

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



January 4, 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	

**\*Present via Zoom.**

**PUBLIC COMMENT** (*on agenda items*): Charlotte Wiedeman, 8705 W. 139<sup>th</sup> Court, asked about the Lake Ecosystem Restoration. President Niemeyer informed her she could ask her question at the end of the meeting during public comment. This comment period is for agenda items only.

**CONSENT AGENDA**

- 1. Donations:** Legacy Foundation, \$20,000, Lake Ecosystem Restoration;
- 2. Claims:** All Town Funds: \$969,675.55; Wastewater Operating: \$101,453.63; Water Utility: \$68,138.43; Storm Water: \$151,287.55; Water Bond 2010B: \$72,210.00; and Payroll: 12/23/21 and 12/30/21: \$258,366.89;

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: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**RESOLUTIONS**

**1. Resolution No. 1298 – Summerfest Agreement**

Council Member Sharpe read Resolution No. 1298 by title only. Mr. Austgen stated this is the draft of the agreement which is done annually. It reflects the dates of the event, responsibilities of the parties, and the activities to occur. It's consistent with past years. President Niemeyer noted to Mrs. Dickson that Section Nine discusses the \$1,000 fee per day. In the past, the Town has waived that in lieu of a sponsorship. He asked her to have her board write up a waiver request for the Council to consider.

A motion to approve Resolution No. 1298 was made by Ralph Miller 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. Resolution No. 1302 – Temporary Loan for the RDA A, B, & C Bonds**

Council Member Sharpe read Resolution No. 1302 by title only. Clerk-Treasurer Sandberg explained this is a temporary loan request in the amount of \$204,905.36. It would be a temporary loan from the WWTP Special Fund #633 to the 2017 RDA A, B, & C Bond Fund #412. This will be repaid upon receipt of the spring settlement.

A motion to approve Resolution No. 1302 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.

**BZA/Plan Commission**

**1. Stenger, 13418 Wicker Avenue – Rezone from R-1 and B-3 to B-3**

Mr. Niemeyer noted this item received a favorable recommendation from the Plan Commission at the 12/15/21 meeting. Mr. Austgen stated the ordinance will be ready for their agenda in two weeks. There was some detail and data that needed to be obtained.

A motion to defer 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.

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

**NEW BUSINESS**

**1. Y2022 Professional Services Agreement: Christopher B. Burke Engineering, Ltd.**

Mr. Niemeyer stated this is the annual proposal from Christopher B. Burke Engineering. It includes an increase of 3%. The list of charges is included in the packet. Mr. Niemeyer stated this is a pretty fair proposal. They are treating the Town extremely well on the work they do.

A motion to approve the agreement was made by John Foreman with second by Colleen Schieben. Mr. Eberly noted that he knows Christopher Burke gives Cedar Lake some very favorable rates compared to others. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**2. Consider Approval of Fencing Proposal at Hanover Park Using Park Impact Fees**

Mr. Eberly stated the Park Committee met to discuss Hanover Park. Mr. Kubiak was unable to attend that meeting. The idea is to protect the green space of Hanover Park from the cars that park there during the various events that occur. The idea is to put up a fence similar to the one going up at the Town Grounds. Mr. Kubiak had some thoughts about possibly using the wooden posts, the nautical theme, similar to the ones at the Town Grounds. This would protect the area with a better look. The discussion occurred just this morning and this is fresh news to the committee. Mr. Kubiak stated it would be 25% of the cost of the wrought iron fence. The wood fence would easily be able to leave sections open for access to the park. The wrought iron fence would close it off. The idea is to keep the cars off the grass. Mrs. Schieben asked whether or not they were trying to keep the fencing uniform at all the parks. Mr. Foreman stated yes and no. If you look at Bartlett/Wahlberg Park, you'll see it has the wooden post fence. He stated it's more inviting not having the black fence. Mr. Eberly stated they can do more research on fencing but they are looking for Council approval to use the Park Impact Fee Funds for some sort of fencing at the park. Mr. Austgen asked if it's a decision that needs to be made tonight. Mr. Eberly clarified this request is for use of the park impact fee fund to place some sort of barrier for the green space at the park.

A motion to approve the use of Park Impact Fee Fund was made by Richard Sharpe with second by Colleen Schieben. Mr. Niemeyer asked if anyone has spoken with Cedar Lake Softball or Little League about the impact. He voiced concerns about the parking issues that already exist in the area. Mrs. Schieben stated she did not. She was thinking more about the residents who complain about not being able to utilize the space. A lengthy discussion continued on the parking issues and complaints received. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**3. Purchase New Playground Equipment from NuToys for ADA Compliance and Safety Using Park Impact Fees**

Mr. Eberly reported that a representative from the Town's insurance carrier came out and walked the parks with Mr. Gurgle. The representative pointed out items that needed to be replaced or repaired to meet safety and ADA requirements. Before them is a proposal totaling \$6,013 for equipment necessary. This proposal is from NuToys, the same company they previously contracted with for new park equipment. Park Impact Fee will pay for the improvements.

A motion to approve was made by Ralph Miller 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.

**4. Additional Improvements at the Clubhouse Using Park Impact Fee Funds**

Mr. Kubiak stated this is the rest of the stuff to get the floor done in the kitchen area at the Clubhouse. The ceiling is just metal duct work. They are looking to do a drop ceiling with some additional lighting. Two additional microwaves for over the new stove as well. The storage closet floor is currently bare concrete so they will get some new linoleum. One new parking lot light will also be purchased. He estimates these improvements at approximately \$18,000. They will do the work in house. Chief Wilkening asked about blocking off the walkway to the main door. He voiced concerns about people parking up there and blocking the door. A discussion occurred on how to stop folks from parking up there. It was discussed to place a no parking sign.

A motion to approve was made by Robert Carnahan 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.

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

**5. New Hire, Police Department**

Chief Fisher reported interviews were held for the new department hire. The Board of Safety gave a favorable recommendation for the hire of Benjamin King. Chief Fisher asked to begin the process. Mr. King is already in PERF with another department. Mr. Niemeyer asked where he currently works. Chief Fisher stated he is currently working for East Chicago.

A motion to approve the new hire was made by John Foreman 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.

Chief Fisher stated they also had conversations with the Board of Safety to move forward with hiring a part-time code enforcement officer. They took applications beginning December 1<sup>st</sup>. They posted it on the Town boards as well as social media. Only one application was received. He requested permission to move forward with the hire. It would be a maximum of 25 hours per week. A favorable recommendation was received from the Board of Safety.

A motion to approve the hire of a part-time code enforcement officer was made by Julie Rivera with second by John Foreman. Mr. Niemeyer voiced concerns. He wondered if they are enhancing public safety with the position. A lengthy discussion continued on the hiring process for the position. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – No. Vote: 6 - 1.

**6. Additional Appointments to the Park Board**

Mr. Niemeyer stated they had three applicants apply for the two remaining park board positions. Mary Joan Dickson, Gregory Marquardt, and Dale Holsti applied.

A motion to appoint Gregory Marquardt and Dale Holsti was made by Jon 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.

Mr. Niemeyer stated the next step is to plan the first meeting. He spoke to Mr. Holsti today and he asked that question. He noted there will be a learning curve because they are basically re-starting after an 11-year hiatus. He would like to get the Town Consultant, Town Attorney, and new Town Manager to participate. He would like to go over the statute with the Park Board and discuss the duties and authorities. He would like to scope the first steps. He'll be seeking available dates from the appointees. Hopefully, they'll be able to schedule something the last week of the month. Mr. Eberly added he gave Jen a list of the projects they will be undertaking in 2022. The park improvements will be approximately \$750,000 - \$1,000,000. A lengthy discussion continued.

**7. Short-Term Response Plan on Public Access to Town Hall Due to Covid**

Mr. Eberly reported they began the week with multiple employees out of the Clerk's office and the Building Department. He stated Jen is isolating herself in her office to help out. There is only one clerk working on her side. As a consequence of this, they are looking to limit the number of people coming into the Town Hall. He isn't aware of the Police Department at this time. They are back to buzzing people in one at a time. If a family or couple comes in together, they can certainly walk in together. There is only one person answering the phone on the Clerk's side and trying to conduct all the business she needs to. Transactions will take longer. We don't want folks being stacked in the lobbying waiting for assistance. Ms. Sandberg added they are really just trying to make sure the remaining employee doesn't become overwhelmed. A brief discussion continued.

A motion to approve was made by Richard Sharpe 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.

**REPORTS**

1. Town Council – Mr. Foreman spoke fondly of Mr. Warren Vesely. He brought a good business to Cedar Lake and really put it on the map. Mr. Vesely recently passed away. He asked everyone to pray for his family. Chief Fisher stated they are anticipating a large showing at the funeral. They are working with the family to make sure all goes smoothly. Mr. Niemeyer thanked Mr. Eberly for his dedication to his work and the time he has put in. Well wishes were echoed by the entire Council.
2. Town Attorney - No report.
3. Clerk-Treasurer – No report.

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

4. Town Manager – Mr. Eberly had no report but thanked the Council for allowing him to work with them, for them, and for the citizens. He stated he has a great group of people he gets to work with everyday. It's been an honor.
5. Director of Operations – No report.
6. Police Department – Chief Fisher stated it has been a pleasure to work with Rick. He will be missed. He discussed the staffing issues due to COVID. His department will be implementing new protocols for the officers. They are pretty much following the CDC guidelines with some exceptions due to needing to fill the position. A brief discussion continued.
7. Fire Department – Chief Wilkening stated his department as approximately six out. The CDC guidelines change every day so they are using common sense. They are keeping people home who are sick but getting them back as quickly as possible. It's been tough. He thinks it will cycle through and they'll be okay in the next couple of weeks. They've been covering all calls. They are hoping to buy more tests and keep up with it.

**WRITTEN COMMUNICATION**

Colleen Schieben read a letter from Jean Ohlenkamp. The letter was from many residents of Woods of Cedar Creek. It voiced concerns with the plans for the park improvements in Woods of Cedar Creek. It also voiced concerns with the limited access to the park area. The subdivision has one road for entering and exiting. Safety was a concern noted. The letter was signed by multiple residents in the neighborhood. Mrs. Schieben noted they ordered the small playground equipment already. The plan is to also add a small pavilion. She stated her thoughts are the equipment should still go in. She stated she respects the concerns in the letter but doesn't think a playground will hurt any. Mr. Niemeyer asked if there was an opportunity to do something in the space and do some of the requests they previously heard from residents of the neighborhood. A discussion on ideas for the park area continued.

**PUBLIC COMMENT**

Charlotte Wiedman stated she used to be on the Ethics Committee. She asked about the plan for the Ecosystem Project. She asked what part of the lake will the dredging come from. Mr. Foreman stated they will start on the south end and hit hot spots (tributaries where sediment filled in). They will move to the north. Mostly the northern end will be done. Mrs. Wiedman stated she missed getting the newsletters in 2021. Mr. Foreman stated it was moved to a quarterly publication. Mrs. Wiedman stated it was a shame. Not everyone is on Facebook or has access to the Town site. She voiced concerns with her neighborhood not receiving road improvements. She discussed the recent improvements to the roads on the east side and the new street signs. Mr. Foreman discussed the bonding and financing process for road projects. He stated her roads have not been forgotten, they just haven't gotten to them yet. He discussed the improvements needed in many of the older neighborhoods. He discussed the improvements they have been able to make. He stated they are making their way around the lake to do necessary improvements. Mr. Niemeyer discussed the way they have moved around the lake to do projects and make improvement in tributary neighborhoods. As one project is paid off another one is added. Mrs. Wiedman continued to voice concerns with her neighborhood not receiving improvements. Mr. Niemeyer explained the process and discussed the different funding sources for different areas. Mrs. Wiedman continued to voice displeasure. Mr. Kubiak added that the street sign improvements continue. They are ordered and will be placed this year. Mrs. Wiedman asked about the new public safety building. She stated she was concerned with the proposed location. The Town Grounds is a prime lot. She asked what would become of it and if they were going to sell it. Mr. Niemeyer stated the property is not for sale and will not be. The proposed site of the proposed public safety building has not been finalized yet. The school corporation still has a building there. They still have to work with them on purchasing the property. Mr. Niemeyer briefly discussed facilities and the proposed project. Mrs. Wiedman asked what would happen with the property. Mr. Niemeyer stated the museum will stay. Hopefully, there is an approach that maintains recreation and access to the lake. He doesn't want to see it developed into any homes. He would like to see something that enhances use of the lake. Mrs. Wiedman asked if there was ever any discussion to sell. Mr. Niemeyer stated that has not been discussed at any time. Mr. Foreman thanked Mrs. Wiedman for attending and asking these questions. Mrs. Wiedman voiced concerns with the proposed athletic complex. She stated taxes just increased with the schools and a majority of that money is for sports. She asked why they can't just use the schools' facilities. Mr. Niemeyer stated that property belongs to the schools not the Town. The school has their own use for them. Mrs. Wiedman continued to voice concerns. Mr. Niemeyer discussed the proposed athletic complex. Mrs. Wiedman asked if it would be something like Crown Point has. Mr. Foreman stated they don't know. They only recently started to discuss the proposed project. A brief discussion continued. Mrs. Wiedman asked if anyone new how much the Town received of the American Rescue Plan money. Mr. Eberly stated it was approximately \$2.9 million. Mr. Niemeyer stated the money will be used for wastewater improvements. Mrs. Wiedman asked why a person on the south side doesn't get a sewer bill. Mr. Niemeyer asked if she was on the Town sewer or had a septic. If not on Town sewer, they won't get a bill. A brief discussion continued. Mrs. Wiedman suggested the Council get out and walk the neighborhoods. She said they should

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

ask the people what they think. She stated they need to communicate with the public better. She discussed the Nextdoor app and its benefits. Mr. Niemeyer stated one of the challenges is most of the Council work full-time. Mr. Foreman stated they have many public meetings. Mrs. Wiedman stated not everyone can come. Mrs. Rivera stated she can always write to them. Mrs. Schieben stated they have a way to attend meetings electronically. Mrs. Wiedman asked if she would be able to ask questions. It was stated yes. Mrs. Wiedman stated it would be nice for them to communicate better. Mr. Niemeyer stated for him personally, he has his cell phone published online. People can email or call him at any time. A lengthy discussion continued on communication and access to meetings. Mrs. Wiedman voiced concerns with all the development and also discussed the Town becoming a business community. Mrs. Wiedman discussed the lake and the little bit of public access available. Mr. Niemeyer discussed the improvements at Bartlett/Wahlberg Park and Sue Landske Park. Mrs. Wiedman asked if there is any way to guarantee the Town Grounds will stay Town owned property. Mr. Niemeyer stated elect people that say it will and hold them to it. That's the way to guarantee it. A brief discussion continued.

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

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Julie Rivera, Ward 3

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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.