

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



August 18, 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 <https://cedarlakein.org/wp-content/uploads/2020/08/08.18.20-Town-Council-Agenda-Supplemental-Packet.pdf>

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 member Carnahan participated remotely.*

PUBLIC COMMENT (on agenda items) – None

POLICE DEPARTMENT RECOGNITION & PRESENTATION OF AWARDS

Officer Douglas Machalk was presented with the District One Life Saving Award for his swift assistance to a choking victim. VIPS Sergeant Jack Yauger received the District One Civilian Award for his dedication and years of service. Officer Richard Pennington and Corporal Phil Lewis received awards for their life saving actions to a gunshot victim. Officer Dustin Corbin received a plaque for his assistance on the same call.

The Wood Family was introduced to some local children that held a lemonade stand and raised over \$2,000 for the Wood family. The Wood Family was presented with a gift from Tiffyne Sheehy. It was a memorial brick in honor of Corporal Wood.

Chief Fisher introduced Nick Hoffmann and his Eagle Scout Project. Mr. Hoffmann built and designed multiple flag drop boxes. These boxes are located throughout the community. Residents can dispose of tattered flags in these boxes and they will be retired properly.

CONSENT AGENDA

1. **Minutes:** August 4, 2020
2. **Claims:** All Town Funds: \$170,859.21; Wastewater Operating: \$118,744.97; Water Utility: \$96,335.02; Storm Water: \$13,620.52; 2017 RDA A Bond: \$101.00 and Payroll: August 8, 2020 \$246,640.42
3. **Manual Journal Entries** – July 1, 2020 – July 31, 2020
4. **Meeting Calendar:** Addition of Tuesday, October 6, 2020 Town Council
5. **Tag Day Request:** Riptide Travel Softball for September 5, 2020

A motion to accept and waive the reading of the minutes and approve the consent agenda was made by John Foreman 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. Mr. Carnahan noted he spoke with staff regarding his claim questions.

ORDINANCES

1. **Ordinance No. 1352 – Reimbursement Fee**
President Niemeyer stated he was advised the item was not ready for this evening’s agenda.

A motion to defer was made by Ralph Miller 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.

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2. Ordinance No. 1360: Beacon Pointe East PUD & PUD Contract

Council Member Rivera read by title only. Mr. Austgen stated this is the PUD ordinance for Beacon Pointe East. It has been vetted by the Plan Commission. They have certified a favorable recommendation to the Town Council. Mrs. Murr added this was previously approved by the Council and direction was given to the attorney and staff to get the documents ready. Mr. Carnahan stated this was 50.2 acres. The remonstrators were heard and changes were made to ingress/egress and the total units.

A motion to approve Ordinance No. 1360 was made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0. Mr. Austgen suggested staff be directed to get all items finalized before recordation occurs. A motion to approve the recommendation by Mr. Austgen was made by John Foreman 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.

3. Ordinance No. 1361: Rose Garden Estates Special Revenue Non-Reverting Fund

Council Member Rivera read by title only. Mr. Austgen stated this is the creation of a special revenue non-reverting fund establishment ordinance for the purpose of receipting the \$1,000 agreed upon fee by Lennar when they secured their PUD approval for the project development on 141st Avenue. This is to be used for utility and infrastructure improvements. President Niemeyer stated the development is approximately 352 units. Mr. Foreman stated he wasn't sure they specified the funds were to be used for infrastructure only. He thought they were going to put it in the General Fund. Mr. Austgen stated no. They reviewed the minutes from the prior meetings and it was noted for infrastructure. He asked that someone make any motion contingent upon review of prior minutes.

A motion to approve Ordinance No. 1361 was made by John Foreman with the contingency to review prior minutes and make certain of the use of the funds. Second was made by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

A motion to suspend the rules and allow a second reading was made by Ralph Miller 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.

Council Member Rivera read Ordinance No. 136 by title only. A motion to adopt Ordinance No. 1361 with the contingency as noted was made by John Foreman 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.

BZA

1. Owner: Brian Kubal, Petitioner: Erik Moore, 13135 Morse St, Special Use Variance

The Board of Zoning Appeals certifies a Favorable Recommendation to the Town Council for the requested Special Use Variance to allow the Petitioner, Erik Moore, to operate a wood working/assembly shop contingent parking lot improvements to include ten (10) paved parking spaces, B-2 Zoning District, by a vote of 4 in favor and 0 against.

Mr. Carnahan agreed with the action at the BZA meeting. Mr. Kubiak discussed the approval being contingent based on parking lot improvements and lighting improvements.

A motion to approve the Special Use Variance was made by Ralph Miller 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. Mr. Niemeyer thanked Mr. Kubal for the hard work his completed on the renovation of the plaza.

PLAN

1. Performance Letter of Credit: Summer Winds Residential – Unit 1

Town Administrator Murr stated this is the Letter of Credit for Summer Winds Residential Unit 1. It is in the total amount of \$244,187.85 with an expiration date of August 15, 2021. It has been vetted by the Town attorney, engineer, and staff.

A motion to approve was made by Richard Sharpe with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0. Mr. Niemeyer thanked Mr. Henn and his team for their work on some of the older buildings in Town.

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NEW BUSINESS

1. Request for Proposal Award – Financial Advisor

Mrs. Murr reported that per the last meeting a request for proposals was put out for financial advisory services for the upcoming budget year. Three proposals were received from Bakertilly, Crowe, and Krohn and Associates. Mr. Niemeyer discussed some of the goals for the ensuing budget and for the future. He briefly discussed the competitive proposals and hourly costs per firm. Mr. Niemeyer stated he believed they have three very qualified firms that seem to understand the community. Mr. Miller asked for the recommendation of the Clerk-Treasurer. Clerk-Treasurer Sandberg stated after review of the proposals submitted she would recommend Krohn and Associates. A brief discussion continued.

A motion to approve the proposal award to Krohn and Associates as recommended by the Clerk-Treasurer 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.

2. Consultant Engagements – Baird, Crowe LLP, Barnes & Thornburg

Mr. Austgen stated these are the requested proposals related to the RDA Refunding Financing. They received information from Baird who had seen the outstanding bond issues and stated there could be substantial savings to the Town. These are the engagements and cost of issuance anticipated. If the Council agrees and moves forward, the net savings will be approximately \$300,000. Costs of the bond issue will be just in excess of \$150,000. Mr. Miller asked about the term length. Mr. Austgen stated it would remain the same and it is anticipated to combine the two bonds into one. A brief discussion continued on the term and net savings.

A motion to approve the three consultant engagements as presented was made by Richard Sharpe with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

3. Fencing

Council Member Foreman discussed the chain link fence that surrounds the Town Grounds. He is asking for the Council to approve staff to move forward with seeking quotes to upgrade the fence. This would beautify the area along Morse. He asked that park impact monies be the funding source.

A motion to direct staff to seek proposals for fencing was made by John Foreman with second by Colleen Schieben. President Niemeyer stated he doesn't believe that park impact fees can be used because it is an existing park. Mrs. Murr stated she would defer to legal for a legal opinion. Mr. Austgen stated on a stretch you could construe that the improvement is for a park that needs an upgrade and can be used. Mr. Niemeyer asked for him to review that legal before they move forward with any sort of appropriation of funds. Mr. Austgen stated he would. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

4. Police Department – New Hire Ratification

Chief Fisher stated the Board of Safety, previously the Police Commission, developed a list with the prior hiring of Officer Meyer. The list included two names with the department in need of two replacements. They began to go through the list. The first candidate accepted a job with another department. He's asking the Council for their blessing to begin the process of hiring the next candidate, Jacob Wyrick. The Board of Safety unanimously approved the conditional offer of employment.

A motion to approve the recommendation of the Board of Safety was made by Colleen Schieben 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.

5. Vehicle Purchase

Mrs. Murr explained the Clerk-Treasurer provided a memorandum to them on a vehicle purchase recommendation. A 2020 Dodge Ram, 2020 Dodge Durango, and a 2020 Dodge Journey. The Ram and Durango are police vehicles and would be funded 100% from Cumulative Capital Development Fund. The Journey is a vehicle for the Town Hall and would be split between the Cumulative Capital Development Fund and the Utility Funds. Mr. Niemeyer stated during a Council Affairs Committee meeting the possibility of using cash on hand was discussed. Clerk-Treasurer Sandberg stated her recommendation is to purchase all three vehicles with cash on hand. Appropriations and cash are available for the purchase. Total purchase price is \$90,740.50. Mr. Foreman asked which dealer and stated he understands there is a lot of running around but asked

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why they couldn't utilize an older police vehicle. Chief Fisher stated the dealer is Thomas Dodge. Thomas Dodge won the state QPA. James Auto can't beat the state QPA. Clerk-Treasurer Sandberg stated this purchase is for all Town Hall staff. It's a safety issue. This is so they don't utilize their personal vehicles and the last time an older vehicle was utilized by a staff member it died in the middle of a busy intersection. Mr. Niemeyer further discussed the ability for multiple staff members to utilize the vehicle.

A motion to approve the vehicle purchase as recommended by the Clerk-Treasurer was made by Julie Rivera with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – No, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 6 - 1.

6. Ambulance Bids

Mrs. Murr stated at the last meeting the direction was to put the ambulance out to bid again. It was discussed to move forward with the re-bid with the equipment to include the power cot loader. All other equipment will be the next item on the agenda. Staff and the Town attorney if so directed will continue to work and get that specification completed and advertised. Mr. Niemeyer asked Mr. Wroe if he would be able to help with the bid specs to make sure all of the equipment and technology is what is needed. Mr. Wroe answered in the affirmative.

A motion to direct Town Staff, including Chief Wilkening, Mr. Wroe, and Mrs. Murr to work with Mr. Austgen to develop the bid specification was made by John Foreman 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. Austgen asked for clarity on the motion. As he recalls, they didn't reject the last set of bids. Mrs. Murr stated at the last meeting the recommendation was to move forward with the re-bid. A brief discussion continued on the previous motion to reject and re-bid.

7. Equipment Purchase - Fire

Mrs. Murr stated in reviewing the ambulance equipment, Stryker is a provider of the equipment being looked at. They are considering two monitors with the associated equipment, one Lucas device, two power cots, and one power loader to retro fit an ambulance currently owned. Stryker is currently offering a 0% interest for three years on equipment. The department is currently borrowing some equipment while our equipment is not meeting standards needed for the ambulances. The equipment is under the purchase threshold of having to go out to bid. Mr. Austgen stated this is emergency medical equipment that is necessary for emergency purposes. If it's not functional it is an emergency purchase. Based on the information given its clear this is an emergency purchase. Mr. Niemeyer asked Chief Wilkening about the current condition of Town equipment that is not working. Chief Wilkening stated they have a monitor that has been failing in route while on patients. They have cots that aren't working properly. They only have one Lucas Device. They need the redundancy to have that in the second ambulance. They've been very busy. Chief Wilkening stated they have documentation of it failing. Mr. Austgen asked for Chief Wilkening's comments to be documented verbatim. Mrs. Murr stated they also have an offer to trade in some old equipment. They will bring a list of that equipment and the total amount of credit to be applied to the purchase. It is estimated to be approximately \$10,000. Mr. Niemeyer asked that following action tonight, that list and trade in value document to be made available in the public record for the next meeting.

A motion to approve the emergency purchase process for the equipment listed 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.

REPORTS

- 1. Town Council** – Mr. Carnahan stated Census workers are out knocking on doors. The Town is currently at 75.3% reported. Mr. Niemeyer discussed paving projects in Town. He asked about part of the parking lot at the Fire Department in need of paving. He asked about getting a proposal together. Mrs. Murr stated she discussed this exact item with Mr. Kubiak earlier today. They will be putting together some numbers.
 - a.** Council Affairs Committee – No meeting.
 - b.** Parks & Recreation Committee – Improvements to Bartlett-Wahlberg Park are continuing to be looked at as well as the new fence discussed earlier.
 - c.** Ecosystem Restoration Committee - Mr. Foreman stated they met on the 14th to follow up on the actions of the Council at the July 21st meeting to move forward with Phase I – Preliminary Design for the restoration of the lake. Mrs. Murr discussed Integrated Lake Management being out on the lake today doing water

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quality testing. Folks will see more testing being done over the next week. Mr. Carnahan asked if we've reached out to the state for help with funding. Mr. Foreman stated that will be a later phase of the project. A stakeholder meeting will probably take place next spring.

- d. Stormwater – Continuing to work on projects. At the last meeting it was determined to outsource some of the smaller projects to contractors. Staff and the engineer are working on putting some of the smaller projects together.
2. **Town Attorney** – Previously reported.
3. **Clerk-Treasurer** – Clerk-Treasurer Sandberg reported that work continues on the 2021 Budget. On July 31st the Town received an additional property tax distribution of approximately \$260,000 that went to the appropriate levied funds. Mr. Niemeyer asked that when O.W. Krohn is brought in to help with the various budget items that the Council Affairs Committee is brought in to participate and learn. Clerk-Treasurer Sandberg answered in the affirmative.
4. **Town Administrator/Staff** – Mrs. Murr reported three more façade grants were awarded at last night's Redevelopment Commission meeting. This brings the total amount of façade grants awarded to \$68,246.50 for FY2020. The Commission had budgeted \$100,000 for this project so funds are still available to businesses. Mr. Niemeyer discussed the TIF district and plans for growing the increment to support the façade program. Mrs. Murr reported on the 133rd and King Intersection Project continues to stay on track for a letting in February and construction summer 2021. Mr. Kubiak asked what the Council thought about spending money on Census signage. A brief discussion occurred on funding and types of signage.
5. **Police Department** – Chief Fisher reported on the incident call report. A brief discussion occurred on body cameras. Chief Fisher reported they are moving forward with new hire testing.
6. **Fire Department** – Chief Wilkening stated they have a full-time Firefighter off for the foreseeable future. The Firefighter's Association postponed their annual mailer and fundraiser. The association at their last meeting has decided to move forward with the mailer. They were already planning on having information on the census mentioned. He asked the Council if they would like to add an insert. A brief discussion continued on the census and efforts for getting everyone counted. Hanover Township Trustee Kevin Toth stated that his office is helping folks get their census completed.

Chief Fisher sent a letter of thanks to the superintendent of Hanover Community Schools for their help and use of their facility to land medical helicopters for two separate emergency incidents. Chief Fisher praised the Fire Department. Chief Wilkening spoke to the quick thinking of Mr. Scoleri. He applauded the actions of staff and how instrumental they were in saving those two lives. Chief Wilkening commended the officers that were presented with awards earlier in the evening.

Mr. Niemeyer discussed efforts to create a fire territory. Cedar Lake, Hanover Township and St. John have been in discussion and are working on discovery.

WRITTEN COMMUNICATION

1. Building Department Report – Mrs. Murr reported on the permits. To date there have been 125 new home permits with a residential value of approximately \$29 million. There have been 316 alteration permits with a value just under \$4 million.

PUBLIC COMMENT

Mary Joan Dickson, 8711 W. 132nd Place, asked when Ordinance No. 1360 would be available as a public record. Mr. Austgen stated immediately. Mrs. Dickson asked while they discuss upgrades to the fence for them to consider leaving the gate openings. Mr. Foreman agreed they need to make it accessible. A brief discussion continued.

Ken Puent, 13641 Morse Street, suggested they could use Project Love Food Pantry as a place of assistance for those still needing to complete the census.

ADJOURNMENT Council President Niemeyer called the meeting to adjournment at approximately 8:45 PM.

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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