

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

November 2, 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	Rick Eberly Town Manager	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

PRESENTATION: Police Chief Bill Fisher – Donation by Schillings

Chief Fisher introduced Kevin Hunt, representative of Schillings. Schillings made a donation to the Cedar Lake Police Department so they could purchase a drone. The drone will aid the department in many areas. Officer Meyer discussed some of the highlights of the drone.

PUBLIC HEARING

1. Resolution No. 1295 – Additional Appropriation 2021-01 Community Crossing Grant

- Review of Legals - Clerk-Treasurer Sandberg stated the legals were duly published in both the Times and Post-Tribune on October 22, 2021.
- Opening Remarks - Ms. Sandberg explained this additional appropriation is for the Community Crossing Grant received for the Fairbanks project. The Town received \$94,251.50. The funds are already in hand. This is the proper process that must be followed before any funds may be expended. Tonight's agenda includes a Change Order as well as Pay Request for the project.
- Reading of Resolution No. 1295 – Ms. Sandberg read Resolution No. 1295 by title only.
- Remonstrators – None
- Town Council Discussion - Mr. Carnahan asked if this reflects where they are going to get a reduction of \$7,266.66. Ms. Sandberg stated it is her understanding that upon completion of the project there will be a true-up. Once they submit the final paperwork to the State there will most likely be a small amount remitted back.
- Town Council Decision on Resolution No. 1295

A motion to approve Resolution No. 1295 was made by Robert Carnahan with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

PUBLIC COMMENT

None

CONSENT AGENDA

- Minutes:** September 21, 2021, and October 19, 2021
- Claims:** All Town Funds: \$393,647.85; Wastewater Operating: \$58,514.37; Water Utility: \$25,102.88; Storm Water: \$86,181.37; and Payroll: October 28, 2021 and November 1, 2021: \$221,289.41;

Mr. Austgen recommended the inclusion of a Wastewater Operating claim. Specifically, to Marlene Vallone in the amount of \$238 for reimbursement of sewer damage.

A motion to accept and waive the reading of the minutes and accept the consent agenda as listed was made by Ralph Miller with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1400 – Y2022 Salary Ordinance

Council Member Sharpe read Ordinance No. 1400 by title only. Ms. Sandberg reported on the highlights of the 2022 Salary Ordinance. These items were noted during the budget discussions. Public Safety will see increases of approximately 3%. Key Town

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Administrative positions, including the Clerk-Treasurer and her Deputies, will see an increase of approximately 15%. Other staff in her office will see increases of approximately 10%. Key Building personnel will see increases of approximately 9%. Key leadership positions within Public Works will see increases of approximately 7.5%. Other crew workers will see an increase of approximately 3%. The Town Council as well as Board and Commission members will see an increase of 3%. The Recording Secretary will continue as a full-time position. The custodian will now be a full-time position. A part-time parks and rec coordinator has been added.

A motion to approve the 1st reading of Ordinance No. 1400 was made by Richard Sharpe with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

PLAN COMMISSION

1. Centennial Phase 15 – Convert Performance Letter of Credit to a Maintenance Letter of Credit

Mr. Eberly reported this comes to them with a favorable recommendation. Mr. Austgen has reviewed. This is in the amount of \$32,811.68.

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

2. Cedar Lake Storage – Letter of Credit for the On-site Asphalt Improvements

Mr. Eberly reported this comes to them with a favorable recommendation. Mr. Austgen stated he has reviewed and there will be an additional license agreement executed by and between the parties. This is in the amount of \$242,741.40.

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

NEW BUSINESS

1. Redistricting Proposal – Veridus Group

Mr. Eberly reported on the requirement to redistrict after the Census. He stated it isn't always necessary but in the Town's case they are almost certain it will need to be done. He stated at the AIM Summit it was strongly recommended that communities hire a consultant to help with redistricting. Mr. Niemeyer explained that while the redistricting will take place next year, it will not affect the elections next year. It will be in place for 2023. The proposal for services is in the amount of \$10,000.

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

2. Professional Services Agreement – Crowe, LLP, Bond Issuance Financial Advisors

Mr. Austgen reported this is the agreement for engagement by Crowe for the Lake Eco-System Restoration Project. The agreement is in the amount of \$49,000 plus incidentals. Mr. Carnahan added there is a 1% fee for any late bills. Ms. Sandberg voiced her displeasure with the suggestion of the comment. Cost of issuance of the bonds will pay for this item.

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

3. Professional Services Agreement – Phil Faccenda, Bond Counsel, Barnes & Thornburg, LLP

This item has not yet been received. A motion to defer was made by Ralph Miller with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

4. Property Conveyance – Brown 14717 Morse Street

Mr. Eberly stated this piece of property was discussed at the last meeting. It is a 50x50 piece. This is to approve the Quit Claim Deed. At one time the Town did deed the property back to the owner but it was never recorded. Mr. Austgen gave a brief history of the property. He stated the property owner is before the Plan Commission. This 50x50 parcel is within the proposed re-plat of the property

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A motion to approve the property conveyance was made by John Foreman with second by Richard Sharpe. Mr. Austgen stated the instrument reflects there is no consideration for the transfer. Upon approval, execution of same is needed by the Council President and Clerk-Treasurer. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

5. Fairbanks Improvements – Change Order 1

Mr. Eberly explained this change order is a reduction in the price of the work. The reduction is in the amount of \$7,266.66. This changes the price of the contract to \$181,236.34.

A motion to approve Change Order 1 was made by Robert Carnahan with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

6. Fairbanks Improvements – Pay Request 1, Final Pay Request

Mr. Eberly reported this is the one and only pay request for this project. It is in the amount of \$181,236.34.

A motion to approve Pay Request 1 was made by Robert Carnahan with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

7. Eco-System Restoration Financing Formula

Mr. Niemeyer discussed updates from the consultants on the financing proposed for the lake restoration project. He stated the original budget was \$3.5 million of TIF Funds and \$2 million from the ARPA funds. A few weeks ago, Mr. Eberly asked Council if they should put the engineering costs to the TIF bond issuance. Mr. Eberly clarified taking it off the shoulders of Storm. Storm is slim right now. This would increase the TIF bond issuance to \$3.9 million. Mr. Niemeyer stated this is a good idea. It would get more construction done on the project instead of having some of those administrative and soft costs tied in. He asked the Council to support the formulation of \$3.9 million in bond issuance and \$2 million in wastewater funds.

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

REPORTS

1. Town Council – Mr. Carnahan reported the Jean Eberle Parade of Lights would be on November 20th. Mrs. Schieben stated Trunk or Treat had a great turnout. She thanked all the departments for their support. Mr. Niemeyer reported there is a fundraiser event by CLEA at the Lighthouse on November 20th. The engineer will be presenting. The proceeds will go towards the Lake Restoration Project. Mr. Niemeyer stated Board and Commission applications for 2022 will be accepted through the end of the month. Mr. Niemeyer discussed meetings with insurance representatives over the years. Mr. Niemeyer discussed talking with Mr. Bob Bryan and trying to understand the claims and premiums history of the Town. He discussed wanting to know organizational weaknesses from a risk standpoint. He stated he asked Mr. Bryan for this information in October and still hasn't received it. He stated this isn't the first time Henriott Group has been unresponsive to requests. Mr. Niemeyer voiced his displeasure with the unresponsiveness of Henriott Group. He asked the Council to support the development of an RFQ for insurance services. It doesn't mean they have to change insurance underwriters. He thinks Henriott Group as become extremely comfortable in their participation in Cedar Lake. He thinks they should help us to find ways to mitigate risks, increase training, and improve service to the public. One of his goals is always trying to find ways to pay the talented public servants more money. He discussed finding ways to improve margins within the revenue. He discussed adjusting the standards and practices and saving money in areas like premiums. Creating a more active approach can save hundreds of thousands of dollars. He stated he's asked Henriott Group for the tools and resources to help mitigate injury risk. The workman's comp risk mod is out of hand. There are ways to lower that and help save money. These are things they need to be working towards. He discussed working towards self-insuring. He would like to see an RFQ by the next meeting with consideration occurring at the beginning of December.
2. Town Attorney – No report.
3. Clerk-Treasurer – Ms. Sandberg reported she has worked with Cliff and American Legal Publishing to get the Town Code updated online. The link on the website is live. It's easy to navigate and quickly find what you need within the Town Code.

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4. Town Manager – Mr. Eberly stated the west side paving will occur soon. TJ from CBBEL was out yesterday marking the road. The crosswalk was completed on Lake Shore Drive by Hunley's. The signage is in as well. That is a 50/50 project between RDC and the owner of Hunley's.
5. Director of Operations – Mr. Kubiak stated they are working to get all of the flags up on the light poles for Veterans' Day. Mr. Foreman asked how long they will keep them up. Mr. Eberly stated for at least a few weeks. A brief discussion continued.
6. Police Department – No report.
7. Fire Department - Chief Wilkening introduced Robert Van Kuiken. He will be the next new hire for the full-time position in the department. He will start on December 27, 2021. A favorable recommendation to hire was given by the Board of Safety. Rob will be leaving the Town of St. John to come back to Cedar Lake. He previously worked for the Town. Chief Wilkening stated Rob is a diver and an instructor. A brief discussion occurred on the start of the pay period. Chief Wilkening stated it works out good for them if they can get him started on the 27th. Ms. Sandberg asked if they will be requiring a training reimbursement agreement. Chief Wilkening stated yes. Ms. Sandberg asked if they would like to do an Oath of Office. Chief stated he would. Chief Wilkening reported on the updates to the station. He stated everything is looking really nice. The volunteers are working on some clean-up and getting the training room set-up. They will be donating money for new ceiling tiles. Chief Wilkening thanked Hanover Township Trustee Kevin Toth for the donation of CPR dummies and equipment. Also, the fire truck the Township is purchasing is on schedule. Delivery is estimated for April.

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

A motion to proceed with the hiring of Robert Van Kuiken was made by Richard Sharpe with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

Mr. Niemeyer recognized Isaac Coleman in the audience. A member of the Boy Scouts and present to observe the meeting.

WRITTEN COMMUNICATION

None

PUBLIC COMMENT

None

ADJOURNMENT President Niemeyer called the meeting to adjournment at approximately 8:03 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.