



July 6, 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	Absent	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	Rick Eberly Town Manager	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

**Present via Zoom.*

PUBLIC COMMENT

None

CONSENT AGENDA

- 1. Minutes:** June 15, 2021
- 2. Use Requests:** Cedar Lake Historical Association is requesting a waiver to serve alcohol at a “Speakeasy” fund raising event on August 13, 2021.
- 3. Tag Day Request:** Hanover Jr. Wildcat Football & Cheer Program on 07/24/21, rain date 07/31/21
- 4. Claims:** All Town Funds: \$283,894.58; Wastewater Operating: \$73,245.32; Water Utility: \$22,935.10; Storm Water: \$27,274.59; and Payroll: 6/24, 7/1, and 7/2: \$258,292.45;

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 Ralph Miller. Mr. Carnahan asked about a claim for Mug-A-Bug being split three ways. He asked for clarification on the purchase. Clerk-Treasurer Sandberg answered it was one invoice split between three funds. Mr. Carnahan asked how long it would last. Mr. Kubiak stated he was unsure but could check into it. Roll call vote: Carnahan – No, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes, Vote: 5 - 1.

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1388 – Amending the 2021 Salary Ordinance

Council Member Sharpe read Ordinance No. 1388 by title only. Clerk-Treasurer Sandberg stated this item in an amendment to the current salary ordinance. This is within the General Fund, specifically, the Fire Department. As part of many discussions, this is to increase the salary of the following positions: Battalion Chief/EMT, EMS Division Chief, Captain Firefighter/Paramedic, Firefighter/Paramedic, Firefighter/EMT, and Probationary Firefighter/Paramedic. It is an approximate increase of 11% for the Battalion Chief/EMT, EMS Division Chief, and Captain Firefighter/Paramedic. It is an approximate increase of 11.2% for the Firefighter/Paramedic. It is an approximate increase of 15% for the Firefighter/EMT. It is an approximate increase of 12.1% for the Probationary Firefighter/Paramedic. Mr. Niemeyer commented that this has been torn apart and put back together numerous times with a lot of intervention by the financial advisors. This is something they have struggled with since the department was brought on in 2013. The goal is to get to the point of being competitive and retaining talent. The department has had a lot of turn-over. It’s abnormal to do outside of the budget cycle but was necessary. He’s happy it is in front of them tonight and they can make the move feasible and affordably. They will work with this as part of the overall sustainability plan. Mr. Niemeyer briefly continued to discuss public safety needs and sustainability.

A motion to approve the first reading of Ordinance No. 1388 was made by Ralph Miller with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – 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 Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes, Vote: 6 - 0.

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Council Member Sharpe read Ordinance No. 1388 by title only.

A motion to adopt Ordinance No. 1388 was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes, Vote: 6 - 0. Chief Wilkening thanked the Council for their consideration and stated it was much appreciated. A brief discussion continued.

2. Resolution No. 1284 Authorizing a Temporary Loan for the 2017, RDA A, B, & C Bonds from the Wastewater Treatment Plant Special Fund No. 633 to the 2017 RDA A, B, & C Bond Fund No. 412

Council Member Sharpe read Resolution No. 1284 by title only. Clerk-Treasurer Sandberg requested an update to the transfer amount. She requested \$142,249.83 for the temporary loan amount. She stated the spring settlement was received and they repaid the previous temporary loan timely. Not enough funds remain for the debt service due on the 15th of the month. They will repay the temporary loan with the fall settlement.

A motion to approve Resolution No. 1284 was made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes, Vote: 6 - 0.

BZA/Plan Commission

1. Acceptance of a Letter of Credit by Peoples Bank in the amount of \$51,110.89 for Beacon Pointe, Unit 3

Mr. Eberly stated this is a maintenance letter of credit to replace the performance letter of credit. Everything is in order.

A motion to accept was made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes, Vote: 6 - 0.

NEW BUSINESS

1. 2021-01 CCMG Bid Award – Fairbanks from 129th Avenue to 133rd Avenue

Mr. Eberly reported that the lowest bid came in about \$17,000 less than the engineer's estimate. It is a short-term project. They have thirty days to do the project but the expectation is it will be done sooner. The low bidder came in at \$188,503. The bid estimate was \$205,948. Mr. Niemeyer stated the low bidder was Milestone Contractors North, formerly Walsh & Kelly. Mr. Carnahan stated they received \$101,000 of community crossing grant. The project is less than that. He asked what happens to the rest of the grant. Mr. Eberly stated it is a 50/50 grant. They'll get half of the \$188,503.

A motion to approve the bid award as presented was made by Robert Carnahan with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes, Vote: 6 - 0.

2. Discussion: Cedar Lake Dog Park at Kiwanis Park

Mr. Eberly reported he has been working with Tim and TJ at Christopher Burke. TJ has come up with a drawing of what they are planning. The plan is to have a five-foot fence around the entire enclosure, not the entire park. The dog park will be just a section of the park. The front facing fence along 137th Avenue will be aluminum but look like wrought iron. The remaining sides will be the black coated cyclone fence. There will be two sections, one for large dogs and one for small dogs. They will be getting pricing soon. Mr. Wroe has received pricing for a fob system. The plan is to have memberships to cover the costs. A quote for cameras has been received as well. Mr. Kubiak is improving the parking lot at Kiwanis Park. The millings from 129th are being utilized. Mr. Kubiak will re-purpose the shed on the property. They have the start of the rules and regulations for the park. They have looked at other dog parks in the area. They need to come up with a suggested membership price. Others in the area begin around \$25 for the first dog and \$10 per dog thereafter. There is typically a non-resident rate too. They'll come up with a membership suggestion in the next meeting or two. Mrs. Rivera stated when she looked at Schererville's rates, they seemed high both for residents and non-residents. She asked if there has been any thought to making it for residents only. Mr. Eberly stated they can certainly do that. Mrs. Rivera discussed Schererville's dog park and the high usage. She stated she was in favor of residents only. Mr. Eberly estimated 40,000 square feet as the size of the park. With 2/3 of that area being for large dogs and the other 1/3 for small dogs. They are still putting together a recommendation for them to consider. Mr. Kubiak added they have the drawing and are getting pricing on replacing the fence at the Town Grounds. Mr. Eberly stated these projects will be paid out of the Park Impact Fee Fund.

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3. Discussion: Fire Department – Billing for Services

Mr. Niemeyer stated this came out of discussions on how to sustain wages and personnel growth within the Fire Department. They don't want to leave out any opportunities for reasonable revenue. Mr. Niemeyer discussed his personal homeowner insurance policy and the \$500 fee that allows for billing up to that. He thinks that doing something that fits within those insurance parameters as they look for ways to sustain what they are trying to do for public safety is necessary. Chief Wilkening stated he wanted to make it clear that this is just for billing the insurance company. Homeowners will not get a bill direct. If the insurance company were to deny something they would not go after the homeowner. Chief Wilkening stated a lot of times their equipment is destroyed while out on calls. They're trying to recoup those losses. Mr. Niemeyer stated he understands this is something that is billed into homeowner policies. Mr. Niemeyer asked Mr. Austgen if he had any comments. Mr. Austgen stated no. If directed he will draft the ordinance. Mr. Sharpe asked Chief Wilkening if he had an annual estimate. Chief Wilkening stated it depends on what they bill for. If they bill for car crashes as well like Lowell and Crown Point it could be up to \$100,000 a year. Mr. Niemeyer stated he is in favor of this so long as it is within the parameters of insurance policies. There are fewer opportunities to add revenue to fund public safety. Mr. Miller made a motion to direct the attorney to draft the ordinance. A second was made by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes, Vote: 6 - 0. Mr. Niemeyer asked if the ordinance would affect their contract with Hanover Township and the residents of Hanover Township. Mr. Austgen stated he would draft it broad and it would include any response the department makes to the extent that it's applicable. Mr. Niemeyer asked if township residents would be treated the same. Mr. Austgen stated correct. They will be billed just like a resident of the Town would be billed. Mr. Niemeyer discussed consistency. Mr. Austgen stated there isn't a separate fee structure.

4. Summerfest Tourism Funds Request in the amount of \$1000

Mr. Eberly stated they have received the Innkeeper's money. Clerk-Treasurer Sandberg stated they received \$4,725. The Summerfest Committee has requested \$1,000.

A motion to approve the request was made by Julie Rivera with second by Robert Carnahan. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes, Vote: 6 - 0. A brief discussion occurred on previous pledges and the remaining tourism funds. Clerk-Treasurer Sandberg stated she would review the minutes and report at the next meeting.

5. Memorandum of Understanding between the Town of Cedar Lake and Hanover Community School Corporation for a School Resource Officer

Mr. Eberly stated he believes this is a renewal of the agreement with the school corporation for the resource officer. Chief Fisher stated the MOU before them is identical to the prior one. Only the dates and signatories have changed. Mr. Niemeyer asked what the percentage breakdown was. He thought it was 75/25. Chief Fisher stated it is not a percentage but based on the number of work days. The officer will be there 190 days. Sergeant Moake is updated on his school resource training.

A motion to approve was made by Richard Sharpe with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes, Vote: 6 - 0.

6. Memorandum of Understanding between the Cedar Lake Police Department and LexisNexis Coplogic Solutions, Inc. – This Received a Favorable Recommendation from the Board of Safety (Approval to Authorize Chief Bill Fisher to Sign the Contract)

Chief Fisher stated LexisNexis is an online source for people to buy their crash reports. They are finding the trend is folks are buying them online. Currently, there is no agreement. None of the funds collected come to the Town. If they sign the agreement, they will receive \$8.00 for each report.

A motion to approve was made by Julie Rivera with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes, Vote: 6 - 0.

7. CBBEL 129th Avenue Roadway & Drainage Improvements – Pay Request No. 1

Mr. Eberly reported this is the first pay request for the 129th Avenue Road project. It comes with a letter from Christopher B. Burke Engineering recommending payment in the amount of \$166,320.18. Mr. Eberly stated this is a CCMG project. He asked Ms. Sandberg about the payout. Ms. Sandberg reported they have already received their half from the state. She will confirm the split with Mrs. Murr and split accordingly.

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A motion to approve was made by Robert Carnahan with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes, Vote: 6 - 0.

8. Discussion: Cedar Lake Historical Association – Pier Slip Perpetual Use Request

Mr. Jimmy Laud with the Cedar Lake Historical Association was present for the request. He stated the hope is they will have a boat to bring in and use on a weekly basis. It would not be anywhere near the size or capacity of the steamboat they are bringing out soon. They didn't ask for a permanent pier slip for their use. They are asking now to have a slip on the secure side for permanent use. They have a couple discussions going on and it looks like they may be able to secure a boat as soon as next spring. Mr. Niemeyer stated he has discussed this with Julie too. It is an electric boat that would need a power source. Mr. Laud stated yes. They would need power. He believes Julie has talked with Brian Devries about getting power down there. It doesn't look like that is a possibility so they are looking at other options. Mr. Niemeyer stated his discussion with Julie involved use of the secure side to dock it but load it from the public side for their activities. Chief Fisher stated the purpose of the extra slip on the secure side was to bring boats in of people pulled off the lake. They don't want to take the public slips. That's why they have the additional on the secure side. Mr. Laud stated they don't want to take the extra slip. Chief Fisher stated there are rumors of tying a boat along the long side of the pier. It was never designed for that. There are no bumpers. Mr. Laud stated Julie spoke with Brian and he suggested a lift. Mr. Laud discussed adding on another slip if possible. Mr. Niemeyer discussed being in favor of what the association is doing. They are providing opportunities for people to come to the lake and enjoy the history. They are promoting the community. Mr. Foreman asked if they could put a lift on the south end on the secure side. Chief Fisher voiced concerns with others having access to the secure side. There would be no purpose for it. Mr. Foreman discussed the old days and lack of security. Chief Fisher stated in the old days they didn't allow anyone to be on the pier at all. Chief Wilkening stated this is exactly what they were afraid was going to happen. Once they secured one side for emergency vehicles, they were afraid others would start tying off. Chief Fisher discussed an extra slip on the north side. Mr. Laud stated he doesn't want to hinder them in anyway. A lengthy discussion continued on cost, slip location, and boat opportunities.

Mr. Niemeyer discussed the Steam Through History event that is upcoming. The insurance is quite expensive. Julie asked Mr. Niemeyer if they could re-visit cost splits for the pier. They allocated Park Impact Fee money for the project. He discussed possibly allocating a little more public money for the pier so the association can finish out the insurance piece with their money. Chief Fisher stated the only thing they are paying for is one bench and signage. The Town is paying for the rest of the project. Mr. Niemeyer stated he was under the impression the grant was a little larger. Chief Fisher stated approximately \$18,000. Mr. Niemeyer asked what their contribution from the grant was to the pier. Chief Fisher stated she is going to be billed directly for the bench and signage. He doesn't have numbers but can get them. Mr. Miller discussed using remaining tourism money. Chief Fisher discussed the possibility of utilizing the money from the sale of the old pier. Ms. Sandberg stated they received those funds but in order to spend it an additional appropriation is required. Mr. Niemeyer discussed utilizing park impact fee money for the additional pier needs and possibly using Town Promotion to help the association with their insurance needs. The Town previously pledged \$1,000. So, the association needs approximately \$2,400 more. The \$2,725 remaining in tourism funds is the most readily available. He wants to make sure the association can proceed with their event. Mr. Carnahan discussed a dedication occurring on July 28th. A brief discussion continued on the pier and funds.

A motion to amend the agenda and allow the item for consideration was made by Richard Sharpe with second by Robert Carnahan. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes, Vote: 6 - 0.

A motion to approve the transfer of the remainder tourism funds in the amount of \$2,725 to the Cedar Lake Historical Association for the Steam Through History Event was made by Richard Sharpe with second by Julie Rivera. Mr. Niemeyer congratulated the association for their excellent projects. These are things that showcase the community. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes, Vote: 6 - 0. Mr. Laud asked to clarify the agreement. It was stated that discussions will continue with staff and the association to find a solution. Mr. Eberly asked for clarification on a request. There was mention of a possible request for some of the South Shore Convention Grant money for the boat but Mr. Laud had mentioned multiple times that the boat was expected to be donated. Mr. Laud stated the boat itself

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would be donated. Anything above that would be additional costs such as getting it operational and licensed. Julie would have those additional costs. Mr. Eberly stated it sounds like there would be a request coming. Mr. Niemeyer asked if the grant had been applied for yet. Mr. Eberly stated the committee meets on Thursday to discuss potential projects. A discussion occurred on the requirements of the grant.

REPORTS

1. Town Council - Mr. Carnahan stated Cedar Lake Summerfest was a huge success. Lines were very long for all of the vendors. Mrs. Dickson stated vendors were down, product was hard to find, but there was an increase in the number attended. Mr. Niemeyer asked for an update on Bartlett-Wahlberg Park. Mr. Eberly stated he has reached out to an architect and they will be meeting shortly. They would like to see that project done this year. If he can't get a response by the end of the week, he will look for another architect. Mr. Foreman discussed getting no diving signs for both piers. Chief Fisher stated they are working on it. Mr. Niemeyer asked what they can do about the war zone like fireworks. Chief Fisher stated unfortunately they are fighting a losing battle. Indiana has tremendous firework sales. There is a statute specific to fireworks and the days they can be utilized. They have to be specific fireworks and cannot be illegal. The problem they run into is by the time officers get there, the evidence is gone. They cannot show proof of illegal use. He discussed a show that occurred on the north end of the lake and they will be having a discussion with that person. It was a show that wasn't permitted and was very unsafe. A lengthy discussion continued on fireworks. Mr. Niemeyer discussed noxious growth in vacant lots and what sort of opportunities they had to tighten up regulations. He discussed a lot with overgrowth on a lot on 133rd Avenue. Chief Fisher stated they write those lots up. Mr. Niemeyer discussed tightening up the regulation for increased maintenance. He would like to review the ordinance. Chief Fisher urged anyone with overgrowth concerns to call the department. Mr. Foreman asked to revisit the fireworks issue. He discussed the possibility of a joint letter being sent down state. He thinks they should enlist the help of surrounding communities and send a message downstate. Mr. Austgen stated strength in numbers can mean something downstate. A lengthy discussion continued.
2. Town Attorney - No report.
3. Clerk-Treasurer - Ms. Sandberg stated her goal in the next couple of weeks is to connect with Corby and get a budget calendar put together.
4. Town Manager - No report.
5. Director of Operations - No report.
6. Police Department - No report.
7. Fire Department - Chief Wilkening thanked the Council, Clerk-Treasurer, Town Manager, Public Works, Police Department, and Town Attorney on behalf of the fire department for being part of the working group. The raises are very much appreciated. Mr. Niemeyer thanked the fire department for their efforts.

WRITTEN COMMUNICATION

None

PUBLIC COMMENT

Mary Joan Dickson on behalf of the Cedar Lake Summerfest, thanked everyone for their help with the annual summerfest. It was a great event. She discussed the great need for picnic tables as well as ADA compliant tables. She asked about the project at Bartlett-Wahlberg Park. She asked how they will place the restroom facility. Mr. Kubiak stated it would be towards the west side of the park. A brief discussion continued.

Mr. Niemeyer discussed the Town's duty to report to the Hanover Township Trustee as part of the contract. He stated he would report to Kevin Toth that the direction was made for the drafting of the fee ordinance.

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

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

Randell Niemeyer, President, Ward 5

Richard Sharpe, Vice President, Ward 7

Robert H. Carnahan, Ward 1

John Foreman, Ward 2

Julie Rivera, Ward 3

Ralph Miller, Ward 4

ATTEST:

Colleen Schieben, Ward 6

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.