing the truck at Mr. Henn's. There would be no charge for storage but Mr. Henn would like a tax write-off. Chief Wilkening asked that once the ordinance is in place, if he could move forward with the next hire for the department. It will take approximately 8 weeks to get someone through PERF. A brief discussion continued.

**WRITTEN COMMUNICATION**

1. Building Department Report – Mr. Eberly stated they've officially broken last year's record. They had 289 last year and 311 this year.
2. Christopher B. Burke Report – Included in their packets.

**PUBLIC COMMENT**

Mary Joan Dickson, 8711 W. 132<sup>nd</sup> Pl, on behalf of the Cedar Lake Summerfest, she stated they would like the fireworks contract signed now. Two nights, July 1<sup>st</sup> and 3<sup>rd</sup>. The contract will be coming, same as years past. Mr. Niemeyer discussed committing to Summerfest for the event. A brief discussion continued.

A motion to amend the agenda and vote in favor of allowing fireworks was made by John Foreman with second by Julie Rivera. Mr. Niemeyer noted for the record it is not an approval of the contract it is for support for the fireworks. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Niemeyer – Yes. Vote: 5 - 0.

Mrs. Dickson stated the girls won Sectionals for soccer and volleyball. They should be here too. Mr. Foreman discussed doing a proclamation for all. Ms. Sandberg added Hanover sent two runners to the State Cross-Country meet as well. A brief discussion continued on the amazing show by Hanover athletes.

Kevin Toth, 9725 W. 129<sup>th</sup> Place, commented on the fire billing fee. He stated it wasn't online. He voiced concerns about being able to comment on it, if they haven't had the opportunity to read it. Mr. Niemeyer stated that's why they only had one reading.

Josh Govert, 12550 Tall Oaks Drive, discussed Moto on Ice. He stated they hope to do the same as previous years and have the ice races. They have put in their permit with the state. A discussion continued on updating the contract.



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Mr. Kubiak reported the new fence materials are in. They will begin removing the old chain link fence next week.

Kevin Toth, Hanover Township Trustee, reported the new tanker truck will be ready in early February. He discussed issues with emergency calls and access to homes. Some doors get destroyed during calls or checks. Mr. Toth discussed putting in some key boxes where there may be issues. The code for the key box could be shared with emergency personnel. He asked Mr. Austgen about potential issues. Mr. Austgen stated this would fit right in with his responsibilities as trustee. A lengthy discussion continued.

Mr. Eberly stated they are asking for the Council’s permission to go for seven pieces of property. They have a chance to acquire them from the Commissioner’s Tax Sale. Those properties are adjacent to properties the Town already owns. They need to get a letter to the County Commissioner’s by tomorrow.

A motion to amend the agenda and consider approval for acquiring the seven parcels was made by John Foreman with second by Colleen Schieben. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Niemeyer – Yes. Vote: 5 - 0.

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

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

<div><div></div><div>Randell Niemeyer, President, Ward 5</div></div>	<div><div></div><div>Richard Sharpe, Vice President, Ward 7</div></div>
<div><div></div><div>Robert H. Carnahan, Ward 1</div></div>	<div><div></div><div>John Foreman, Ward 2</div></div>
<div><div></div><div>Julie Rivera, Ward 3</div></div>	<div><div></div><div>Ralph Miller, Ward 4</div></div>
<div><div></div><div>ATTEST:</div></div>	<div><div></div><div>Colleen Schieben, Ward 6</div></div>
<div><div></div><div>Jennifer N. Sandberg, IAMC Clerk-Treasurer</div></div>	

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.