



April 30, 2019

Special Public Meeting Advertised for 6:00 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*	Greg Parker Council Member	Ward 6
Absent	John Foreman Council Member	Ward 2	Present	Richard Sharpe Council Member	Ward 7
Present	Julie Rivera Council Member	Ward 3	Present	Jennifer N. Sandberg Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	Jill Murr, CPM, IAMC, MMC Town Administrator	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

**Arrived at approximately 6:30PM.*

Vice-President Rivera amended the agenda to include a proclamation.

PROCLAMATION

Council Member Niemeyer read the National Police Week Proclamation into the record.

ORDINANCES & RESOLUTIONS

1. Resolution No. 1237 – Police Vehicle Financing Resolution

Clerk-Treasurer Sandberg stated the resolution authorizes entering into the Master Lease Purchase Agreement with Tax-Exempt Leasing Corp. for the purchase of three (3) police pursuit vehicles. Tax-Exempt Leasing Corp. had the lowest interest rate out of the three quotes received. The Town has worked with them previously on lease purchase financing. The documents are in order to execute the final steps. Mr. Carnahan asked about the payments. Ms. Sandberg stated the payments will be annual and paid out of the Cumulative Capital Development Fund. First payment will not be due until March 2020.

A motion to approve Resolution No. 1237 was made by Randell Niemeyer with second by Robert Carnahan. Mr. Niemeyer asked Mr. Austgen if he had reviewed the documents. Mr. Austgen stated he has not. Roll call vote: Carnahan – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 5 to 0.

NEW BUSINESS

1. Used Ladder Truck Purchase Deposit Agreement

Town Administrator Murr stated this is the deposit agreement that had been previously discussed for the purchase of a used ladder/pumper truck from Country Club Hills. This authorizes a deposit of \$5,000 and if the purchase is not made after ninety (90) days we would forfeit half of the deposit. The purchase price of the truck is \$275,000. Mr. Niemeyer asked Mr. Austgen what the threshold is in Indiana for the bidding process. Mr. Austgen stated \$50,000. Mr. Niemeyer stated this is an abnormal purchase and asked what steps need to be taken to make sure they don't run afoul of Indiana Statute. Mr. Austgen stated he documented this before the meeting on the 16th with a letter opinion. This is a special purchase. Indiana Code 5-22 governs plus any other portion of the code related to bidding processes and the like. The purchase is subject to State Board of Account Audit review and accountability for compliance with the statute. Not going through the bidding process will need to be detailed. The document before you doesn't specify what is special about the purchase for purposes of the Indiana Code. It might be valid in Illinois Statute but provisions of this agreement do not reflect the special basis for purchase outside the competitive bidding process. He encouraged that to be considered. It sounds like there is any understanding between the two communities. The paper needs to accompany the desires. Mr. Carnahan asked if they could legally do this. Mr. Austgen stated legally they can. The documentation and transaction detail need to follow. He suggested the Council consider strongly what it means to enter into an agreement that provides for forfeiture of taxpayer money in the event of certain conditions occurring. Never in his time has he heard the word forfeit in a contract that the Council considered. Additionally, he noted the venue for any dispute is Cook County, Illinois Circuit Court. The agreement is to be governed and construed in accordance with laws in the State of Illinois. You are subjecting your Indiana community to Illinois law and courts in the event of a dispute. Vice-President Rivera stated it is not to be taken lightly. She asked the Clerk-Treasurer if she sees this as a concern with the financials. Ms. Sandberg stated this is an interesting item compared to past purchases. There are many moving parts at the same time. Discussion occurred on the possibility of selling the

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1993 ladder truck if this purchase goes through. That 1993 ladder truck is part of a current refinance from 2015. She stated she is in discussion with Republic First National on the possibility of financing the new truck as well as releasing the title to the 1993 ladder truck. Mr. Niemeyer asked if she thought there was the capacity to handle this within the ninety (90) day window. She answered yes. He asked about having an item to vote on with having ample time for legal counsel to review any contracts they enter into. She agreed. Mr. Niemeyer stated he wanted to make clear that these sorts of things should be fully vetted including resolutions for police vehicle financing through the legal department before the Council gets it. That's why they have an attorney. He doesn't think they have any attorney's on staff in the Town Hall. He thinks it's a good thing for us to review contracts that can cost taxpayer money in the event of a worst case scenario. This is something that was brought to our attention through this that they could possibly forfeit 50%. Like Julie said it's only \$2,500 but it's still an example of what could happen if we don't have all of our ducks in a row. Mr. Carnahan asked how many payments were left on the 1993 truck. Ms. Sandberg stated there is one more payment due in 2020. Mr. Carnahan asked Chief Wilkening about the new truck and the cost. He asked about the potential sale of the 1993 truck. Chief Wilkening stated they are hoping to get \$30,000. Mr. Carnahan stated once they get that payment they should take it and use that as a payment to finish off the 1993 truck. Ms. Sandberg stated that any funds received from the sale of the 1993 truck would be receipted into the cumulative capital development fund and go towards future lease purchases. Mr. Niemeyer asked if there was an appraisal on the truck. Chief Wilkening stated no. It was an estimate of cost. Fire trucks are hard to appraise because their value decreases quickly. Mr. Niemeyer stated he asked because they might need to have document to give to a bank for financing to show equity in an asset. It may be useful from a financial standpoint. He stated he sent an equivalent cost to another truck that was similar. He spoke with Fire Service and got their opinion on a cost but they aren't willing to give you a documented quote. When they first started looking into fire trucks a couple years back, Brindlee Mountain told them what the truck was worth or what they would pay for it. Mrs. Murr stated one of their biggest requirements is with the state purchasing policy and State Board of Accounts requirement. The financing part on the normal level of purchasing a fire truck is actually the easier part so long as the money is available to make the payments. She stated she has discussed with the Clerk-Treasurer on ways to do that. It's making sure they have the documentation to legally make the purchase. She would like David to review all the documents because there are some intricacies to the purchase and being a larger, unique purchase. Mr. Niemeyer agreed. Mr. Carnahan spoke to the opportunity of savings. Further discussion continued on comparable fire equipment.

A motion to approve the used ladder truck purchase deposit agreement and noting the record on the comments above made by the Town Attorney on the statutory documentation that's needed for the special purchase was made by Randy Niemeyer with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 5 to 0.

Chief Wilkening asked if there would need to be another motion to actually buy the truck or can this be contingent on everything working out. He asked what he is to tell Country Club Hills. He asked about the timeline. Mrs. Rivera asked about waiting until the meeting on the 21st. Mr. Austgen stated the agreement contemplates ninety (90) days. It's Country Club Hills document. Chief Wilkening asked for his department. He'd hate to see it go the full ninety (90) days as there are a few things that need to be done. Mr. Niemeyer stated this would go as quickly as the financing and legal documents can move. No one here wants to hold this up but they want to make sure they are doing their due diligence. All parties here have been properly directed. A brief discussion continued.

PUBLIC COMMENT

Mr. Carnahan stated he had Sarah circulated Census material. For every person not counted it is estimated the Town will lose \$2,710 per person per year. Mr. Niemeyer wondered aloud about 100% reporting and the limited pie based on what the Country produces. He wondered about possibly running a deficit. Mr. Carnahan stated he's not sure if it's the same for every state but spoke about the estimated funds available. Further discussion continued on the upcoming census and estimated money available. Mr. Miller thanked Chief Wilkening and his staff for their hard work on this truck endeavor. Mr. Carnahan discussed Chief Coulson possibly participating with the Plan Commission on certain safety aspects. Mrs. Rivera asked if he's spoken with the Chief about this. He stated yes and he's on board. Mr. Niemeyer stated he thinks it's a great idea.

ADJOURNMENT Vice-President Rivera called the meeting to adjournment at approximately 6:35PM.

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

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

John Foreman, President

Julie Rivera, Vice President

Robert H. Carnahan

Ralph Miller

Randell Niemeyer

Greg Parker

ATTEST:

Richard Sharpe

Jennifer N. Sandberg
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.
 - (5) Any additional information required under IC 5-1.5-2-2.5.