

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



March 03, 2020

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	Jill Murr, CPM, IAMC, MMC Town Administrator	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

President Niemeyer amended the agenda to include an engagement letter from London Witte Group.

PUBLIC COMMENT (on agenda items)

Brenda Roberts, 15208 Morse Street, asked if new water tower would service her property at 14908 Morse Street. Mr. Niemeyer explained it is in the Capital Plan to eventually be able to service the south end of Town.

CONSENT AGENDA

- 1. Minutes:** February 18, 2020
- 2. Claims:** All Town Funds: \$134,385.54; Wastewater Operating: \$132,856.95; Water Utility: \$9,613.38 Storm Water: \$8,018.70 and Payroll: February 20 & 28, 2020 - \$189,654.01
- 3. Request Business Showcase Door Prize:** March 21, 2020
- 4. Cinco de Mayo Event:** May 2 & 3, 2020 at LaGaviota Restaurant
- 5. Property Donation Acceptance:** 9708 Lincoln Plaza

A motion to accept and waive the reading of Minutes and accept the consent agenda was made by Richard Sharpe with second by Colleen Schieben. Mr. Carnahan commented on the purchase of approximately \$36,000 of road salt. He added the Public Works Department is doing a good job. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

ORDINANCES

1. Ordinance No. 1348: Water Rates

Council Member Rivera read by title only. Town Attorney Austgen explained this ordinance is the result of orders from the Indiana Utility Regulatory Commission (IURC) following the petition for system development charges to be imposed and increased. He explained the system development fee increase and the resulting negotiations with the Indiana Utility Regulatory Commission and the Office of the Utility Consumer Counselor (OUCC). They included a provision that if the Town were to come back to the commission with a petition that they would unify the three different water tariffs. The Town has never raised the rates since acquiring the water utility. The rate study from London Witte Group financial advisors is attached to the ordinance. A petition to raise the rates will be sent to IURC as a result of the passage of this ordinance. Mr. Carnahan asked if this needed to go back to the IURC and if a public hearing would be necessary. Mr. Austgen stated yes, the petition needs to go to Indianapolis. No, a public hearing is not required. A mandatory public hearing will be conducted by the IURC. Discussion continued on regulated utilities. President Niemeyer explained the new rate structure. The proposed rate for all Water Utility customers will be \$10.25 per 1000 gallons up to the first 4000 gallons and then step down to graduate to the next 1000 at \$8.55 per 1000, the next 1000 gallons to \$7.01 per 1000 gallons and continue from there. This will be all made public. The plan is to have one or two public forums. A lengthy discussion continued on current rates versus proposed rates.

A motion to approve the first reading of Ordinance No. 1348 was made by Julie Rivera with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

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

NEW BUSINESS

1. Tourism Fund Request

Mrs. Murr stated she previously disbursed information to them, which included Indiana Code reference as well as Town Code. There is no restriction on profit vs non-profit recipients receiving Tourism Funds. The funds are for tourism and to bring people into the community. Mr. Foreman stated he believes the Farmers Market is the same thing as the Summerfest. Both bring people into Town and any proceeds would need to pay employees, etc. Mr. Niemeyer stated there will be \$4,725.00 to distribute. Funds are usually received beginning of July. Mrs. Rivera suggested waiving Summerfest fees and splitting funds with the Historical Society and the Farmer's Market. A lengthy discussion continued.

A motion to waive the grounds use fees for the Summerfest and the fees for the Farmer's Market and awards the tourism funds of \$4,725 to the Historical Association. A brief discussion occurred on waiver of fees. Mr. Austgen stated the Farmer's Market agreement would probably need to be amended. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

2. INDOT Project Coordination Contract

Mrs. Murr explained the project for improvement to the intersection at 133rd Avenue and King Drive that would include a traffic light. Federal funding of 80/20 split was awarded for the \$564,212.80 LPA Project Coordination Contract. A few modifications have been made and some costs may be reduced. The 20% will come from the Redevelopment Commission Fund. Mr. Niemeyer added work is in progress to share the 20% cost with Hanover School Corporation and the developer of Summer Winds Subdivision.

A motion to accept the contract as presented was made by John Foreman with second by Robert Carnahan. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

3. Decommissioned Police Vehicle

Chief Fisher would like to decommission and donate a 2012 Charger that is not in use to the Indiana Law Enforcement Academy. The department would receive credit for training hours at the academy. Mr. Niemeyer added this was a 3-0 recommendation from the Police Commission.

A motion to decommission the vehicle and donate it to the academy was made by Robert Carnahan with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

4. Carpere Canada

Mr. Austgen explained the option agreement for consideration regarding the Town's 114 acre parcel and the consequential economic development agreement and business arrangement with Carpere Canada. This is a step in gathering data and meeting timelines for same. Julie Rivera introduced the option agreement. A lengthy discussion followed on the timeframe and actions leading to this agreement.

A motion to approve the option agreement with Carpere Canada was made by Richard Sharpe with second by Julie Rivera. Mr. Foreman reiterated the benefits of the agreement such as economic development and job creation. Roll call vote: Carnahan – No, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 6 - 1.

Mr. Foreman would like Council to move forward with exploration of other land adjacent to the current Town owned parcel. Mr. Niemeyer added Land Option consideration for the 40 acre parcel to the agenda. John Foreman made a motion to direct the attorney to negotiate the option agreement with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0. Mr. Carnahan stated his vote of no was due to Mr. Austgen's reservations.

5. Lake Shore Drive/Cline Avenue Change Orders

Mrs. Murr explained Change Order #2 is for \$4,443.51 for use of concrete instead of limestone for subgrade treatment. The Town will be responsible for 20% of the cost. It was reviewed by the engineer. Change Order #3 is for \$5,128.00 for maintenance of the temporary signage that was used during construction. The Town is responsible for 20% of the cost. It was recommended to approve both.

A motion to approve both change orders was made by Richard Sharpe with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

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

6. Ecosystem Committee Appointment

Mr. Foremen stated he attended a recent Ecosystem Restoration meeting and as a result, it was recommended to add an RDC member to the committee. It is recommended to appoint Redevelopment Commission Member Doug Spencer.

A motion to appoint Redevelopment Commission member Doug Spencer was made by John Foremen with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

7. LWG Engagement Agreement

Mrs. Murr explained the proposal of \$15,000.00 for a financial analysis for all general fund tax revenues and miscellaneous revenues by London Witte Group. Discussion followed on the advantages to the analysis.

A motion to accept the engagement agreement contingent upon attorney review and submission of LWG's formal proposal was made by Ralph Miller with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

REPORTS

1. Town Council

Ecosystem Restoration – Mr. Foremen reported on an Ecosystem Restoration meeting where topics discussed included adding Options A and Plan A, some contingencies to the Army Corps of Engineers Plan and the timeline for accepting those contingencies. They continue to pursue any and all avenues. President Niemeyer added that Senator Rick Niemeyer has extended an invitation for a group to meet with him, Representative Aylesworth, IDEM and IDNR leadership teams to discuss other options to explore as a cost saving standpoint.

Public Works & Safety – Mr. Miller reported the needs of the Fire Department were discussed at the meeting last week. Mr. Niemeyer added staffing and turnover issues, competitive wages and future need for facilities was also discussed. Discussions were had with Police Chief Fisher on his plan to increase wages for his department. Mr. Niemeyer encouraged patience until the financial analysis is complete. Facilities were also discussed. Mrs. Murr added her report to Council included strategic objectives by department and a summary of the Public Safety meeting.

Park & Recreation – No meeting was held. The next meeting is scheduled for April 22, 2020. Mrs. Murr presented a proposal for a sponsorship program. Discussion followed on sponsorship tiers and benefits.

Council Affairs – The Committee met on February 7, 2020. Personnel and wages were discussed.

Streets – Mr. Carnahan reported no meeting was held. The committee is still gathering data from engineers and Public Works.

Planning Committee – Discussions on the Zoning Ordinance are ongoing. Mr. Niemeyer requested some overlaying/grandfathering for some of the older neighborhoods in the ordinance.

2. Town Attorney

Mr. Austgen reported he and Utility Board President Sharpe have been working on acquiring property for the water tower: He requested an amendment to the agenda to include direction authorizing uniform land acquisition offers. Mr. Niemeyer added the item to the agenda. John Foreman made a motion for authorizing uniform land acquisition offers with a second by Ralph Miller. A brief discussion continued on the motion and actions. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

Mr. Austgen addressed Mr. Carnahan's concerns and stated the Carpere Canada agreement has no downside to the Town. His trepidation has to do with him representing them. This is an information movement agreement.

3. Clerk-Treasurer

Clerk-Treasurer Sandberg reported the 2019 annual financial report has been completed and submitted. She reported that she is the recipient of a scholarship of \$150.00 to attend the ILMCT Academy in Muncie next week. It is the most intense training from ILMCT and many topics will be covered. She received notification of being awarded a scholarship of \$600.00 to attend the 2020 IIMC Conference. Ms. Sandberg also received a \$100.00 online learning scholarship from IIMC. She stated all the trainings continue her professional development as well as her required training hours per Indiana Code.

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

4. Town Administrator

Mrs. Murr reported the RDC awarded façade grants bringing the total awarded to \$40,575.50. With the help of Chief Fisher, the majority of town hall staff completed CPR/AED training. Town hall will be closed tomorrow morning for active shooter training. The Census committee will be meeting March 11th. Sarah Rutschmann, Town Administrative Assistant, will be attending grant writing training.

5. Director of Operations – Mr. Kubiak reported the department is working on a plan for Noble Oaks road improvements.

6. Police Department – Chief Fisher requested Council's approval to forego an additional police officer that was budgeted for this year and give each of his officers a \$3,000.00 raise. This will help his department get closer to the middle of the pack. Budgeting was discussed with the Clerk-Treasurer and Chief Deputy. With what is already budgeted, there will be a substantial amount left in the budget if the raises were approved. Chief Fisher provided supporting documentation to the Council as well as the Police Commissions recommendation for the raises. Police Commission voted in favor 3-0. Mr. Carnahan asked if this would include retirees. Chief Fisher stated yes. A brief discussion continued. President Niemeyer put the request on the agenda as a recommendation for Council to amend the salary ordinance. John Foreman made a motion to amend the salary ordinance to reflect the Chief's request to increase salaries with a second by Robert Carnahan. President Niemeyer asked if foregoing another officer would make it less safe. Chief Fisher did not believe so. He stated they could always use more officers. He voiced concerns that they will continue to lose officers with the salary being as low as it is. President Niemeyer stated his goal is to put salaries in the range of some neighboring communities and still add personnel to the department. His concern is that foregoing an additional officer may result in always being a guy behind in upcoming years. Mr. Carnahan voiced concerns about losing officers and needing to cover the cost of training new recruits. A very lengthy discussion followed on personnel retention for the Police and Fire Department as well as possibly waiting until LWG finishes their analysis before raises are granted. Chief Fisher stated the COPS grant has been applied for and would help pay for a new officer. President Niemeyer reiterated that they need to consider things in a sustainable fashion. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – No. Vote: 6 - 1.

Chief Fisher presented Council with the 2019 Year End Report. Chief explained the breakdown of the calls. The total calls for service went down from 2019. Southlake Dispatch codes the calls. Discussion followed on drug related calls. Chief Fisher introduced Mr. Gutierrez, owner/operator of McDonalds. Mr. Gutierrez announced Coffee with a Cop will be held at McDonalds on March 11th. He also discussed McDonald's involvement in upcoming community activities and their commitment to the community.

7. Fire Department - Chief Wilkening met with Hanover Trustee Toth to discuss a washer purchase to extract carcinogens from firefighters' gear. Chief is asking for Council's approval to go forward with the project. Mr. Toth explained he is asking the Town to formalize the request adding some things he is not legally able to pay for, i.e., the Trustee's Office can pay for extraction equipment but not installation. President Niemeyer added the formalization request to the Hanover Trustee to authorize purchasing the washer and dryer to the agenda. John Foreman made a motion with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

Chief Wilkening added the Volunteer Firefighter Association has agreed to donate an additional \$4,000.00 to \$5,000.00 to the project. Chief Wilkening reported the previously announced new hire backed out. They have made a conditional offer to a firefighter from Munster, Jon Fahey-Smith. Chief stated it was his understanding that since it was budgeted for a new hire, he had to hire someone. He was unaware the money could be used for raises to the current employees as the Police Department is doing. In the future, he would like to have the same opportunity.

Robert Carnahan reminded everyone a census postcard will be mailed on March 12th. Census can be reported online, calling the phone number on the card or filling out a hard copy and mailing it in. Mr. Carnahan reported the loss of \$20 million dollars last census reporting. April 1st is Census Day. He discussed the importance of a complete census, how it affects the number of Representatives in the House and revenue funding for the Town. The Business Showcase is on March 21st from 11:00-3:00.

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

WRITTEN COMMUNICATION

- 1. Christopher B. Burke Engineering Report** – Previously reported.

PUBLIC COMMENT

Ken Puent, 13641 Morse Street, discussed the 2019 Police Year End Report and asked about the efficacy of a Town Court. President Niemeyer responded it would be very difficult from an expense standpoint. Mr. Austgen added the municipal courts are all shutting down.

ADJOURNMENT - Council 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

Julie Rivera, Vice President

Robert H. Carnahan

John Foreman

Ralph Miller

Colleen Schieben

ATTEST:

Richard Sharpe

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