

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



October 20, 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/2020/10/10.20.20-Town-Council-Amended-Agenda-Amended-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
Absent	Julie Rivera Council Member	Ward 3	Present	Jennifer N. Sandberg, IAMC Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	Rick Eberly Town Manager	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

Planning Director Jill Murr participated via Zoom.

PUBLIC COMMENT – None

CONSENT AGENDA:

- 1. Minutes:** September 15, 2020 Joint Town Council/RDC/RDA; September 23, 2020 & October 6, 2020
- 2. Claims:** All Town Funds: \$280,681.37; Wastewater Operating: \$29,196.87; Water Utility: \$47,876.35; Storm Water: \$93,719.70; 2017 RDA A Construction: \$2,024.00; and Payroll: October 15, 2020 - \$175,173.35
- 3. Manual Journal Entries:** September 1 – 30, 2020
- 4. Disposal of Items**
- 5. Clubhouse Use & Fee Waiver:** Woods of Cedar Creek HOA (November 18, 2020)

Motion to accept and waive the reading of the Minutes, accept the Consent Agenda as listed was made by Richard Sharpe with second by Colleen Schieben. Mr. Carnahan commented on the docket claim for Republic Services. He discussed the current contract rates. He voiced concerns with future rates for residents for the trash service. A brief conversation continued. Roll Call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

ORDINANCES & RESOLUTIONS:

1. Ordinance No. 1366 – Y2021 Budget

Council Member Foreman read Ordinance No. 1366 by title only. Clerk-Treasurer Sandberg read through the Y2021 proposed budget. A copy can be found at the end of the minutes.

A motion to adopt Ordinance No. 1366 was made by Ralph Miller with second by Richard Sharpe. Roll Call: Carnahan – No, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 - 1. Mr. Carnahan stated he voted no due to the fact that the Clerk-Treasurer is one of the lowest paid department heads. Even lower paid than the superintendents down at Public Works.

2. Ordinance No. 1368 – CARES Act

Council Member Foreman read Ordinance No. 1366 by title only. Clerk-Treasurer Sandberg explained she was able to request the remaining CARES Act Reimbursement funds for all public safety payroll costs from March 1st through September 30th. She put in the request for the remaining funds appropriated to the Town of Cedar Lake. The request was approved and approximately \$408,000 was reimbursed to the Town. This ordinance gives authorization for her to make the proper entries to utilize the CARES Act funding for public safety payroll costs.

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A motion to approve Ordinance No. 1368 was made by Colleen Schieben with second by John Foreman. Roll Call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

A motion to suspend the rules and allow for a second reading was made by Richard Sharpe with second by Ralph Miller. Roll Call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

Council Member Foreman read Ordinance No. 1368 by title only.

A motion to adopt Ordinance No. 1368 was made by Colleen Schieben with second by Ralph Miller. Roll Call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

3. Resolution No. 1269 – Transfer Resolution

Council Member Foreman read Resolution No. 1269 by title only. Clerk-Treasurer Sandberg explained the transfers are within the General Fund for operating. The total amount of transfers is as follows:

GENERAL FUND TOTAL TRANSFERS \$50,250.00

Town Council 002		Total Transfers \$36,000.00
\$ 20,000.00	From: 121 - Group Health	To: 312 - Engineer
\$ 5,000.00	From: 121 - Group Health	To: 351 - Nipsco
\$ 5,000.00	From: 121 - Group Health	To: 352 - Town Utilities
\$ 6,000.00	From: 121 - Group Health	To: 396 - Misc Services
Police Department 003		Total Transfers \$3,500.00
\$ 3,500.00	From: 221 - Fuel	To: 362 - Vehicle Repairs
Fire Department 005		Total Transfers \$10,750.00
\$ 750.00	From: 396 - Misc Services	To: 445 - Equipment
\$ 1,000.00	From: 351 - Nipsco	To: 241 - Misc Supplies
\$ 4,000.00	From: 119 - PTO Payout	To: 362 - Vehicle Repairs
\$ 5,000.00	From: 123 - PERF	To: 362 - Vehicle Repairs

A motion to approve Resolution No. 1269 was made by John Foreman with second by Colleen Schieben. Roll Call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

BZA/PLAN

1. Special Use Variance - LaLonde, Owner & Middleton, Petitioner - 13640 Morse St.

Mr. Austgen stated the Petitioner’s did as they were requested to do. Paving, painted lines, and cleaned-up. The BZA submitted a favorable recommendation. Mr. Carnahan added they would be blocking the side street entrance with nautical posts and rope.

A motion to approve the special use variance was made by Robert Carnahan with second with Colleen Schieben. Roll Call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

2. Letter of Credit Amendment – Rose Garden Estates

Mr. Austgen explained this is the performance letter or credit surety for Lennar. This extends the expiration date to October 15, 2021. Everything is in good order. It is recommended they approve.

A motion to approve the Letter of Credit Amendment was made by Richard Sharpe with second by John Foreman. Roll Call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

NEW BUSINESS

1. Park & Recreation Impact Fee Committee Member Appointments

Mrs. Murr stated this task has been ongoing with the Park and Recreation Committee. They previously approved three members at the last meeting for the Park Impact Fee Committee. After review, it was discovered they needed at least five members. Two more members need to be appointed. Mr. Sharpe stated there are names that have been discussed but they haven’t made contact yet.

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A motion to defer was made by John Foreman with second by Robert Carnahan. Roll Call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

2. INDOT – CMAQ Grant Agreement Amendment

Mrs. Murr explained this is the previous CMAQ agreement. The Attorney General has stated there is an addendum to Item 9: Compliance with Laws. They are asking for concurrence with the amended statement. If they agree, she can send an email but she would like their ratification. Mr. Niemeyer read the following statement, *“If the LPA has knowledge, or would have acquired knowledge with reasonable inquiry, that a state officer, employee, or special state appointee, as those terms are defined in IC 4-2-6-1, has a financial interest in the Contract, the LPA shall ensure compliance with the disclosure requirements in IC 4-2-6-10.5 prior to the execution of this Contract.”* Mr. Carnahan asked about the grant amount of \$11,636.47. Mrs. Murr stated that is about all they have remaining. This grant has been ongoing since prior to 2015.

A motion to approve CMAQ Grant Agreement Amendment was made by John Foreman with second by Richard Sharpe. Roll Call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

3. Town Club Ditch Outlet – Change Order 2.

Mrs. Murr stated this change order is for the additional work that was done in the field as the project progressed. She deferred to Mr. Kubiak for further explanation. Mr. Kubiak stated he didn’t have the list in front of him. Mr. Niemeyer offered to read the list. He stated the original price was \$71,138.68. The contract price prior to this change order was \$84,338.68. This change order is for \$8,657.65, for a total contract price of \$92,996.33. A brief discussion continued on the project.

A motion to approve Change Order 2 was made by John Foreman with second by Ralph Miller. Roll Call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

4. Morse Street Survey Proposal

Mr. Niemeyer explained this item came out of the Redevelopment Commission meeting. This item was in front of the commission as an item for consideration. It is for the installation of a recreation trail along Morse from 145th to 133rd. This proposal is from Christopher B. Burke Engineering to do a survey and study on this corridor. He felt it was an item better in front of the Council due to the recreational nature. He feels Park Impact Fee Funds are more appropriate than TIF Funds. The total proposal is for \$167,500.

A motion to approve the proposal in the amount of \$167,500 and utilization of park impact fee funds for payment was made by Colleen Schieben with second by Richard Sharpe. Roll Call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

REPORTS

1. Town Council

Mr. Carnahan stated he shared the Trunk or Treat event information on different Facebook groups. Mr. Niemeyer stated there has been a great response for the event. Mrs. Schieben and Mrs. Rivera have received a tremendous response from donors. Mr. Niemeyer stated he has been in continuing talks with St. John and Hanover Township over a Fire Territory. The discussions are starting to gain momentum. A preliminary study was authorized by the Hanover Township Trustee’s Office and done by BakerTilly. Mr. Toth is asking that the invoice of \$2,859.80 be split evenly among the three entities. Mr. Niemeyer asked Mr. Toth to share an invoice for 1/3 of that bill with the Clerk-Treasurer. Mr. Niemeyer discussed the proposals being considered and future public forums. Mr. Niemeyer stated he wanted to discuss an investment policy. They talked about water rate increases and capital plans for sewer. As the community grows, the utilities will see cash balances grow. One of the ways we could productively fund these projects is from the interest from investment. He doesn’t believe there is an investment policy in place for the utilities. He would like to see them work with their financial

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advisor, O.W. Krohn, to come up with an investment policy to utilize the cash balances and invest. Mr. Carnahan asked if they were going to use O.W. Krohn as their financial advisor for future projects. Mr. Niemeyer stated he doesn't think that has been decided yet. Mr. Carnahan stated he didn't think. Mr. Niemeyer stated they have been working with them on the budget and their rates were better than Crowe and BakerTilly. Mr. Foreman asked if they needed to jump on this today. Mr. Niemeyer stated no but they need to get a proposal from Krohn first for their next meeting. A brief discussion continued on the upcoming utility capital projects and future steps towards an investment policy. Mr. Austgen stated the item does have a bit of urgency. He discussed the care and stewardship of the taxpayer money. He talked about the recent ratings call with Standard and Poors. They've done well with the handling. The Town has an AA- rating. S&P wants to know that there is a steady, fiscally responsive policy in place. Going forward with all of the projects coming up, having a policy in place will be beneficial. A brief discussion continued. Mr. Miller made a motion to have Krohn look into an investment policy. A second was made by Richard Sharpe. Roll Call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0. Mr. Niemeyer stated he would give some contact information to Mr. Eberly so he can work on getting this task completed. Mr. Eberly stated he thought it was a great idea. Mr. Carnahan discussed part of Fairbanks getting paved. He's been receiving some complaints that the entirety of Fairbanks wasn't completed. Mr. Niemeyer suggested Mr. Carnahan and the Street Committee meet with Mr. Eberly to strategize next years' projects. Mr. Niemeyer discussed the Council Affairs meeting with Henriott Group. It was discussed to shop the market for health insurance benefits for employees. Staff is in the process of doing research with the insurance broker.

2. Town Attorney - No Report.
3. Clerk-Treasurer - Clerk-Treasurer Sandberg stated with the adoption of the budget she will upload and finalize all the reports in Gateway. They will work on completing the 2021 Salary Ordinance. It will be on their next agenda.
4. Town Manager – Mr. Eberly stated it's been an exciting two days. He's enjoyed the first two days. Mr. Foreman asked if Mr. Eberly or Mrs. Murr could send out an email to all staff members announcing Mr. Eberly as the new Town Manager.
5. Director of Operations - No Report.
6. Police Department - No Report.
7. Fire Department - No report.

WRITTEN COMMUNICATION

1. **Building Department Report** – The total number of new home permits through September is 196 with an estimated value of \$44,805,552. There have been 433 alteration permits with an estimated value of \$5,241,384.

PUBLIC COMMENT

Josh Govert, 12550 Tall Oaks Drive, welcomed Mr. Eberly. He asked if he could get on the next agenda. Moto on Ice is looking for a new home. They are restructuring and were previously located at the South Shore Country Club. They are working on putting things together. They are hoping to speak with the Council on a potential usage at the Town Grounds. Mr. Niemeyer asked Mr. Govert to speak with Mr. Eberly to get on the next agenda. A brief discussion continued on Moto on Ice.

ADJOURNMENT - Council President Niemeyer called the meeting to adjournment at approximately 8:12 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

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ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
Approved by the State Board of Accounts, 2015
Prescribed by the Department of Local Government Finance

Budget Form No. 4
Generated 11/13/2020 1:16:38 PM

Ordinance / Resolution Number: 1366

Be it ordained/resolved by the Cedar Lake Town Council that for the expenses of CEDAR LAKE CIVIL TOWN for the year ending December 31, 2021 the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of CEDAR LAKE CIVIL TOWN, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the Cedar Lake Town Council.

Name of Adopting Entity / Fiscal Body	Type of Adopting Entity / Fiscal Body	Date of Adoption
Cedar Lake Town Council	Town Council	10/20/2020

Funds				
Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0101	GENERAL	\$5,287,576	\$2,703,625	0.5005
0283	LEASE RENTAL PAYMENT	\$593,450	\$688,473	0.1274
0342	POLICE PENSION	\$187,200	\$0	0.0000
0706	LOCAL ROAD & STREET	\$195,000	\$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	\$511,910	\$56,326	0.0104
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	\$32,500	\$0	0.0000
2391	CUMULATIVE CAPITAL DEVELOPMENT	\$383,507	\$306,420	0.0567
2430	REDEVELOPMENT - GENERAL	\$46,390	\$56,326	0.0104
2482	REDEVELOPMENT BOND	\$376,500	\$222,324	0.0412
		\$7,614,033	\$4,033,494	0.7466

Home-Ruled Funds (Not Reviewed by DLGF)		
Fund Code	Fund Name	Adopted Budget
9500	Lake County Solid Waste	\$29,277
9501	Casino Gaming	\$109,000
9502	Park Non-Reverting Operating	\$19,500
9503	Law Enforcement Continuing Education	\$29,500
9504	CEDIT	\$255,869
9505	Tourism Innkeeper's Tax	\$9,450
9506	LOIT Public Safety	\$225,000
9507	LOIT 2016 SPECIAL DISTRIBUTION	\$0
		\$677,596