

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

July 21, 2020

Public Meeting Advertised for 7:00 PM
Conducted at the Cedar Lake Town Hall



Pledge of Allegiance & Moment of Silence

In an effort to maintain transparency and accessibility while keeping accordance with the Governor's Executive Orders relating to COVID-19, the Town Council meeting limited in person attendance but the live broadcast was streamed and can be viewed at <https://cedarlakein.org/view-town-meetings/>. Questions and comments were accepted electronically and instructions can be found on the Public Meeting Agenda, a copy of which can be found at

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	

* Council members Carnahan and Schieben participated remotely

PROCLAMATION

President Niemeyer read a proclamation titled Town Year 2020 Community Congratulation Proclamation and Recognition Hanover Central High School Boys Basketball for 2018-2019 and 2019-2020. Team members' names were listed in the proclamation. The teams were state sectional winners back to back in 2018-2019 and 2019-2020 for the first time in the school's history. In 2019-2020 they were the Greater South Shore Conference champions. Coach Claus and several team members were present.

PUBLIC COMMENT – None

CONSENT AGENDA

1. **Minutes:** June 16, 2020
2. **Claims:** All Town Funds: \$614,409.84; Wastewater Operating: \$31,442.49; Water Utility: \$76,781.61; Storm Water: \$16,554.77; and Payroll: July 9, 2020 - \$274,564.50
3. **Manual Journal Entries:** June 1 – 30, 2020
4. **Donations to DARE Program:**
 - a. Christopher B Burke: \$100.00
 - b. Schilling Brothers Lumber & Hardware: \$250.00
5. **Tag Day Request:** Hanover Central High School Cheer (Oct 3; rain date Oct 10)
6. **FOE #2529 Make A Wish Car Show:** Grounds & fee waiver request (September 20, 2020)

A motion to accept the consent agenda was made by John Foreman with second by Richard Sharpe. 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.

ORDINANCES & RESOLUTIONS

1. **Ordinance No. 1355 – Emergency Response Reimbursement Repealer Ordinance**
Mrs. Rivera read by title only.

A motion to adopt was made by Ralph Miller with second by Julie Rivera. Roll call vote: Robert Carnahan – No, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 6 - 1.

2. **Ordinance No. 1358 – Job Description Amendment**

Mrs. Rivera read by title only. Mrs. Murr explained per direction at the last meeting, this is the addition of a part-time Utility Accounting Specialist and a full-time Technology Director. The technology director position was discussed during budget last year. The part-time position will be as needed. Mr. Foreman asked about the technology director

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position and if it could be deferred. Mrs. Murr stated this was just to add the job description.

A motion to approve Ordinance No. 1358 was made by Robert Carnahan with second by Ralph Miller. Roll call vote: Robert Carnahan – Yes, John Foreman – No, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – No, Randy Niemeyer – Yes. Vote: 5 - 2. The second reading will be at the next meeting.

3. Ordinance No. 1357 – 2020 Salary Ordinance Amendment

Mrs. Rivera read by title only. Mrs. Murr explained this is the salary going along with the job description ordinance. The Utility Accounting Specialist's hourly rate is \$100 payable from 34% Wastewater, 33% Water, and 33% Storm. Mr. Niemeyer added the rate paid to the person when she was a financial consultant was \$300 an hour; this is a substantial savings for a very skilled individual. It's the same rate paid to our attorney. Mrs. Murr stated the Technology Director's exempt bi-weekly salary is not to exceed \$2,500 payable from 25% General, Wastewater, Water and Storm. Mr. Niemeyer stated he feels they need to address a little bit of salary inequity as it relates to the leadership. Sometime ago they raised the Police Chief Salary to \$70,000. He would like to see the same for the Fire Chief. Mr. Foreman asked if they could amend this ordinance for that increase. Mrs. Rivera discussed her agreement to raise the Fire Chief's pay but did not agree with bringing on a Technology Director. She disagreed with the rate of pay when there are people that need raises right now. She thinks the money could be better spent on employees now. Mrs. Murr explained that only 25% of the Technology Director's pay would come from the general fund and the Public Safety raises referred to by Mrs. Rivera would be 100% from the general fund. The position was already budgeted for this year, additional raises for Public Safety employees was not. The max salary shown would be only \$16,000 coming from the General fund. The three utility funds are justified for the work done for the utility departments. A lengthy discussion followed on the Technology Director's ability to help all departments with software issues, programing, reports building, streamlining procedures, putting documents online and maintaining the website as well as many other day to day tasks. The person being considered is familiar with software the fire and police departments are using. The individual has been a part-time employee with the Town for about twenty years and is a Reserve Police Officer.

A motion to approve Ordinance No. 1357 with an amendment to include a raise for the Fire Chief salary to \$70,000 was made by John Foreman with second by Ralph Miller. Mrs. Rivera again voiced her disagreement with adding a Technology Director. A brief discussion continued. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – No, Randy Niemeyer – Yes. Vote: 6 - 1.

4. Resolution No. 1262 – Utility Waiver of Late Fees

Mrs. Rivera read by title only. Mrs. Murr explained previously they had approved the waiver of utility late fees through the end of June. The IURC has extended no utility late fees through August 14th. This resolution will continue to follow the governor's orders and apply no late fees for July.

A motion to approve was made by John Foreman with second by Colleen Schieben. 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.

PLAN

1. Beacon Pointe East Rezone Certification

Mrs. Murr explained the Plan Commission recommended Beacon Point East's rezone to a PUD. The certification is here and it is recommended accepting certification and direct staff and attorney to draft the rezone ordinance.

A motion to approve was made by John Foreman with second by Robert Carnahan. Mr. 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.

NEW BUSINESS

1. Wicker Meadows Stormwater

Ms. Murr explained the matter has been an item for many years and the letter requested by a resident of the subdivision is ready to be prepared. It is recommended Council direct the attorney to prepare a letter stating the property meets storm water requirements of the Town based on review and analysis by the engineer and authorizing the Council President to sign. The attorney's comments were inaudible. A brief discussion continued

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about transparency of standards. Mr. Austgen spoke in regards to the subject matter of the letter. Mrs. Murr asked that the motion include the authorization for the Council President to sign the letters.

A motion to approve the recommendation for the letter was made by John Foreman with second by Richard Sharpe. 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.

2. Hill Tavern Request

Mrs. Murr received a request from Mrs. Sumara to put in an outdoor patio area at the Hill Tavern by July 25th for a benefit bike run. Mrs. Sumara explained the request is for a temporary patio area for the bike run, but due to COVID would like to extend the request through the end of the year. The area will be similar to the Town Club. Discussion followed on placement, layout, size and fencing.

A motion to approve was made by Ralph Miller with second by Colleen Schieben. Mr. Kubiak questioned the size and number of people allowed on the patio in relation to the limited number of parking spaces. Fire Chief Wilkening will look at the Town Club and the Hill Tavern patio area to determine recommended seating capacity. Mr. Miller amended his motion to approve contingent on Fire Chief's review and recommended seating capacity. Mrs. Schieben concurred. 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.

3. Ambulance Bid

Mrs. Murr reported on the two ambulance bids submitted. Fire Services, Inc. submitted in the amount of \$451,875. Financing proposed is from REV Financial for the amount and a five year term at a rate of 2.42%. Payments would be annual and the first payment would be in arrears. North Central Emergency Vehicles submitted in the amount of \$428,961.30. They included some alternatives as well. Their finance proposal was from Republic First National and proposed a five year term at a rate of 2.89%. Payments would be annual and the first would be in arrears. Ms. Sandberg solicited additional quotes from Tax Exempting Leasing Corp. at a rate of 2.49% and Republic First National at a rate of 2.95%. Mr. Austgen stated he reviewed the bids and found them excessively higher than a typical bid for a fully equipped ambulance. He recommended deferral to re-evaluate. The bids included equipment to refurbish an existing ambulance. Chief Wilkening explained the bid specifications included upgraded equipment with approximately \$120,000 additional equipment. This was an ambulance and equipment spec bid. A power load for the other ambulance was included. He stated the monitors need to be replaced. Mr. Niemeyer asked how much of the bid is equipment for the other ambulance. Chief Wilkening stated the power loader and a monitor. A lengthy discussion followed on equipment needs, the inclusion of extra equipment in the bids, effect on CCD funds, SBOA's position on bidding protocol and the effect on future equipment purchases. Ms. Sandberg feels discussion on allocation of CCD funds is needed. Public Safety and Public Works will be needing vehicles in the near future.

A motion to defer was made by John Foreman with second by Ralph Miller. Discussion continued on clarity, equipment bids and timelines. 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.

4. Christopher B. Burke Ecosystem Proposal

Mr. Foreman discussed the Eco-System Restoration meeting. The committee is trying to come up with a viable focused restoration plan in the event we go at it alone. Christopher Burke is working to team up with organizations for the restoration process. Phase 1 would be a proposed schedule. Phase 2 would be a project that includes additional scheduled plans through 2022. The Corps plan and an alternate plan for dredging was discussed. Mr. Foreman continued to outline the timeline for a more affordable plan that could save \$800,000. Mr. Foreman proposed the \$199,000 cost come out of the Stormwater fund. Mr. Niemeyer would like to involve our economic developer partners in the plan. Discussion followed on cost of going with the Army Corp plan and the cost savings of independent restoration.

A motion to accept the proposal of a not to exceed \$199,000 payable from Stormwater for the scope as laid out was made by Colleen Schieben with second by Julie Rivera. 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.

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REPORTS

1. Town Council

Mr. Carnahan reported the Chamber will be resurfacing their parking lot on August 11th. The census is still at 73.4%. The Chamber's office will be closed this Saturday. Mrs. Schieben added people are welcome to gather there to watch the boat parade in support of our president. Mr. Niemeyer reported the coordination of public safety units for the event.

a. Council Affairs Committee

Mr. Niemeyer expressed the need to meet with department heads for budgeting.

b. Ecosystem Restoration Committee report was previously reported.

c. Street Committee

Mrs. Murr reported the street committee met on the 14th. The close out of Cline Avenue and Lake Shore Drive was discussed. The update to the subdivision roadway plan is anticipated by end of summer. The Community Crossing Grant is out to bid now, due the 3rd and she anticipates having them available to award on the 4th. The contracts to INDOT are due by August 17th. Discussion included the need for easements for Highland Subdivision and applying for the Community Crossing Grant this fall for funding of the 129th Avenue from US 41 to Parrish project. The RDC intersection project for 133rd and King will add a pedestrian crossing at the school and sidewalk leading up to the school. The easement and letter of intent to contribute \$27,000 have been obtained. The streetlight project was discussed. Mr. Oliphant will be reviewing to identify those that can be relocated. The streetlight requested at 136th and Cedar was installed this morning. Fairbanks and Vermillion are considered for update using local funds. Mr. Carnahan added the 133rd and King project is \$400,000, with an 80/20 INDOT grant. Mr. Niemeyer discussed RDC's willingness to authorize funds for preliminary engineering to add a pedestrian or trail lane along Morse Street. Mrs. Murr reported the Park and Recreation Committee will meet Friday. Mr. Niemeyer asked that Bartlett/Walberg Park improvements are discussed at the meeting. Mrs. Murr reported there have been eight façade grants awarded in the amount of \$49,126.50. There was \$100,000 available for grants. Local businesses in the TIF district can still apply.

d. Public Works and Safety Committee

Mr. Niemeyer discussed with Chief Wilkening setting up a meeting next week to follow up on items that have been continuously discussed. Mr. Niemeyer reported a scheduled conference call for July 28th to discuss the Fire Territory's initial scope of work of developing an engagement with a financial advisor. The Public Safety Committee met with Chief Fisher to discuss the staffing needs of his department with the passing of Corporal Wood, and several spots in the near future that are going to open up. Equipment needs were also discussed.

e. Stormwater was previously discussed.

2. Town Attorney

a. Ordinance No. 1352 – Emergency Response Billing Update
Attorney Austgen provided an update. (Inaudible)

3. Clerk-Treasurer

Clerk-Treasurer Sandberg reported emails will be forthcoming to set up budget meetings with the Council Affairs Committee and department heads.

Mr. Niemeyer discussed an upcoming meeting with representatives from Hanover School Corporation, building team, legal, Public Safety Committee members, and others to discuss pre-project coordination.

4. Town Administrator - previously reported.

5. Director of Operations – no report.

6. Police Department

Deputy Chief Brittingham discussed the upcoming boat rally, expected parking issues and extra staffing. Parking will be available on the Town grounds. The American Legion is hosting a memorial service at the same time as the boat rally, with numerous bikers expected to attend.

7. Fire Department

Chief Wilkening reported the Fire Department will have extra staff this weekend, their boat will be on the lake and the dive team will be on stand-by. Chief Wilkening reminded business to keep social distancing, wear masks and follow capacity guidelines. The first meeting with the Board of Safety went well. One of their first concerns is salaries.

WRITTEN COMMUNICATION

1. Building Department Report

Mrs. Murr reported 106 new construction permits with a value of just under \$25 million and 252 alteration permits with a value of just over \$3.1 million. There are 97 home occupancy permits year to date. The average home medium is just over \$235,000.00

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There were two letters received in regards to the softball fields; Mary Bixeman and Paulette Reichert. Mr. Niemeyer discussed Mrs. Bixeman having a loved one under medical care in the home, and her concern with softballs hitting the home; posing a danger to the person receiving medical care. Communication is needed to ensure throwing and hitting softballs near homes is prohibited. Mr. Niemeyer spoke with Paulette Reichert has the same concerns that have been discussed; speeding, parking in front of driveways, unable to get mail or walk dogs.

PUBLIC COMMENT

Mary Joan Dickson, 8711 W. 136th Place, discussed the drainage study that was done on 132nd Place and Marquette that was discussed at the drainage board meeting and had to go before council, it has been about year. Mrs. Murr explained the Storm Board brought it to Council to incorporate as part of a larger subdivision project. It is one that Don is reviewing with the subdivision update project. Mrs. Murr will forward the study to Council.

Richard Szumigalski, a Beacon Pointe resident, complained that six weeks ago they dug out the area in back of his home and have yet to fill it back in. He has called the Town hall but it still isn't filled in. Mr. Kubiak explained the builder dug out the area and is responsible for finishing it. McFarland did not do the drainage properly and did not pass their as-built bond. A brief discussion continued.

Charlie Kaper announced a ribbon cutting ceremony at 11:00am tomorrow at the newly remodeled Kubal Plaza.

ADJOURNMENT Council President Niemeyer called the meeting to adjournment at approximately 9:45 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