



February 7, 2023

**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	John Foreman	At Large
	Council Member			Vice-President	
Present	Julie Rivera	Ward 2	Present	Richard Sharpe	At Large
	Council Member			President	
Present	Nick Recupito	Ward 3	Present	Jennifer N. Sandberg, IAMC, CMC, CPFIM	
	Council Member			Clerk-Treasurer	
Present	Ralph Miller	Ward 4	Present	Chris Salatas	
	Council Member			Town Manager	
Present	Colleen Schieben	Ward 5	Present	David Austgen	
	Council Member			Town Attorney	

Scott Burdan, Hanover Community School Liaison was also present.

PUBLIC HEARINGS

1. Ordinance No. 1434 – Bay Bridge Annexation

- Review of Legals – Mr. Austgen stated the legals are in order. They have been good each time the public hearing has been continued. The item before them to address is the Fiscal Plan and Policy Resolution No. 1324. That encompasses the fiscal plan policy for the project. This completes the annexation of that area. This matter has been reviewed exhaustively. The developer is present. There are no questions on the fiscal plan.
- Reading of Ordinance No. 1434 – Council Member Foreman read by title only.
- Reading of Resolution No. 1324 – Council Member Foreman read by title only.
- Remonstrators - None
- Town Council Discussion – Mr. Carnahan asked if this was formerly Bay Bridge. Mr. Austgen stated this is the 20.32 acres just outside that existing annexed property. Mr. Carnahan stated they were called pods back when approved. He discussed a two-year limit. Mr. Austgen stated he doesn't believe that to be the case. A brief discussion continued.
- Town Council Decision on Resolution No. 1324

A motion to approve Resolution No. 1324 was made by John Foreman with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

Mr. Austgen stated with that Resolution adopted, the fiscal plan and policy is established. An adoptive reading of the ordinance can take place. Council Member Miller made a motion to do a second reading. A second was made by Colleen Schieben. Council Member Foreman read Ordinance No. 1434 by title only. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0. Mr. Austgen stated the ordinance will be published to begin the remonstrance period. Remonstrators have thirty days. His office will handle the publication.

2. Resolution No. 1330 – Additional Appropriation

- Review of Legals – Clerk-Treasurer Sandberg stated the legal notices were published on January 27, 2023.
- Reading of Resolution No. 1330 – Ms. Sandberg read Resolution No. 1330 by title only. She explained it is for a total additional appropriation of \$40,000 within the General Fund, \$10,000 within the Motor Vehicle Highway Fund, \$292,400 within the 2022A Building Corp. Bond, \$567,600 within the 2022B Building Corp. Bond, and \$120,000 within the Cumulative Capital Development Bond.
- Remonstrators - None
- Town Council Discussion - None
- Town Council Decision on Resolution No. 1330

A motion to approve Resolution No. 1330 was made by Colleen Schieben with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

PUBLIC COMMENT

None

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

CONSENT AGENDA

1. **Minutes:** January 3, 2023, and January 17, 2023
2. **Claims:** All Town Funds: \$351,717.95; Wastewater Operating: \$199,497.33; Water Utility: \$137,831.07; Storm Water: \$17,583.78; and Payroll: 1/19/23, 2/1/23, and 2/2/23 - \$628,979.70
3. **2023 Conflict of Interest:** John Foreman, Tim Kubiak, Doug Machalk, Margo Nagy, and Cliff Wroe

A motion to accept and waive the reading of the minutes and accept the consent agenda as listed was made by Nick Recupito with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Abstain, Sharpe – Yes. Vote: 6 – 0; Abstain – 1.

ORDINANCES & RESOLUTIONS

1. **Ordinance No. 1447 – Amendment to Town Code § 30.06, Election of Town Council President**

Mr. Austgen explained a bit of clarity is provided by this ordinance for purposes of identifying when the Town Council may select it's President for the ensuing year. There was some confusion and comments were made about it. A review of Town Code and Indiana Code occurred. There were no violations of Indiana law or Town Code law. This ordinance is before them for clarification and making certain that the actions that were taken are legal. A brief discussion occurred.

Council Member Foreman read Ordinance No. 1447 by title only.

A motion to approve Ordinance No. 1447 was made by Nick Recupito with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

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

Council Member Foreman read by title only.

A motion to adopt Ordinance No. 1447 was made by John Foreman with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

BZA/PLAN

1. **Letter of Credit Extension: Cedar View in the amount of \$14,047**

Mr. Salatas reported this is administrative. It is recommended to accept.

A motion to approve was made by Robert Carnahan with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

2. **Letter of Credit Extension: Summer Winds Unit 1 in the amount of \$244,187.85**

Mr. Salatas reported this is administrative. It is recommended to accept. Mr. Recupito stated he has received calls from residents wondering when the HOA would be turned over to the residents. Mr. Salatas stated he doesn't know where they are at percentage wise but once they hit 80%, this board will see an action converting the performance letter or credit to a maintenance letter of credit. As that happens, that is usually a sign of it turning over. Mr. Kubiak estimated they were around 66% to 67% complete.

A motion to approve was made by Colleen Schieben with second by Robert Carnahan. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

NEW BUSINESS

1. **Consider Approving new Fire Department Full-Time Hire Fred Sinew**

A favorable recommendation was made by the Board of Safety on December 14, 2022. Chief Wilkening stated Mr. Sinew was a previous member of the department. He is able to come back full-time. He was approved by the Board of Safety and is ready for Council approval that way they can begin the PERF process.

A motion to approve was made by Robert Carnahan with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA
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2. 2022 Indiana Medicaid EMS Supplemental Payment Cost Report Engagement Letter, Rooney & Co

Ms. Sandberg explained this is the annual engagement letter with Rooney & Co. They help with the cost report. This is the Indiana Medicaid Freestanding Governmental Ambulance Provider Cost Report for year ending December 31, 2022. A brief discussion continued. The fee is 25% of the payment received, contingent upon receipt of the payment.

A motion to approve was made by Robert Carnahan with second by Nick Recupito. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

3. Professional Consulting Proposal from New Focus HR

Mr. Salatas explained this proposal is for updating the personnel policy manual as well as job descriptions. The manual update is a fixed fee of \$5,000. It is \$160 per hour for the job description updates. There are a significant number of new employees as well as an entire new department with the Parks Department. The Park Board approved at their last meeting to approve paying up to 20% of the project. Mr. Foreman asked about the total. Mr. Salatas stated \$5,000 for the policy handbook itself and it is an hourly rate of \$160 for the job descriptions. Ms. Sandberg added it is dependent on how many job descriptions they ask for. The plan is to start with all of the Parks & Recreation positions. It was estimated not to exceed 15 job descriptions. Mr. Foreman asked where the funds would come from. Ms. Sandberg stated it would be split between the appropriate departments. Mrs. Rivera asked who normally updates the handbook and job descriptions. Ms. Sandberg stated usually her staff does updates to job descriptions but the policy has not been updated appropriately since 2009. Mrs. Rivera asked if they would be writing one from scratch or updating what we already have. Ms. Sandberg stated updating what we already have.

A motion to approve was made by Colleen Schieben with second by Ralph Miller. Mr. Foreman asked where they were out of. Ms. Sandberg stated Indianapolis. She added in speaking with them, they have the availability to begin working on the projects immediately. This way they can turn it around quickly. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

4. CBBEL Change Order for Dyer Construction for the Sediment Dewatering Stage 1 Project for an increase of \$20,197.26 for a new total in the amount of \$2,147,797.26

Mr. Salatas reported this is to add an enclosed sign cabinet for post contract materials and deduction for work performed by CBBEL. A brief discussion continued.

A motion to approve was made by Ralph Miller with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

5. CBBEL Pay request No. 4, Final Pay Request, for the Sediment Dewatering Stage 1 Project payable to Dyer Construction, in the amount of \$195,168.23

This closes out the Sediment Dewatering Facility Project. A motion to approve was made by Colleen Schieben with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

6. Approve and accept the following Public Works – Employee CDL Reimbursement Agreements:

- a. Dave Jackson
- b. Kirk Lauerman

Mr. Salatas stated this is a training reimbursement program. The state CDL requirements have changed. Employees have to go to a proper school for CDL training and testing. This is a reimbursement agreement similar to what the Police and Fire sign. It is in the amount of \$2,500 and has a timetable of three years. If they stay for three years, they don't have to reimburse the Town the cost of schooling but if they leave before that then the Town will proceed with collections. Mr. Kubiak stated they will be sending one employee at a time because they have to send them with a truck. A brief discussion continued on the CDL training and requirements.

A motion to approve was made by Colleen Schieben with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

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

7. Approval of Specified Waiver of Ordinance No. 1405 for the Ecosystem Restoration Project

Mr. Salatas explained the dredge project was not bid out using the responsible bidder ordinance. The engineers were not aware of that specific ordinance. He stated he had Mr. Oliphant go through and see what criteria Dredge America met as outlined in that ordinance. Only two items did not meet the ordinance. Those are outlined on page two of the waiver. Per Don's email, they do train internally but do not meet the technical criteria. They have a lot of trade association's that they participate in but do not meet the designation of trade license.

A motion to approve the waiver was made by John Foreman with second by Colleen Schieben. Roll Call: Carnahan – No, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 1.

8. Acceptance of Chuck Becker's Letter of Resignation from the Plan Commission

Mr. Sharpe stated they received Mr. Becker's letter of resignation as he was on the Plan Commission as a Democrat but signed up to run as a Republican in the upcoming primary. Mr. Salatas stated he was certified by the Republican Chairman the day before the resignation letter was turned in to the town.

A motion to accept was made by John Foreman with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0. Mr. Sharpe thanked Mr. Becker for his service on the Plan Commission.

9. Consider approval of vehicles purchase for Public Works

Mr. Salatas explained they are looking for approval to purchase two vehicles. The first is a white 2023 Chevrolet Silverado 2500 Crew Cab 4x4 pickup with a snow plow package for \$53,850. The second vehicle is a blue 2023 Chevrolet Silverado 2500 with a snow plow package for \$59,788. The blue one is an LT and the other is a custom one. That is the difference in price. Comparable trucks were approximately \$62,000. Other makes and models are not available. These trucks are currently in transit. A brief discussion continued.

A motion to approve was made by Nick Recupito with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

10. Disbursement Request No. 1 from 2022A Fund No. 323 in the amount of \$163,916.74 for the Police Department Project

Mr. Salatas explained this is for services rendered so far. This is largely for design work for the Police Station. It has been verified by both Veridus Group and Sue Haase. Mr. Carnahan asked Mr. Salatas to discuss the charges. Mr. Salatas read the individual charges as follows: GM Development design fees in the amount of \$102,198.00. K2M Design design fees in the amount of \$60,508.74. Abonmarche Consultants services for parcel descriptions in the amount of \$1,125. Fidelity National Title for a title search in the amount of \$85.00.

A motion to approve was made by John Foreman with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

11. Disbursement Request No. 1 from 2022B Fund No. 324 in the amount of \$318,248.92 for the Fire Department Project

Mr. Salatas explained this is for services rendered so far for the Fire Station. Mr. Salatas read the individual charges as follows: K2M Design design fees in the amount of \$216,540.16. Abonmarche Consultants services for parcel descriptions in the amount of \$1,125. Fidelity National Title for a title search in the amount of \$165.00. K2M Design design fees in the amount of \$100,418.76.

A motion to approve was made by Colleen Schieben with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

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

12. Approve LPA Contract with VS Engineering, Inc, for the Cline Avenue to Town Hall Sidewalk Project and authorize the Town Manager as the signatory

Mr. Salatas reported they previously approved the LPA agreement. This is the contract with VS Engineering who was selected to run the project. The contract amount is for \$198,850.00. As of right now this is an 80/20 project. 80% will be paid for by the federal government. A brief discussion continued on the project.

A motion to approve was made by Colleen Schieben with second by Robert Carnahan. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

13. Approve sale of Public Works' 2009 Dodge Durango on GovDeals

Mr. Salatas reported this is to dispose of the 2009 Dodge Durango. Mr. Foreman asked how GovDeals works. Chief Fisher stated you put the item online and bids are accepted. A brief discussion continued.

A motion to approve was made by Robert Carnahan with second by Nick Recupito. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

REPORTS

- 1. Town Council** – Mr. Carnahan reported the LCAC Luncheon will be held on March 10th. The Dunes National Park Superintendent will be the speaker.
- 2. Town Attorney** - None
- 3. Clerk-Treasurer** – Ms. Sandberg reported she is working on all of the annual reports.
- 4. Town Manager** – Mr. Salatas stated he is working with NIRPC on sidewalks. They applied for three additional sidewalk grants to continue the path along the lake. That would be west of the roundabout to the viaduct as well as south of Town Hall down Morse and east between Morse and 133rd. In speaking with Mr. Bradsky, the NIRPC director for these grants, it appears the federal government has changed the definition of safety. The sidewalk projects may receive a better chance at funding. The existing grant that was just approved may receive additional federal funding. You may see some Public Works staff going around and taking photos of the ground on the side of the street. This will be used for justification of the project and funding. A brief discussion continued.
- 5. Director of Operations** – Mr. Kubiak reported they've been waiting for snow but it's been a crazy winter. The shortage of salt was a blessing. Other communities are unable to store the salt they are committed to buying. Mr. Kubiak stated the Town has purchased their allotment and are done.
- 6. Police Department** – Chief Fisher stated the watchguard system is up and running. The new officer is still waiting for the PERF results.
- 7. Fire Department** – No report.

WRITTEN COMMUNICATION

None

PUBLIC COMMENT

Nick Worley, 7000 W. 137th Place, voiced concerns regarding sidewalks.

ADJOURNMENT President Sharpe called the meeting to adjournment at approximately 8:02 PM.

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

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

Richard Sharpe, President

John Foreman, Vice President

Robert H. Carnahan

Julie Rivera

Nicholas Recupito

Ralph Miller

ATTEST:

Colleen Schieben

Jennifer N. Sandberg, IAMC, CMC, CPFIM
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.