

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



March 15, 2022

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	Ward 1	Present	Colleen Schieben	Ward 6
	Council Member			Council Member	
Absent	John Foreman	Ward 2	Present	Richard Sharpe	Ward 7
	Council Member			Council Member	
Present	Julie Rivera	Ward 3	Absent*	Jennifer N. Sandberg, IAMC	
	Council Member			Clerk-Treasurer	
Present	Ralph Miller	Ward 4	Present	Margaret Abernathy	
	Council Member			Administrative Asst.	
Present	Randell Niemeyer	Ward 5	Present	David Austgen	
	Council Member			Town Attorney	

*\*Margo Nagy, Chief Deputy Clerk was present.*

**PRESENTATION: Recognition of Service**

Town Council President Randy Niemeyer presented Jill Murr with a plaque of recognition. He thanked her for her service and wished her well in her future endeavors. Mrs. Murr has served the Town in multiple capacities for the last 13 years.

**PUBLIC HEARING: Resolution No. 1305**

- Review of Legals – Mr. Austgen stated the legals were in order.
- Reading of Resolution No. 1305 – Council Member Sharpe read resolution No. 1305 by title only.
- Remonstrators – Mary Joan Dickson, 8711 W. 132<sup>nd</sup> Place, asked about providing premium pay for employees and if it was a one-time or added to their salary. Mr. Niemeyer stated the Town never adopted a premium pay for employees. It was one of the allowable uses but the Town is investing it in to infrastructure. Mrs. Dickson asked what it will be used for. Mr. Niemeyer stated it will be used for water utility infrastructure, namely the Utopia project.
- Town Council Discussion on Resolution No. 1305 - None
- Town Council Decision on Resolution No. 1305

A motion to approve Resolution No. 1305 was made by Julie Rivera with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

**PUBLIC COMMENT**

Mary Joan Dickson discussed the Hanover waiver request under new business. She inquired previously about the item. She discussed the growing community. She suggested longer expiration dates for permits on large projects that can't be completed in twelve months. She briefly discussed the hardships projects are facing due to COVID. Mr. Niemeyer agreed with her comments.

**CONSENT AGENDA**

- Minutes:** March 1, 2022
- Claims:** All Town Funds: \$226,412.95; Wastewater Operating: \$169,327.65; Water Utility: \$80,194.34; Storm Water: \$3,509.78; and Payroll: 3/3/2022 - \$172,372.75; February Remittances: \$172,372.75
- Manual Journal Entries:** February 1-28, 2022

A motion to accept and waive the reading of the minutes, and accept the Consent Agenda as listed was made by Richard Sharpe with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

**ORDINANCES & RESOLUTIONS**

**1. Resolution No. 1306**

Mr. Niemeyer read Resolution No. 1306 by title only. Mr. Salatas explained this comes to the Town from Barnes & Thornburg. The ARPA funds come in two distributions. The Town received the first distribution late last year. The second should come around August of this year. This resolution is a back-up should the second distribution not arrive in time.

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A motion to approve Resolution No. 1306 was made by Richard Sharpe with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

**BZA/PLAN**

**1. Performance Surety for Peoples Bank Project in the amount of \$14,000**

A motion to approve the performance surety in the amount of \$14,000 with the contingency of Plan Commission approval was made by Colleen Schieben with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

**2. Letter of Credit for Cedar Lake Storage in the amount of \$18,854.00**

Mr. Salatas stated this letter of credit for Cedar Lake Storage for public improvements that are not yet completed. Mrs. Murr stated it was for sidewalks. The final plat was approved October 20, 2022 at the Plan Commission meeting.

A motion to approve was made by Ralph Miller with second by Richard Sharpe. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

**NEW BUSINESS**

**1. Hanover Central Waiver Request**

Mr. Salatas explained a waiver request was received from Hanover Schools. The current building permit is set to expire before construction is finalized. The request is to waive the renewal cost associated with the permit. Mr. Salatas briefly discussed the potential updates to the permit process for larger projects. Mr. Niemeyer discussed the growth of the Town and items they've run into, especially with the pandemic. He discussed the development of a policy that takes into account the timeframe and needs of commercial developments. Mr. Austgen added the Plan Commission has just finished the new zone ordinance. The subdivision control ordinance review will occur next. Within that body of text, they should be able to come up with a body of standards for development. Mr. Kubiak asked if they could consider all four of the school projects. The other projects are on the heels of this one. Mr. Kubiak stated the other projects would run into the same issue as this one. Mr. Niemeyer asked if the paper would be able to catch up for the next meeting. Mrs. Haskell, Hanover School Liaison, asked if a letter for all the permits would be sufficient. A brief discussion continued on cleaning up the record.

A motion to approve the waiver request with the additional waivers for the other school permits as requested by Mr. Kubiak was made by Robert Carnahan with second by Julie Rivera. Mr. Austgen asked if they could include on the Consent Agenda at the next meeting agenda, the ratification of action. Mr. Carnahan and Mrs. Rivera concurred. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

**2. Humane Pet Store Ordinance: Dustin Thibideau**

A motion to defer was made by Julie Rivera with second by Robert Carnahan. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

**3. Approval of Professional Services Agreement with CBBEL in an amount Not-to-Exceed \$238,000 for Construction Observation of the CCMG Road Construction Projects**

Mr. Salatas stated this is an engagement agreement for construction observation for the CCMG project for this year. He spoke with Sue Haase and this is planned for and this particular one is under budget. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

**4. Approval of Professional Services Agreement with CBBEL in an amount Not-to-Exceed \$84,000 for Construction Observation of the Sediment Dewatering Facility**

Mr. Niemeyer stated this was similar to the previous item. It is for construction observation for the sediment dewatering facility.

A motion to approve was made by Richard Sharpe with second by Robert Carnahan. Mr. Niemeyer asked if they were on task. Mr. Salatas stated on task, on time, and on budget. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

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**5. Award INDOT RR Striping Grant Work to Traffic Management Company, Inc. in the amount of \$8,920**

Mr. Salatas stated a map was provided in their packet that shows the locations. Traffic Management Company was the lowest responsible bidder.

A motion to approve the proposal was made by Richard Sharpe with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

**6. Acceptance of Two (2) Temporary Easements for Road Paving in Highland Subdivision for the property located at 7226 W. 127<sup>th</sup> Place**

Mr. Salatas stated Jill, Don Oliphant, and himself, met with the property owners. This is for the upcoming road paving project in the Highland area. The property owners agreed to the temporary easements. Mrs. Murr stated it is a locally funded project.

A motion to accept was made by Richard Sharpe with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

**7. Municipal Complex: Recommendation for the Preferred Design Team**

Mr. Salatas stated they have a letter in their packet that goes over who was interviewed, who submitted proposals, and who was on the selection committee. After all was said and done, they recommend K2M Architecture in an amount not to exceed \$40,000. Mr. Jensen, Veridus Group, explained that Veridus serves at the pleasure of the Council. They are the owner representative. This is the initial step in the project. They met about a month ago to talk about how they want to deliver the project. The recommendation at that time was to move forward with a design contract to explore how big this project may be.

A motion to approve the recommended preferred design team of K2M was made by Richard Sharpe with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

**8. Ratify Confirmation of Private Placement of Debt Issuance for Lake Ecosystem Project**

Mr. Austgen stated there is a slight shift in the process recommended to be used for the financing of the TIF portion of the Lake Ecosystem Restoration Project. Rather than have the underwriters go to market and solicit bids, they determined in order to lock in rates, it would be better to have a private placement delivery. On Thursday, they learned that pro formas were ran at 1.78% but those were about one month old. The change in the market was to over 2.35%. That number was reviewed and ultimately the financial advisors came back with a private placement opportunity at 2.15%. The recommendation is to ratify the confirmation.

A motion to ratify was made by Richard Sharpe with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

**REPORTS**

- 1. Town Council** – Mr. Carnahan reported the Storm Board didn't meet due to a lack of quorum.
- 2. Town Attorney** – Mr. Austgen stated he has an addendum to the private placement of the debt issuance. He asked Mr. Niemeyer if he would solicit a motion to consider ratification of the term sheet. Mr. Niemeyer asked if there was a motion to amend the agenda to allow consideration of the item. A motion was made by Ralph Miller with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0. The item presented is to ratify and approve the term sheet as well as the authorization of signatures. A motion was made by Ralph Miller with second by Richard Sharpe. Mr. Austgen stated closing would occur on or before April 11, 2022. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.
- 3. Clerk-Treasurer** – No report.
- 4. Town Manager - Baseball Field Parking Memo**

Mr. Salatas stated there is a memo in their packet regarding the baseball field parking he was asked to investigate. There are short-term and long-term solutions noted. The long-term ones are unattainable and do not solve the problem immediately such as requesting the tournaments to use the sports complex that is years away. Short-term solutions noted were to request leagues/tournaments seek to use facilities more adequate to handle their enterprise, possible partnership with school. Restrict parking during events through

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temporary Police order no parking, this could be accomplished through advanced notice from the leagues/tournaments possibly through a special event permit. Restrict on street parking permanently or only on weekends. Request leagues/tournaments use available land they own to create additional parking spaces. The Town's Park has limited to no availability for additional parking. Mrs. Rivera asked about restricted parking. Deputy Chief Brittingham stated they've been dealing with this for years. He would suggest something permanent. Mrs. Rivera discussed undue hardships to the residents and parking in front of their homes. Deputy Chief Brittingham suggested including something to the effect of residential parking only within the ordinance. Mr. Salatas discussed the difficult situation. It is an area that has gained popularity that was not appropriately sized for what it has become. Mr. Stenger, Cedar Lake Softball Vice-President, stated it has been difficult. He wants folks to understand they are not the enemy. The program is instrumental for the kids. He can't control what happens in the streets. There is no easy solution, others have the same problems. The tournaments bring in revenue for the program. Mr. Stenger further discussed the tournaments. He stated he would share the tournament schedule with the neighborhood, so residents could place their own no parking signs on tournament dates. He discussed the legacy of the league and his intention to keep it running. Megan Susko, 1337 Bell St, agreed with Mr. Stenger's comments. Al Recupito, 10812 W. 134<sup>th</sup> Pl, stated he's lived in the area for approximately four years. He knew he was moving into a neighborhood with ball fields. He knows traffic comes along with parks. He stated outlets like softball are paramount to the Town youth. He voiced his support for the ball fields. Mandy Schultz, 10221 W. 128<sup>th</sup> Ave, treasurer for Cedar Lake Softball, she addressed the traffic concerns. She added the tournament revenue is what keeps the league going. They would not be able to continue without it. She discussed the benefits of the league for Town youth. She stated she'd love to work with the neighborhood and Town to help address any issues. Mr. Stenger asked about the fence proposed for Hanover Park. He stated Mr. Thiel has offered the corner lot for parking. The problem is folks don't want to walk the distance. He asked the Town to reconsider a fence at Hanover Park. A lengthy discussion continued on parking in the area, access for public safety and homeowners, and future park developments.

5. **Director of Operations** – Mr. Kubiak reported the new playground equipment is in and would be installed shortly. They are trying to get the electricity finished at Kiwanis Park for the new dog park. Mr. Niemeyer stated he spoke to some residents in the Woods of Cedar Creek regarding some storm water issues. He asked for a status update. He's not aware of a project. Mr. Kubiak stated originally the plan was to go all the way to Rocklin Street with the original plan but there were some people that did not wish to participate in the original plan. They wouldn't great easements for the project. When Rick was here, they told the rest of the people they need to have easements signed and in place and they would consider extending. He believes they are still missing easements from a few. Mrs. Murr added when she went to the Storm Board it was all or up to a portion of what they could get done. In the field, they made a minor change to the project in order to make it a buildable project. At the time, they only had four residents participate. They couldn't extend the project as folks didn't want to provide easements. They reported they would only be doing the small portion of the project and funds were expended for other projects. This item would need to go back to the Storm Board, however, those funds that were there several years ago are no longer there. Mr. Niemeyer asked Chris to communicate with the Storm Board about revisiting this project. A brief discussion continued.
6. **Police Department** – Deputy Chief Brittingham briefly discussed the monthly call report. He added on the parking issue. The department is always there to do their job. Enforcement rules are in place. He doesn't know if making more rules is really the solution. A brief discussion continued on the ball fields and parking.
7. **Fire Department** – Chief Wilkening briefly discussed the monthly call report. He stated the tanker is close to being put on the street. They are getting additional equipment ordered for the truck.

**WRITTEN COMMUNICATION**

1. **Building Department Report** – Mrs. Murr reported they are at 50 new home permits as of the end of February. The value is just over \$13 million. They have 52 alteration permits with a value just under \$2 million. The report comes directly from the building program.
2. **Christopher B. Burke Report** – Update on projects within the packet.
3. **Lake County Board of Elections** – Mr. Niemeyer received a letter requesting use of the Town Hall on Election Day, May 3, 2022. He stated this something they do every election. He was at the Board of Elections meeting when this was discussed and he signed the letter at that time. He asked the Council to consider a motion to ratify his signature. A motion to amend the agenda was made by Julie Rivera with second by Richard Sharpe. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0. A motion to ratify the signature was made by

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Julie Rivera with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

**PUBLIC COMMENT**

Dave Novosel, 10805 W. 134<sup>th</sup> Place, discussed the conversation regarding the parking issues and the ball fields. He stated he's emailed the softball folks and got no response. Last year he walked down there to discuss with someone and he was yelled at. He disagreed with what was reported by the ball field representatives. He stated he came to a meeting in October and asked for speed bumps. He hasn't heard any more about them. He attended last month to discuss the issues in the area. He continued to voiced concerns with the large tournaments and parking issues.

Mark Stenger, Cedar Lake Softball, discussed the day Mr. Novosel spoke of. He stated Mr. Novosel was screaming at workers in the concession stand. He stated parking at the school isn't feasible. There is no bus service to get folks to the ball fields. He stated they will never please everyone. Mr. Niemeyer stated everyone needs to follow through on what they said. Enhance communication with everyone. Mr. Niemeyer asked Mr. Kubiak about speed bumps. Mr. Kubiak stated they have some temporary speed bumps from the roundabout project. Mr. Niemeyer asked him to work on placement of those for when they are busy. He stated it was a reasonable request. Mr. Kubiak discussed the possibility of putting them up for the summer. A brief discussion continued.

Tracy Haskell, 13436 Osborne St, spoke as a resident of the neighborhood, she let softball know the first year was a mess and a shock. It was huge but they have improved since then. A lady is on a golf cart constantly picking up garbage. She further discussed speed bumps and issues with parking. She stated it has improved not gotten worse.

Stephanie Patton, 13336 Edison St, stated she just moved into her home in January. She is the neighbor of Doug Ferguson and Elizabeth Cohen. She stated they trespass on her property. She had the property lines marked and asked them to move their stuff. They didn't move it so she did. They have moved the items back to her property. They've removed the property stakes. She stated they have threatened her and her son. She stated she's a single mom and she had to purchase a firearm due to the issues. She thanked other neighbors for their support and help with the issues. She stated he stares at her home and makes them uncomfortable. She shared with the Council pictures of items destroyed in her yard. She further discussed the multiple issues with Mr. Ferguson. Mr. Niemeyer asked about why this isn't taken care of by law enforcement. *Multiple responses overlapped.* It was stated the neighbor gets arrested but then is let back out. Mr. Niemeyer stated it upsets him that there is a lack of accountability in the prosecutor's office. He stated it sounds like harassment. Ms. Patton stated she's scared to let her son play outside. Mr. Austgen stated it sounds like intimidation and harassment. It was asked if Ms. Patton had cameras. Ms. Patton stated she doesn't. A brief discussion continued.

Forrest Clemens spoke about an incident with Mr. Ferguson standing in the middle of the road with his kids. He stated Mr. Ferguson was swinging a golf club at his truck. He swung the club at another friend's vehicle. Officer Kidd arrived to deal with the incident. He stated Mr. Ferguson is a loose cannon. Mr. Niemeyer asked Deputy Chief Brittingham what can be done. Mr. Brittingham stated everyone is familiar with Mr. Ferguson. They've made many arrests for various incidents. The Police Department is also being harassed by him. *Multiple conversations overlapped again.* Mr. Brittingham stated Mr. Ferguson has been trespassed from multiple properties. There are some things they can't do anything about. He stated the other issue is when police arrive there are large groups of people screaming and pointing fingers. He stated they need proof. A prosecutor won't do anything without proof. They need proof to move forward. Ms. Patton continued to voice her discomfort with the issues. It was suggested she get cameras and call the police every time there is an issue. Ms. Patton stated she calls and is told there is nothing that can be done. She discussed multiple instances and video that is available with Mr. Brittingham. He stated he doesn't know the specific incidents but he would look at whatever she sent. A lengthy discussion with overlapping conversations continued on what can and can't be prosecuted.

Megan Susko stated she has also been harassed by the man as well. She has heard rumors of him not being able to be at certain stores. She's caught him walking on her property. She's asked him not to and he just screams and acts crazy. Mr. Niemeyer voiced his disgust with the issues. He asked Mr. Brittingham to follow up with the ones that do have video evidence. Mr. Niemeyer asked the neighbors to call the police every time there is an issue that way there is a record. Discussion continued on the matter.

Gary Meredith, W. 128<sup>th</sup>, stated he bought his house in October. He voiced concerns with no lights in the area. He stated it is hard to see when coming in and out. He shared a picture with Mr. Niemeyer. Mr. Niemeyer stated the lights he speaks of are owned by NIPSCO.

**ADJOURNMENT** President Niemeyer called the meeting to adjournment at approximately 9:20 PM.

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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.