

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



February 1, 2022

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 | Present | Colleen Schieben | Ward 6 |
| | Council Member | | | Council Member | |
| Absent | 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 | Margaret Abernathy | |
| | Council Member | | | Administrative Asst. | |
| Present | Randell Niemeyer | Ward 5 | Present | David Austgen | |
| | Council Member | | | Town Attorney | |

**Present via Zoom.*

OATH OF OFFICE

Clerk-Treasurer Sandberg gave the Oath of Office to Police Officer Benjamin King.

PUBLIC COMMENT

None

CONSENT AGENDA

- 1. Minutes:** December 21, 2021, and January 4, 2022
- 2. Claims:** All Town Funds: \$296,849.40; Wastewater Operating: \$230,538.28; Water Utility: \$106,450.96; Storm Water: \$49,450.69; Payroll: 1/20/22 & 2/1/2022: \$254,927.49; and December Payroll Remittances: \$176,423.06.

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 Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

ORDINANCES & RESOLUTIONS

Ordinance No. 1409 – Redevelopment Authority Lease Bond Issuance

Council Member Sharpe read Ordinance No. 1409 by title only. Mr. Austgen stated this is the introductory reading of the ordinance that will fund in part the Lake Eco-System Restoration Project. There will be lease financing between the Redevelopment Authority and Redevelopment Commission. Any bond issues require approval of the Town Council legislative body. There needs to be an additional appropriation for bond funds or financing to be spent. There will be a public hearing on February 15th. This is for financing not to exceed \$3.5 million.

A motion to approve the first reading of Ordinance No. 1409 was made by Ralph Miller with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

Ordinance No. 1410 – Salary Ordinance Amendment

Council Member Sharpe read Ordinance No. 1410 by title only. Clerk-Treasurer Sandberg stated this is an amendment to the Salary Ordinance and Exhibit A. This is to include the updated salary of the new Town Manager and the appropriate fund distributions. This amendment also includes the stipend for the Park Board members.

A motion to approve Ordinance No. 1410 was made by Colleen Schieben with second by Richard Sharpe. Roll Call: Carnahan – Yes, Rivera – 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 Ralph Miller with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

Council Member Sharpe read Ordinance No. 1410 by title only.

A motion to adopt Ordinance No. 1410 was made by Colleen Schieben with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

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Ordinance No. 1411 – Establishing the Department of Parks and Recreation

Council Member Sharpe read Ordinance No. 1411 by title only. Mr. Austgen explained Indiana Code 36-10-3 permits a unit of government to establish a Department of Parks and Recreation. Upon creation by ordinance, you will provide the framework for the governance and function of park and recreation activities in Town.

A motion to approve Ordinance No. 1411 was made by Julie Rivera with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – 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, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

Council Member Sharpe read Ordinance No. 1411 by title only.

A motion to adopt Ordinance No. 1411 was made by Ralph Miller with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

Mr. Austgen recommended the Council President solicit a motion to ratify the Park Board appointments made before the adoption of this ordinance. Mr. Niemeyer read the following names: Sarah Miller, Gregory Marquardt, Dale Holsti, and Paul Rodriguez.

A motion to approve the appointments as read into the record was made by Richard Sharpe with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

BZA/PLAN COMMISSION

1. Letter of Credit Conversion from Performance Letter of Credit to Maintenance

Mr. Niemeyer stated this is to convert from a Performance Letter of Credit to a Maintenance Letter of Credit. It is the amount of \$25,752.60. Mr. Austgen stated it is in good form to be considered.

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

NEW BUSINESS

1. Bid Opening for the Sale of Town-Owned Properties

Mr. Niemeyer stated these properties have been listed for quite some time. Clerk-Treasurer Sandberg stated five bids were received. She opened them and read them into the record. A memorandum and bid tabulation can be found at the end of the minutes. Mr. Austgen recommended the Council take the bids under advisement. They will be reviewed by staff.

A motion to take the bids under advisement was made by Julie Rivera with second by Richard Sharpe. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

2. Bid Award Parrish Avenue/Vermillion-Hilltop/Highland Road Projects

Mr. Niemeyer stated they have an engineer's estimate of \$2,720,991.50. Three bids were made on the project. Milestone Contractors North bid \$3,176,200.94. Rieth-Riley Construction bid \$3,180,943. F.H. Paschen, S.N. Nielsen & Associates bid \$3,196,132.99. The recommendation by Christopher B. Burke is to award to the lowest, responsive, and responsible bidder for the project which is Milestone Contractors North.

A motion to award the bid to the recommended bidder was made by Ralph Miller with second by Robert Carnahan. Mr. Austgen suggested the motion be amended to include confirmation of financing for the project. Mr. Miller and Mr. Carnahan both concurred. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

3. Financial General Services Agreement with O.W. Krohn

Mr. Niemeyer stated this is the in-house financial advisor who works closely with the Clerk-Treasurer and Town Council as well as the various Department Heads. The standard hourly rate for partners is \$275, project managers are \$240 per hour, senior consultants are \$200 per hour, staff accountants are \$155 per hour, and para-professionals are \$110 per hour.

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A motion to approve was made by Colleen Schieben with second by Richard Sharpe. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

4. Professional Services Agreement with Veridus Group

Mr. Niemeyer stated Veridus is working on numerous projects for the Town. They have become the owner representative for the Town as it relates to economic development projects. The hourly rate for Principal time is \$180, \$160 for project executives, \$140 for project managers, and \$100 for project administrations. It is approximately \$12,000-\$16,000 per project.

A motion to approve was made by Richard Sharpe with second by Julie Rivera. Mr. Niemeyer added this group is currently working on the redistricting maps. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

5. Approve 133rd and King Report of Contract for Final Inspection and Acceptance

Mr. Niemeyer stated final inspection was made by T.J. Gordon with Christopher B. Burke Engineering. Punch list items were completed.

A motion to approve was made by Colleen Schieben with second by Ralph Miller. Mr. Austgen asked if they would ask the Director of Operations to confirm the report for the record. Mr. Kubiak stated it is complete. They have been out there several times. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

6. Police Reimbursement Agreement – Benjamin King

Mr. Niemeyer stated this is a ministerial item. This is done with each new police hire. If they leave before sixty months, they will have to reimburse the Town for training and/or equipment expenses. The sum agreed upon is \$10,000.

A motion to approve was made by Julie Rivera with second by Richard Sharpe. Mr. Austgen stated the date on the document needs to be clarified on paragraph 18. It should read as December 22, 2021. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

7. Engagement Agreement with Crowe for General Professional Services

Mr. Austgen explained Crowe is the financial advisor for the Town related to capital financing. Securities regulations require an engagement be secured for each activity they perform. Various ongoing projects have financing matters. This is the paperwork to catch up to the ongoing activities. Amount is based upon scope of work.

A motion to approve was made by Richard Sharpe with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

8. Engagement Agreement with Crowe for Professional Services for Bond Matters

Mr. Austgen stated this is for the capital financing activity. Mr. Niemeyer stated the amount stated is \$3,500. Mr. Austgen stated he doesn't believe that is the amount. A brief discussion continued.

A motion to approve was made by Richard Sharpe with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0. Mr. Niemeyer received a clarification from Sue Haase. This item is for the water parity report.

9. 2021 Indiana Medicaid EMS Supplemental Payment Cost Report Engagement Letter

Mr. Austgen stated this is a standard contract agreement. It's related to the reporting requirements for Medicaid. They navigate the regulations for compiling the reports. They'll work with Jennifer.

A motion to approve was made by Ralph Miller with second by Richard Sharpe. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

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10. Appointment of Town Council Liaison to the Park Board

Mr. Niemeyer stated the Town does already have a standing committee of Ralph Miller, Richard Sharpe, and Colleen Schieben. They need to appoint an official liaison.

A motion to appoint Colleen Schieben was made by Richard Sharpe with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

11. Park Board Term Expirations & Revised Meeting Calendar

Mr. Niemeyer stated this is to set the term expirations as well as to set the meeting date each month. Mr. Niemeyer recommended the one-year term be given to Paul Rodriguez. The two-year term be given to Greg Marquardt. The three-year term be given to Sarah Miller. The four-year term be given to Dale Holsti.

A motion to approve was made by Ralph Miller with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

The Park Board members have recommended the fourth Thursday of every month as their meeting date. It may change from time to time depending on schedules. Start time would be 6PM.

A motion to approve was made by Colleen Schieben with second by Richard Sharpe. Mr. Carnahan stated the only conflict will be in November with Thanksgiving. Mr. Niemeyer spoke to Mr. Kubiak. He stated at the training session last evening they group was given the capital list of current projects. He asked Mr. Kubiak to attend the next meeting and explain the progress of the projects. Mr. Kubiak stated he would attend. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0.

12. Update on the Short-Term Response Plan on Public Access to Town Hall Due to Covid

Mr. Niemeyer stated this was enacted a couple meetings ago to manage the flow of activity within Town Hall. They were very short staffed. Clerk-Treasurer Sandberg stated at this time all staff is back in the office. Business is back on track. She spoke with Margaret and it would be their recommendation to unlock the door and go back to normal business beginning on Monday, February 7th.

A motion to approve was made by Colleen Schieben with second by Richard Sharpe. Roll Call: Carnahan – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6-0. A brief discussion occurred on staffing.

REPORTS

1. Town Council – Mr. Carnahan reported that Lake County Solid Waste will be moving into the old Girl Scout building in Merrillville.
 - a. SRF PER Report – Mr. Niemeyer stated this was an acceptance letter sent to the Town. The SRF has accepted the Preliminary Engineering Report on the water projects that bonds are being issued for. This will affect financing to the benefit of the Town.
2. Town Attorney - No report.
3. Clerk-Treasurer - Ms. Sandberg stated she is still completing all the various annual reports for the Town. She will have a small business item for their next agenda. She will be asking them to accept the Allocation Tables also known as detailed salary distributions. This was an item discussed with State Board during the last audit.
4. Town Manager - Mr. Salatas stated he was ready to start on Monday.
5. Director of Operations - Mr. Kubiak asked for the Council to consider having contractors have labeling on the side of their vehicles. They've had a lot of people from Illinois coming over who are sub-contractors and aren't actually licensed in Town. There is a lot of work going on in Town and it's getting harder to keep track. Mr. Niemeyer stated this sounds like it would be something to be added to the licensing procedure. Mr. Austgen stated he thinks it's a great suggestion subject to compliance with the commerce clause. A lengthy discussion continued on vehicle identification and licensing procedures.

A brief discussion occurred on operation plans for the incoming snowstorm.

6. Police Department

- a. Peddler's Permit – Chief Fisher stated they've started to receive Peddler Permit requests and this has led to a review of the form and process. He discussed getting the application form on the website. One addition they would like to see

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is for the applicant to submit to a limited criminal history record. They would go through the Indiana State Police and pay for it themselves. They would provide that report with their application. The Town of St. John currently does this. Some amendments they'd like to see to the application include vehicle identification and insurance information. Chief stated they want to update the process. A lengthy discussion continued on the current process and the catalyst that led to this suggestion. Mr. Niemeyer voiced apprehension. He asked if there was a current Town Code on this. It was stated yes. Chief Fisher reiterated he is just asking to update the form and process. A brief discussion continued.

7. Fire Department – Chief Wilkening the tanker will have training next Monday. Chief Mager and Mr. Craft will be flown up to Minnesota to complete training on the rig. Hopefully, the truck will be in Town by the end of next week. He welcomed Mr. Salatas on board. The department is ready for the snowstorm. Mr. Niemeyer asked about the remodeling project. Chief Wilkening stated it is 100% complete and they are planning an open house for February 21st. A brief discussion continued. Chief Wilkening stated the Eagles just gave a donation for simulators. Mr. Niemeyer asked what the donation amount was. Chief Wilkening stated \$9,600. Mr. Niemeyer asked who that donation was made to. Chief stated it was made to the Cedar Lake Firefighters Association. A brief discussion continued on training aids.

WRITTEN COMMUNICATION

1. Julie Zasada – Tourism Funds Request for CLHA – Mr. Niemeyer stated in the past they have taken several of these requests before taken action of disbursement. Ms. Sandberg stated in the past they have only received \$4,725 in tourism funds.

PUBLIC COMMENT

Josh Govert, Moto on Ice, thanked everyone for their help and support during the first event of the season for Moto on Ice. It was one of their biggest turnouts. They had almost sixty riders. They had almost 1,000 spectators.

ADJOURNMENT President Niemeyer called the meeting to adjournment at approximately 8:20 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.