December 7, 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	Ward 1	Absent	Colleen Schieben Ward 6
	Council Member			Council Member
Present	John Foreman	Ward 2	Present	Richard Sharpe Ward 7
	Council Member			Council Member
Present	Julie Rivera	Ward 3	Present	Jennifer N. Sandberg, IAMC
	Council Member			Clerk-Treasurer
Present*	Ralph Miller	Ward 4	Present	Rick Eberly
	Council Member			Town Manager
Present	Randell Niemeyer	Ward 5	Absent	David Austgen
	Council Member			Town Attorney

^{*}Present via Zoom.

PRESENTATION: Insurance Proposals

President Niemeyer had solicited Council support for looking at the marketplace and what opportunities may be out there. Requests for Proposals were solicited and three firms responded. Mr. Niemeyer briefly discussed the Town's growth and the need to evaluate services periodically. He offered each group the opportunity to introduce themselves and discuss what tools and services they offer. Discussions occurred between each group and the Council at length.

- 1. Henriott Group Bob Bryan & Chad Burdo
- 2. Braman Insurance Services Randy Vale
- 3. Meyers Glaros, LLC Will Glaros, Matt Glaros, Rob Adlard, and Kyle Corsiglia *Mr. Niemeyer noted in his private business he utilizes the firm Meyers Glaros, LLC. He stated if it comes to a vote at the next meeting, he would abstain.

PRESENTATION: Veridus Group – Facility Update

Marc Griffith, Veridus Group, discussed the working group meeting to discuss the project and the next steps towards development of a municipal complex. He previously sent over information on possible methods for funding. Mr. Niemeyer asked if the financial advisor has been a part of conversations. Mr. Eberly reported that Corby Thompson has been on board and forecasting potential costs and the effect of certain levels of funding. He reported that Mr. Austgen was a part of the meeting as well. Marc provided a sample resolution if the Council decides to move forward with the Build, Operate, Transfer method. Mr. Niemeyer asked what the next steps are. Marc stated if the Council feels the Build, Operate, Transfer method is appropriate, they would draft a resolution to move forward with that method. Part of the meeting discussion included the possibility of utilizing an architect firm to help draft the building idea, inclusive of Police, Fire, and Town Hall needs. The resolution could come after. A resolution is a relatively simple process. The RFP for architect services could be drafted fairly quickly. They could potential put it out within the next week or so. He would recommend they receive proposals mid to late January. Give the design teams some time for creation as well as give the working group time to review. A lengthy discussion continued on the resolution as well as next steps.

PUBLIC COMMENT

Mary Joan Dickson, 8711 W. 132nd Place, asked about the sale of Town owned properties and what the addresses are. Mr. Eberly stated he could get those addresses and email them to her. She voiced concerns with it being on tonight's agenda for action. Mr. Eberly stated it would be deferred. He again offered to email her the list.

CONSENT AGENDA

- **1. Minutes:** November 16, 2021
- **2. Claims:** All Town Funds: \$264,059.62; Wastewater Operating: \$222,924.26; Water Utility: \$90,984.74; Storm Water: \$22,668.13; and Payroll: 11/24/21 and 12/1/21: \$229,128.47

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 Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1394 – Neubauer Annexation

Council Member Sharpe read Ordinance No. 1394 by title only. Mr. Anderson was present on behalf of the petitioner.

A motion to adopt Ordinance No. 1394 was made by John Foreman with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

2. Ordinance No. 1395 – Ravens Annexation

Council Member Sharpe read Ordinance No. 1395 by title only. Mr. Anderson was present on behalf of the petitioner.

A motion to adopt Ordinance No. 1395 was made by John Foreman with second by Julie Rivera. Mr. Niemeyer noted this is one of the unique situations where they are changing the zoning with the annexation. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

3. Ordinance No. 1401 – Establishing and Setting Fire & EMS Rates & Fees

Council Member Sharpe read Ordinance No. 1401 by title only. Chief Wilkening explained this has taken a few years to get to this ordinance. They are at a point where it is very simple. It's been a few years since the ambulance rates have increased. They have also included the Fire Response Rates. Chief Wilkening discussed the basic fees. He stated the Fire Response Fees are for whatever the insurance company will give. They will write-off whatever remains. They've had quite a few equipment losses over the years. That is the point of the fire response fees. They'll recoup what they can. Residents won't be required to pay whatever their insurance doesn't pay towards the fire response fees. Mr. Niemeyer asked Hanover Township Trustee, Kevin Toth, to step forward and discuss. Mr. Toth voiced concerns with the way the ordinance is written. Nothing in the ordinance states fire response fees won't be sent to collections. Mr. Toth also voiced concerns with explanations for fees. He stated he reached out to insurance carriers and not everyone does have this coverage. Some have the coverage but won't pay it if they are located within the municipal proper. Mr. Toth voiced concerns with the vagueness of the ordinance. A very lengthy discussion occurred on the way the ordinance was written regarding billing fees and classifications.

A motion to approve Ordinance No. 1401 with the amendment to the ordinance to state they would only collect what the insurance companies pay on the fire billing only as well as collections only applying to EMS billing not fire billing, was made by John Foreman with second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 - 0. Mr. Niemeyer asked Mr. Eberly to note the changes to David.

4. Ordinance No. 1403 – Amendment to the 2021 Salary Ordinance

Council Member Sharpe read Ordinance No. 1403 by title only. Clerk-Treasurer Sandberg stated this follows discussions at the last meeting. This is to update the 2021 Holiday List. They are adding December 31, 2021 as New Years Day 2022 Observed.

A motion to approve Ordinance No. 1403 was made by John Foreman with second by Julie Rivera. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 - 0.

A motion to suspend the rules and allow for a second reading was made by Julie Rivera with second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 - 0.

Council Member Sharpe read Ordinance No. 1403 by title only.

A motion to adopt Ordinance No. 1403 was made by John Foreman with second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 - 0.

5. Ordinance No. 1404 - Amendment to Ordinance No. 1216 Lake Ecosystem Restoration Non-Reverting Fund

Council Member Sharpe read Ordinance No. 1404 by title only. Mr. Niemeyer stated this item was put together so the Town could actually receive funds from CLEA or other donors for the project.

A motion to approve Ordinance No. 1404 was made by John Foreman with second by Julie Rivera. Roll call vote: Foreman - Yes, Rivera - Yes, Miller - Yes, Sharpe - Yes, Niemeyer - Yes. Vote: 5 - 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 vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 - 0.

Council Member Sharpe read Ordinance No. 1404 by title only.

A motion to adopt Ordinance No. 1404 was made by John Foreman with second by Richard Sharpe. Mr. Foreman stated the President of the CLEA organization will be presenting a check in January. A brief discussion continued on the project. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 - 0.

6. Ordinance No. 1405 – Establishing Responsible Bidding Submission Practices & Standards

Council Member Sharpe read Ordinance No. 1405 by title only. Mr. Niemeyer stated this is an ordinance proposal that is pretty typical in most cities and towns. The only tweak to the ordinance from a typical ordinance is changing the dollar amount to \$250,000 instead of \$150,000 as a way to match up with statute. This also gives the flexibility to do projects in house. This ordinance provides a pretty good outline of language as it relates to what is a responsible bidder. A brief discussion occurred on the session at AIM.

A motion to approve Ordinance No. 1405 was made by John Foreman with second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 - 0.

A motion to suspend the rules and allow for a second reading was made by Julie Rivera with second by John Foreman. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 - 0.

Council Member Sharpe read Ordinance No. 1405 by title only.

A motion to adopt Ordinance No. 1405 was made by Richard Sharpe with second by Julie Rivera. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 - 0.

7. Resolution No. 1297 – A Resolution to Confirm and Approve Transfers

Council Member Sharpe read Resolution No. 1297 by title only. Clerk-Treasurer Sandberg stated this is a request for total transfers of \$33,300 within the General Fund as well as \$2,500 within the Motor Vehicle Highway Fund.

A motion to approve Resolution No. 1297 was made by John Foreman with second by Julie Rivera. Roll call vote: Foreman - Yes, Rivera - Yes, Miller - Yes, Sharpe - Yes, Niemeyer - Yes. Vote: 5 - 0.

8. Resolution No. 1298 – A Resolution for Summerfest CY2022

A motion to defer was made by Julie Rivera with second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 - 0

PLAN COMMISSION

1. Letter of Credit – Beacon Pointe Unit 4

Mr. Eberly stated this comes with a favorable recommendation from the Plan Commission. He doesn't believe Mr. Austgen has had the opportunity to review. Mrs. Murr has indicated it is in the exact same form as other letters of credit. It is in the amount of \$99,032.17. A brief discussion continued.

A motion to approve the Letter of Credit was made by John Foreman with second by Julie Rivera. Roll call vote: Foreman - Yes, Rivera - Yes, Miller - Yes, Sharpe - Yes, Niemeyer - Yes. Vote: 5 - 0.

NEW BUSINESS

1. Land Exchange Agreement with Diamond Peak

Mr. Niemeyer stated this is something they have been working on as a way to reduce the cost of the Lake Eco-System Restoration as well as provide Diamond Peak with a developable piece of land already in Town. It's an exchange of approximately 40 acres. Mr. Niemeyer stated there is one caveat to this he thinks they need to work on. In the agreement, Diamond Peak states they want the right of first refusal for any connected properties that the Town may sell of the 114 acres it owns. Due to the fact they are looking at an athletic complex development on that, he doesn't think the right of first refusal can be given. There may be development partners they acquire and they don't

want to leverage away that bargaining chip they may need. Mr. Foreman made a motion to approve but give Mr. Niemeyer the authority to wrap up negotiations.

A motion to approve with the contingency of the clause of right of first refusal for Diamond Peak is to be removed from the agreement was made by John Foreman with second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 - 0.

2. Sale of Town-owned Properties

A motion to defer and direct the attorney to draft the publications was made by John Foreman with second by Julie Rivera. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 - 0.

3. Authorization to Veridus Group to Start the RFP Process for New Public Safety Building

A motion to approve and authorize Veridus Group to start the RFP process was made by John Foreman with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

4. New Special Events Permit – Police Department

A motion to defer was made by Julie Rivera with second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 - 0.

5. Police Department – Request for Additional 2022 New Hire

Chief Fisher stated they received notice they are to be a recipient of the COPS Grant for 2022. It is for \$125,000 over three years. He wanted to see if it was feasible to hire that second officer this year using the COPS grant. He would like to work with the Clerk-Treasurer as well as Corby to make sure it is feasible. Ms. Sandberg commented she would like to work with Corby to make sure it is possible to move the timeline up.

A motion for support was made by Richard Sharpe with second by John Foreman. Mr. Niemeyer noted this would be based on the analysis of the financial advisor and Clerk-Treasurer for when they would execute the start of the new hire. He asked Mr. Sharpe and Mr. Foreman if they concurred. They answered in the affirmative. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 - 0.

6. Fire Department - New Hire Approval Request: Perich, Michael

Chief Wilkening stated the Board of Safety has approved it. It is in the budget for next year. Based on the totals of what they are looking at as far as the billing itself, he would like to start the PERF process.

A motion to approve was made by Julie Rivera with second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 - 0.

7. Milestone Project Time Extension Request: 133rd and King

Mr. Eberly reported this is because of a material delay on the decorative poles for the intersection. They've asked for an extension through the end of the year.

A motion to approve was made by John Foreman with second by Julie Rivera. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5

8. Approval of 2022 Meeting Calendar

Mr. Eberly stated no changes other than the November Board of Safety meeting date. The final December Town Council meeting will begin a half hour earlier.

A motion to approve was made by Richard Sharpe with second by Julie Rivera. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 - 0.

9. 2022 Healthcare Insurance Plan

Mr. Eberly stated after staff discussion, he now recommends option 1 which is a 5.91% increase. It is a minor increase to the Town. Original renewal discussions began around 30%. Mr. Eberly shared information on dental and vision. After discussion with Jen Hannen at Henriott Group, they recommend to go with Unum for dental and vision. It's not the cheapest, it's approximately 8.51% increase but it would be the least disruptive to employees. A brief discussion continued.

A motion to approve the recommendations as stated by Mr. Eberly was made by Richard Sharpe with second by Julie Rivera. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 - 0. Mr. Niemeyer noted this doesn't affect their ability to choose an agent of record. A brief discussion continued.

REPORTS

- 1. Town Council Mr. Niemeyer discussed items that go before the Plan Commission and BZA. He discussed the agreements made and public meeting action. He stated they need to find a way to follow through on these items. Some have not been over the years. He stated he wants to make sure it is on the radar to start next year. Mr. Foreman asked if this could be a function of the part-time code enforcement officer. Mr. Niemeyer stated a lot of this is Building Department related. That is something they have to identify. A brief discussion continued.
- **2.** Town Attorney Not present.
- 3. Clerk-Treasurer Clerk-Treasurer Sandberg stated they heard back from the DLGF on the Excess Levy Appeal. They submitted an appeal in the amount of \$71,181. The DLGF approved a modified amount of \$70,900. She updated them on the Clubhouse revenues. In 2020, they receipted \$6,900 and for 2021 they have receipted \$9,175. She stated they also get the little bit of revenue from the renter of the apartment.
- $\textbf{4.} \quad Town \ Manager-No \ report.$
- **5.** Director of Operations Not present.
- **6.** Police Department No report.
- 7. Fire Department Chief Wilkening stated he has been working on a project to replace some rescue tools. They need to replace the tools due to aging and breaking. He will have a proposal for them at the next meeting. A brief discussion occurred on the items in need of replacement. He thanked Rick for the time he has spent working with them.

WRITTEN COMMUNICATION

None

PUBLIC COMMENT

Dan Enright, Storm Board Member, stated he came to inform the Council that he is resigning his role on the Storm Board. He recently purchased a home outside of Town. He thanked them for the opportunity to be a part of the Town and serve. He stated they have a fine Town with a lot of fine people. He wished them all a Merry Christmas. The Council shared their thanks and sentiments to Mr. Enright.

Sheryl Reeves, 12014 McCook St, asked about the properties going up for sale. She stated she was confused because they deferred it but also said publicize. She stated there is a parcel in the High Grove Area she has been talking with the Town on. She stated there was talk of piecing the parcel out. She also stated there is a building on that property. She asked if that's how it will be publicized. She asked how they are supposed to do this. She also asked if they take into account anything from bidders such as a nuisance bid. Mr. Eberly stated he has spoken with Sheryl several times about the property in question. It used to be three separate properties, which is right behind three different property owners. It is a landlocked piece of property. It will be one of the parcels offered for sale. He's expressed to all who are interested in a piece of Town owned property, that anyone can bid on these properties. It is a public bid. There is no guarantee the people adjacent to it will get it. For this specific property, a person has the ability to bid on it as three individual properties. When the notice goes in the paper, it will identify each of the properties as well as the minimum bid. It will also identify the time period for submitting a bid to the Town as well as the date of the bid opening. Mr. Eberly stated a person has to be in good standing in order to bid such as taxes paid on time. Ms. Reeves asked there is no such thing as a nuisance problem with bidders. Mr. Niemeyer stated the only thing that can be considered is whether or not a person is in good standing as it relates to their taxes. Mr. Foreman asked when they will publicize. Mr. Eberly stated he was hoping it would be one of the two December meetings but probably not until January now. Ms. Reeves asked about the bidding process. How will they be noticed? Mr. Eberly stated every person who has expressed interest in the property they are talking about, he has promised to let them know when this is going to bid. He doesn't have the dates yet from the attorney for when it will be published. It will be a public notice in the newspaper. He will call or email those who have already expressed interest and inform them of the schedule. A brief discussion continued on the public notice process.

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

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.