

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



**April 6, 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	Absent*	Jennifer N. Sandberg, IAMC Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	Richard Eberly Town Manager	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

*\*Margo Nagy, Chief Deputy Clerk-Treasurer was in attendance.*

**PROMOTION**

Police Chief Fisher announced the Board of Safety approved the promotion of Officer Jake Huppenthal to the rank of Corporal with a vote of 4 to 1. Chief Fisher, with assistance from Deputy Chief Brittingham and Commander Kilgore, pinned Corporal Huppenthal.

**PRESENTATION PLACEMAKING PIER**

Chief Fisher presented quotes for the 2021 pier project. Bids were solicited for the pier at the Town Grounds as well as at Bartlett-Wahlberg Park. Chief Fisher briefly discussed some of the features of each pier. Sunrise Pier & Lift Service, Cedar Lake IN, and Pine Crest Marina, Cedar Lake IN, were the only two vendors to respond. Sunrise submitted quotes for the Town grounds pier, \$125,776.32, and the Bartlett-Wahlberg pier, \$13,880.66. Pinecrest submitted a quote only for the Town grounds pier, \$121,027.00. Chief Fisher recommended they move forward with the quote as submitted by Sunrise Pier. Chief Fisher added the Historical Association will absorb some of the cost for items like signage, benches, and lighting. A lengthy discussion followed on slip locations, composition, signage and safety features.

A motion to award the project to Sunrise Pier & Lift Service, Inc. was made by Colleen Schieben with second by Julie Rivera. Mr. Foreman asked if Sunrise would be able to have the piers installed by the date required. Chief Fisher stated the turnaround time is five to six weeks. President Niemeyer stated the Park Impact Fee Fund would pay for the Town's portion of the project. A brief discussion continued on slip placement. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

**PUBLIC COMMENT**

None

**CONSENT AGENDA**

- 1. Minutes:** March 2, 2021; March 16, 2021; and March 23, 2021
- 2. Use and Fee Waiver Requests:**
  - a. Sandra Huhn is requesting a waiver from the no-alcohol policy to serve mimosas at her daughter's wedding shower at the Clubhouse on July 18, 2021.
  - b. Jaclyn D'Andrea, Exit Realty, Operation Combat Bikesaver Fundraiser – requesting a use and fee waiver for Town Grounds 7/10/2021 (Rain date 7/11/2021).
- 3. Claims:** All Town Funds: \$143,432.05; Wastewater Operating: \$59,825.17; Sewer Sinking: \$421,400.00; Water Utility: \$26,165.34; Storm Water: \$60,784.25; and Payroll: Date March 18, 2021, and April 1, 2021: \$508,413.59.

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 Julie Rivera. Mr. Carnahan briefly discussed an invoice from Fire Services. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Julie Rivera – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

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**ORDINANCES**

**1. Ordinance No. 1380, amending the Shelter Fees and Monastery Woods Clubhouse Fees**

President Niemeyer stated the ordinance was not ready and the committee could update on discussions. Mr. Eberly discussed the fee proposal. If they choose to adopt, there will be no more waiver of fees. The proposed rates are as follows:

Clubhouse:

Non-profit organization - \$50.00

Resident - \$125.00,

Non-resident - \$200.00.

Refundable \$200.00 cleaning/damage deposit required

Town Grounds:

Lion's Den - \$100.00

Gazebo - \$75.00

Cardinal's Roost - \$50.00

Bandstand - \$250.00

Eagle's Nest - \$100.00

Total town hall grounds - \$500.00

Non-profit organizations – 50% of above fees

Mr. Niemeyer asked about the apartment rent at the Clubhouse. Mr. Miller stated that was another agenda item. Mr. Austgen stated he would have the ordinance ready in two weeks. A motion to defer was made by John Foreman with second by Colleen Schieben. Mr. Miller asked why they were waiting to book rentals until the ordinance passes. Mr. Eberly stated they are booked pretty solid. They had a rental request for 2022 already. They advised the requestor they didn't want to lock in any future dates until the Council took action. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Julie Rivera – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

**BZA/PLAN**

**1. Freege- Special Use Variance, 13934 Pickett Way**

**2. Henn - Use Variance, 13212 Wicker Avenue**

Mr. Eberly asked for the two BZA/Plan items to be deferred. They had an issue with getting the BZA minutes to Mr. Austgen for review. He asked for both items to be deferred to the next agenda.

A motion to defer items 1 and 2 was made by Robert Carnahan with second by Julie Rivera. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Julie Rivera – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

**NEW BUSINESS**

**1. 2021 Garbage and Recycling Bid Award**

Mr. Eberly stated they received an email from Mr. Rosenbaum yesterday. He doesn't believe Mr. Austgen hasn't had a chance to review a couple of changes to the contract as proposed by Republic. There were concerns with the hazardous waste section and language. Mr. Austgen would like to review. He stated as presented it is not acceptable. Mr. Carnahan discussed televisions not being picked up by the garbage service. Mr. Niemeyer asked where you can dispose of electronics. Mr. Carnahan stated public works accepts electronics. Discussion ensued on the rate structure and keeping it steady and predictable for residents. Mr. Eberly added that what is in front of them is a six-year contract. It includes bi-weekly recycling and bigger recycling totes. The timeframe needed to get and distribute larger recycling totes is approximately six weeks.

A motion to defer was made by Robert Carnahan with second by Colleen Schieben. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Julie Rivera – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

**2. CBBEL Proposal for Full-Time Observation of the 129<sup>th</sup> Avenue Project**

Mr. Eberly explained the construction engineering proposal is for the reconstruction project on 129<sup>th</sup> Avenue from Parrish Avenue to US 41. The Town did receive a Community Crossing Grant for the project. The project does include some storm water improvements. A brief discussion continued on a potential turn lane on US 41. Mr. Niemeyer added the total amount for the proposal is \$94,750.

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A motion to approve was made by John Foreman with second by Richard Sharpe. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Julie Rivera – Yes , Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

**3. Y2021 Police Vehicles**

Chief Fisher stated this recommendation comes from Clerk-Treasurer Sandberg. It is included in their packet. Three quotes were received with DeMotte State Bank having the lowest interest rate at 2.29%. Chief Fisher reported they are also moving forward with the hybrid vehicle purchase they received a grant for. The Fire Department will get a Ford Explorer and the other vehicle is a Ford Escape. President Niemeyer added the total amount of purchase is \$167,202.50 for three Dodge Durango's and one Dodge Ram. Mr. Niemeyer asked if cars were considered. Chief Fisher stated the problem is that Dodge has changed over the all-wheel drive to the six cylinders and increased the cost. The Durango has more space for all of their equipment. Mr. Niemeyer asked how many SUVs and trucks they have currently. Chief Fisher stated approximately half the fleet. The ones they are replacing are close to 90,000 miles. Mr. Niemeyer thought maybe cars could have been considered. Chief Fisher stated with the snow the four-wheel drive is best. Last time they went with the all-wheel drive Dodge Chargers. They were perfect. But they changed it and put the all-wheel drive in the six cylinder and raised the price. The six cylinder is more expensive than the rear wheel eight cylinder. For a couple thousand more they can get a SUV with more space.

A motion to award financing to DeMotte State Bank at 2.29% was made by Robert Carnahan with second by Colleen Schieben. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Julie Rivera – Yes , Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Randy Niemeyer – Yes. Vote: 7 - 0. Mr. Niemeyer asked Chief Fisher to keep the Board of Safety as part of the discussion of all vehicle and equipment purchases. Chief Fisher stated he has. Mr. Niemeyer stated they've felt out of the loop with the purchase. Chief Fisher stated they have been part of the discussions. They've asked for an update at each meeting. He stated he would talk to them and clear up any miscommunication.

**4. Monastery Woods Clubhouse Apartment Rental Agreement**

Mr. Eberly stated the sub-committee met and discussed the rental amount. The sub-committee decided the monthly amount would increase from \$500 to \$600. Mr. Niemeyer asked why it needed to increase. Mr. Eberly stated it has been \$500 a month for almost fifteen years. The Town pays all of the utility bills. Mr. Miller stated they discussed many things from the rental amount to the utility bills.

A motion to approve the agreement with the cost increasing to \$600 per month was made by Ralph Miller with second by Colleen Schieben. Mrs. Rivera stated she thought it was a large jump. Mr. Foreman stated it was a good deal with utilities included. Mr. Sharpe asked what the term of the lease would be. Mr. Miller stated for one year. Mr. Austgen briefly discussed having a real estate entity help provide additional assistance. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Julie Rivera – No, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Randy Niemeyer – No. Vote: 5 - 2.

**5. Farm Lease Agreement – Huseman Farms, Inc.**

Mr. Austgen explained this is the annual agreement with the farmer for the lease of the Town's 114 acres. The agreement is the same as prior years. Mr. Foreman made a motion to defer or make a contingency on forty acres being able to be removed. He was unsure how to word his motion. A brief discussion occurred on future activity on the acreage and access to it. Mr. Foreman removed his motion. Mr. Niemeyer added this is for the amount of \$150 per acre for 110 tillable acres.

A motion to approve was made by John Foreman with second by Richard Sharpe. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Julie Rivera – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

**6. Carpere Agreement Dated March 3, 2020 – Extension Request**

Mr. Niemeyer stated this is an extension request. The CEO of Carpere reached out to him prior to the last meeting. They would like another extension to the property along Parrish Avenue that was just discussed. The extension request is through October 31, 2021. Mr. Foreman stated with the activity related to the west side sewer interceptor and this location he would make a motion to deny the request.

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A motion to deny extension was made by John Foreman with second by Colleen Schieben. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Julie Rivera – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

**7. American Rescue Plan Continued Discussion**

Mr. Eberly stated they have a copy of the letter from Frank Mrvan. The Town is poised to receive \$2.75 million dollars. The first half is expected within the next 30-45 days. The second half will be received within a year of that. They don't have much more explanation on what they can use the funds for. Mr. Niemeyer stated during the committee meeting for the first draft of the sustainability report they discussed needing a resolution to create a fund for the money. That resolution should be on the next agenda so they have a place to deposit the funds when received. The financial advisor stated that funds may be able to be used for storm water projects. Mr. Austgen asked for clarification on the needed resolution. He hasn't seen any guidance. Mr. Niemeyer stated the resolution needs to establish the fund so the monies can be deposited. A brief discussion continued.

**8. Tourism Funds Requests**

Mr. Eberly stated Kelly Dykstra has submitted a request. This is the only request they've received so far this year for the Tourism Funds. They don't expect the funds for some time yet. Mr. Niemeyer stated the distribution may be lower. There isn't much to distribute. The Town normally receives only \$4,725.

A motion to defer was made by Robert Carnahan with second by Colleen Schieben. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Julie Rivera – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

**REPORTS**

1. Town Council - Mr. Carnahan stated he received a request to put some portable toilets at Bartlett-Wahlberg Park. Mrs. Schieben stated the committee is working on a facility. Mr. Niemeyer stated it isn't a bad idea to get something temporary. A brief discussion continued on the increased use of the park. Mr. Foreman discussed the need to review the agreement with Lake County Animal Control.
2. Town Attorney - No report.
3. Clerk-Treasurer - No report.
4. Town Manager – Mr. Eberly stated the committee met to talk about the parks. They have a nice plan for Bartlett-Wahlberg Park for a bathroom facility and a pavilion. They have an architect and some survey work has begun. They are looking into converting part of Kiwanis Park into a dog park. They are planning to do all of these upgrades with Park Impact Fees. Mr. Kubiak has worked with NIPSCO and they are going to put in seven streetlights at their expense. Mr. Carnahan talked about the need for one at 133<sup>rd</sup> and Fairbanks. Mr. Eberly stated at the April 20<sup>th</sup> meeting they'll have a public hearing on the CDBG funding. That is for ADA upgrades. Mr. Eberly stated he is working on the TIF District Annual Report that is due April 15<sup>th</sup>. Mr. Niemeyer stated Council Affairs met and discussed the sustainability report. It was a draft and some items were discussed. The document that is going to come out is a guideline on how to run the Town like a business. The financial advisors have done excellent work. It's exciting to be able to use this as a tool when budget planning. Mr. Niemeyer stated he would be working on a project-based agenda. This will go along with the strategic objectives he put out before COVID. A brief discussion continued on projects and revenue sources.
5. Director of Operations - Mr. Kubiak added that he talked to Lennar and they will be giving top soil to Kiwanis Park to do the final grade.
6. Police Department - No report.
7. Fire Department – Chief Wilkening stated he was recently served a one-week suspension. He stated the suspension was for failure to notify the Board of Safety of an incident involving a volunteer as well as not disciplining the volunteer. In hindsight, he should have given a statement to the media. He thanked his firefighters, chief of staff, and his officers for stepping up while he was gone. A lot of things happened. He appreciates the professionalism they showed. He did not accept the fact that he was suspended for the reasons he was. He served the time and they will move on and move forward. He had a lot of time to reflect and will change some things in the future. He thanked everyone for stepping up. He asked if they could expect a salary ordinance change at the next meeting in reference to the raises for his firefighters. Mr. Niemeyer stated it was the intention of Ms. Sandberg to have information ready at the April 20<sup>th</sup> meeting. He doesn't know if there will be a salary ordinance amendment for that meeting. There are some discussion items that will need to be talked about. He would expect her to have materials prepared for the April 20<sup>th</sup> meeting. Chief Wilkening asked if they anticipate it happening this year. Mr. Niemeyer stated he anticipates an item for consideration very soon.

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**WRITTEN COMMUNICATION**

None

**PUBLIC COMMENT**

Richard Thiel, 13513 Industrial Drive, stated Midwest PGM's website has been updated. They will purchase computers, towers, printers, and keyboards. They will not take televisions or monitors. He has left informational brochures at Town Hall. They have worked with Hanover Schools' recycling fundraisers to help raise money for school programs. Mr. Niemeyer suggested putting something in the Town's quarterly newsletter.

**ADJOURNMENT** Council President Niemeyer called the meeting to adjournment at approximately 8:15 PM.

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

\_\_\_\_\_  
Randell Niemeyer, President

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Richard Sharpe, Vice President

\_\_\_\_\_  
Robert H. Carnahan

\_\_\_\_\_  
John Foreman

\_\_\_\_\_  
Julie Rivera

\_\_\_\_\_  
Ralph Miller

ATTEST:

\_\_\_\_\_  
Colleen Schieben

\_\_\_\_\_  
Jennifer N. Sandberg, IAMC  
Clerk-Treasurer