

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



March 16, 2021

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	Richard Eberly Town Manager	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

PUBLIC HEARING

Re-Establishing the CCD Fund - Ordinance No. 1378

- a. Review of Legals - Clerk-Treasurer Sandberg reported the legals were published timely in both the NWI Times and the Post-Tribune on March 5th and March 12th. The public hearing may proceed.
- b. Opening Remarks - Ms. Sandberg stated this is so that the Town can re-establish the CCD rate at the maximum of \$.05 per \$100 of assessed value. The current rate is \$.0483. This is for 2021 taxes payable in 2022. There is a timeframe that must be followed in order to re-establish the fund.
- c. Reading of Ordinance No. 1378 - Council Member Sharpe read by title only.
- d. Remonstrators - None
- e. Town Council Discussion – Mr. Carnahan asked if this money would go towards police and fire vehicles. Ms. Sandberg stated any and all capital needs. CCD can be used for other uses as well. Mr. Carnahan stated it mentions police and fire. Ms. Sandberg pointed out item three. It can be used for any and all other purposes as allowed by I.C. 36-9-15.5-2. Traditionally, the Town has used it for police and fire needs but it can be used for other capital expenses. A brief discussion continued on capital needs and the sustainability report.
- f. Town Council Decision on Ordinance No. 1378

A motion to approve Ordinance No. 1378 was made by John Foreman with second by Colleen Schieben. Mr. Austgen noted to Mr. Carnahan that Ms. Sandberg could pull statute for him for allowable uses. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 – 0.

A motion to suspend the rules and allow for a second reading was made by John Foreman with second by Julie Rivera. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 – 0.

Council Member Sharpe read Ordinance No. 1378 by title only.

A motion to adopt Ordinance No. 1378 was made by John Foreman with second by Colleen Schieben. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 – 0.

PUBLIC COMMENT

None

CONSENT AGENDA

- 1. **Claims:** All Town Funds: \$277,605.31; Wastewater Operating: \$196,433.76; Water Utility: \$1,224.00; Storm Water: \$9,016.69; and Payroll: 3/1/21 and 3/4/21 - \$322,236
- 2. **Manual Journal Entries:** February 1 – 28, 2021

A motion to accept and waive the reading of the minutes and accept the consent agenda as listed was made by Julie Rivera with second by Colleen Schieben. Mr. Carnahan commented on the large purchase of rock salt. He stated he hopes those funds will remain available. The street department did an excellent job on the roads. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 – 0.

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ORDINANCES & RESOLUTIONS

1. Ordinance No. 1379 – 2021 Salary Ordinance Amendment

Council Member Sharpe read by title only. Mr. Eberly explained this is to complete the hiring of a full-time building/code inspector. The employee will be moving from on-call inspector to full-time. This amendment is to provide for his hourly wage amendment.

A motion to approve Ordinance No. 1379 was made by Julie Rivera with second by Ralph Miller. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 – 0.

A motion to suspend the rules and allow for a second reading was made by John Foreman with second by Colleen Schieben. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 – 0.

Council Member Sharpe read Ordinance No. 1379 by title only.

A motion to adopt Ordinance No. 1379 was made by Ralph Miller with second by Colleen Schieben. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 – 0.

NEW BUSINESS

1. Woods of Cedar Creek Storm Water Project – Change Order No. 1

Mr. Eberly stated this was considered by the Storm Board at their recent meeting. It was recommended to approve the increase of \$1,002. It is recommended that Council approve the Change Order and allow payment for the project.

A motion to approve Change Order No. 1 and allow payment was made by Robert Carnahan with second by Ralph Miller. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 – 0.

2. 2021 Garbage and Recycling Discussion

Mr. Niemeyer stated he asked for this discussion item to be placed on the agenda that way Council would have the opportunity to fully vet and consider the contract proposal. One vendor submitted a proposal. That was Republic Services and Doug Rosenbaum is in the audience this evening. He believes that is for a six-year contract. Mr. Eberly clarified the Town solicited a two-year contract with an option of up to six years. Two options were solicited which included weekly and bi-weekly recycling quotes. Bi-weekly recycling would mean moving to the larger totes. Mr. Niemeyer stated the current charge for customers is \$17.00. The rate is \$14.28. There is excess in there and that fund was established as a way to upkeep roads because of the size of garbage trucks. One thing they discussed in their pre-meeting was looking at ways to keep costs predictable for customers. If they kept it at that the fund would run out quickly. There will need to be an increase in the monthly charge. The Council will need to consider where they want the increase to land. They need to consider the escalation within the proposal. They have to decide how to structure things internally to create predictability for customers and minimal increases. Mr. Niemeyer read the following bi-weekly recycling quotes for the record.

Year 1 \$18.90
Year 2 \$19.47
Year 3 \$20.25
Year 4 \$21.06
Year 5 \$21.90
Year 6 \$22.77

Mr. Niemeyer maintained they needed to figure out a way to construct this so it would not create confusion on a yearly basis with the rates customers are charged. Mr. Foreman stated if they were to move to bi-weekly recycling the totes would need to be replaced with larger ones. He asked Mr. Rosenbaum if they did bi-weekly recycling with other communities. Mr. Eberly added that if they go with Republic and chose the bi-weekly option, it is in the contract that they would provide 96-gallon totes for recycling. They do bi-weekly recycling pick-up in other communities. Mr. Rosenbaum stated approximately 75% of communities are on a bi-weekly pick-up. Mr. Foreman asked if Monday would remain the pick-up day. It was answered in the affirmative. They would split the Town in two and one side would be picked up one week and the other the next week. Mr. Niemeyer asked if a customer needed additional totes for recycling what would that look like cost wise for them. Mr. Rosenbaum stated most folks don't require more than one 96-gallon tote but if someone requests an additional, they will provide it. If they request more than one additional there would be a charge. Mr. Foreman asked what the plan was for the smaller totes they have now. Mr. Rosenbaum stated the contract calls for a swap to the larger tote. Some customers

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may prefer the small one. They don't really have a use for the smaller tote. They would be open to discussing with the Town what they wish to happen. A brief discussion continued on tote sizes and uses. Mr. Niemeyer asked about the possibility of adjusting the contract charges so that the same rate is there the first three years and the additional is between years four through six. Mr. Rosenbaum stated he would be asked if there would be a guarantee for the additional years of the contract. Discussion continued on the possibility of adjusting the contract charges between the years so that a predictable rate can be established by the Town. Mr. Niemeyer discussed wanting to see a contract that goes into the fourth year and possibly not over \$20.00 through the third year. A brief discussion continued on bi-weekly recycling service and contract charges as well as the timeframe needed to get the new service started.

3. American Rescue Plan Discussion

Mr. Niemeyer discussed receiving information from Chris Salatas of the Lowell Town Council and the allotted amount of \$2.75 million to the Town of Cedar Lake from the American Rescue Plan. Mr. Niemeyer stated he was very confused by the information. What is it to be for? How will they use it? Mr. Eberly stated the letter said it can be used for reinitiating services that were scaled back due to revenue shortfalls as well as providing premium pay to essential workers. There is not much definition at this point. Roll out of funds is still uncertain at this time. They are supposed to distribute funds in thirty days but there are options for extensions. It is a lengthy bill. More research is necessary. Mr. Carnahan stated Crown Point Community Schools will receive \$4,113,000 and Hanover Community Schools will receive \$1,006,000. Mr. Niemeyer briefly discussed amounts to be distributed to local cities and towns as well as school corporations. If this is money they get and have to use they should make sure to invest it properly. He discussed long term impacts like capital or infrastructure improvements. The impact of COVID-19 will probably be felt for the next couple of years. Mr. Eberly stated he called Congressman Mrvan's office but has yet to receive further information. Everything is very vague at this point. A lengthy discussion continued on the American Rescue Plan monies and potential uses.

REPORTS

1. Town Council - Mr. Foreman stated he received an email from a resident inquiring about ordinances regarding trash totes and if they are required to be brought in after trash pick-up. Mr. Austgen stated that is up to them. They can require it. Chief Fisher stated some HOA areas have the requirement but the Town ordinance doesn't reference it. Mr. Foreman thinks it's something they should look into. He's not one to make more rules but there are a lot of folks that only come on the weekends and then totes stay out all week. Mr. Foreman discussed All Tire and their building needs. He stated they should be working with these businesses that need to expand but the subdivision control ordinance may inhibit them. Mr. Eberly stated Mr. Henn owns the property with three businesses. They are not platted properties. The business owner wants to add on bays. Before he can get a building permit, Mr. Henn would need to plat the property. They met with Mr. Henn to discuss what would need to be done. It wasn't something he was open to. It would be costly. A lengthy discussion continued on the property and the rules and regulations of the Town. Mr. Austgen discussed the possibility of a subdivision plat being created to allow the improvements. A lengthy discussion continued on the matter. Mr. Carnahan voiced concerns with the roads that recently were repaired with the heat scarification process. There are a lot of roads that are cracking. He asked if there was a warranty. Mr. Eberly stated there is a one-year warranty. The engineer is reviewing. Some of the damage may be from the Town's snow plows. Other areas may be cracking and may be covered by the warranty. The engineer will be inspecting. Mr. Kubiak stated some cracking may be due to sub-grade issues. A brief discussion continued. Mr. Carnahan discussed 133rd Avenue on the west and east side needing crack sealing. He asked about hiring out the crack sealing process. Mr. Kubiak stated he would love to do that but there isn't the sort of budget to allow for that. Public works staff would begin crack sealing soon. Mrs. Schieben stated she received a letter from a resident in Deer View Subdivision with concerns about lack of streetlights. The subdivision is almost complete but there are no streetlights in the newer areas. Suspicious vehicles and vandalism have occurred recently. Chief Fisher stated they have had issues with lack of streetlights throughout Town. A few years ago, they went through the Town and looked at the areas lacking. Mr. Carnahan discussed moving to LED lights and cost savings. He asked about the cost savings and why that savings doesn't go towards more streetlights. Mr. Eberly stated the LED lights are cheaper to operate but not install. A lengthy discussion continued on the developer of the subdivision, streetlights needed and the available funds for streetlights.
2. Town Attorney - None
3. Clerk-Treasurer - Clerk-Treasurer Sandberg asked for the Council to allow her to move forward with Chief Fisher for the purchase and financing of the Y2021 police vehicles. Mr. Niemeyer asked if this was part of the budget. Ms. Sandberg stated it was part of this year's

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budget. He asked for her to get them the information at the next meeting so they could move forward. Mr. Austgen added they would most likely have a resolution before them for the lease agreement.

4. Town Manager - None
5. Director of Operations - Thanked the Council for their help with getting a full-time building inspector.
6. Police Department - Chief Fisher stated included in their packet is the monthly call report. They did take one of the white trucks out of service and transferred it to the building department for the new building inspector. He asked if they were good to move forward with the hybrid vehicle purchase. Clerk-Treasurer Sandberg stated they should be. It was planned for in the budget. It is a reimbursable grant. The additional over the grant amount has already been discussed with Chief Wilkening and where it could possibly be paid out of. A brief discussion continued on the hybrid vehicle purchase. Mr. Niemeyer asked how the new hires are doing. Chief Fisher stated Officer Kamstra is finishing up his training and Officer Dills is proceeding through the academy. She keeps him updated regularly. He stated they are moving quickly with Lexipol and the policy updates.
7. Fire Department - Chief Wilkening stated they are moving along with Lexipol as well. There is a board of safety member that helps in review of the policies. He reminded everyone that it is brush fire season. Please do not open burn. He stated he would gladly assist the Council in finding projects to spend the American Rescue funds on. Chief Wilkening stated Council Affairs met to discuss fire salaries. He would like to move forward with the plan as they may lose more personnel. Mr. Niemeyer stated Jen was waiting for the first quarter to wrap up. They discussed the potential of eliminating the person that was budgeted for and spreading that salary amongst the current roster. They also discussed in that meeting making sure with the elimination of that person that they would be able to fill that spot with part-time and not overtime. That was the cost part of it that needed to balance. Chief Wilkening stated their overtime is high again due to many factors. He wants to stop the bleeding and he wants his people to stay. Clerk-Treasurer Sandberg stated as soon as she has all of the information, she would update them. Chief Wilkening briefly discussed tornado sirens and testing.

WRITTEN COMMUNICATION

1. Building Department Report
2. Christopher B. Burke Report

PUBLIC COMMENT

None

ADJOURNMENT Council President Niemeyer called the meeting to adjournment at approximately 8:30PM.

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

Randell Niemeyer, President

Richard Sharpe, Vice President

Robert H. Carnahan

John Foreman

Julie Rivera

Ralph Miller

ATTEST:

Colleen Schieben

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