

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



August 1, 2023

Public Meeting Advertised for 7:00 PM
Conducted at the Cedar Lake Town Hall
Pledge of Allegiance & Moment of Silence
Roll Call:

Absent	Robert H. Carnahan Council Member	Ward 1	Present	John Foreman Vice-President	At Large
Present	Julie Rivera Council Member	Ward 2	Present	Richard Sharpe President	At Large
Present	Nick Recupito Council Member	Ward 3	Present	Jennifer N. Sandberg, IAMC, CMC, CPFIM Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	Chris Salatas Town Manager	
Absent	Colleen Schieben Council Member	Ward 5	Present	David Austgen Town Attorney	

PRESENTATIONS

1. Introduction of K9 Johnny, Protecting K9 Heroes, Southern Lake County Conservation Club

Chief Fisher introduced K9 Officer Johnny and his handler Officer Ben Tomko. Chief Fisher stated K9 Johnny is a two-year old Belgian Malinois. He introduced Stacie Goveia. Staci is the CEO and founder for Protecting K9 Heroes. Her non for profit works with public safety agencies to provide safety equipment for K9 officers. Staci made the donation and the department was able to get Johnny and provide training. Johnny is graduated and fully certified through IPWDA for dual purpose patrol narcotics. Chief Fisher introduced Chris Rodriguez. Mr. Rodriguez is the Board President for the Southern Lake County Conservation Club. They donated a bulletproof vest for Johnny.

2. Show of Appreciation for Ballistic Shields

Chief Fisher discussed an incident where officers were called to a scene and had no form of protection while negotiating. They realized they needed to have something in vehicles to help with these calls. They identified what was needed and sought donations. With the help of the Crown Point Community Foundation and Cedar Lake Summerfest, they were able to purchase five shields. The shields cost just over \$5,000. He thanked the Crown Point Community Foundation and Cedar Lake Summerfest for their donations.

PUBLIC HEARING

1. Ordinance No. 1456, Public Way Vacation Continued Public Hearing – Rago

- a. Review of Legals – Mr. Austgen stated the legals are and have been in order since original publication.
- b. Opening Remarks – Mr. Wieser stated he thinks they have discovered an issue and problem that they overlooked before. He stated he needs to bring it to their attention and figure out what to do. He stated prior they had discussed NIPSCO’s involvement and their issue with the granting of the vacation. He stated they reached out to NIPSCO and when he spoke with their attorney, he realized it was not making sense. They seemed to be discussing two different things. He stated there seems to be an issue with the legal description. The legal description of the public right away was mixed up with the legal description of the easement behind the Rago’s house. He stated NIPSCO has done research on the wrong easement. He stated they would like to come back to the next meeting in August to present. He stated finding the discrepancy is significant.

A motion to defer to August 15th was made by Ralph Miller with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0. Mr. Austgen asked Mr. Wieser what would occur. Mr. Wieser stated he would reach out to the attorney at NIPSCO tomorrow and set up a meeting to get the finding from their end and their engineers. He stated they have additional information from the HOA too. He stated then they will come back with a report. Mr. Austgen asked if the legal has been wrong from the beginning. Mr. Wieser stated no. It has been correct since they started in 2020/2021. He stated the legal was correct up until the April 2023 meeting. He stated he could not explain it. A brief discussion continued.

PUBLIC COMMENT

Mary Joan Dickson, 8711 W. 132nd Place, stated in June she emailed Jen to ask about finances because they do not have 200 building permits. It does not look like they are going to and the budget was based on that. Mrs. Dickson stated the collection of taxes was down. She stated she

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was wondering where the money will come for a new Town Hall if they are already behind this year. She asked if they borrow money this year to make it through then what do they do in 2024. She stated she was curious where the funds were coming for a new Town Hall.

Cheryl Parker, 7227 W. 136th Court, stated in the last June meeting they discussed the Town Hall. She stated they voted on K2M for design. She stated there were some questions on whether the vote was to go ahead with the project or just the design. She stated they were told it was just for the design. She stated the agenda today, Veridus is indicating the Town Hall is to be constructed and located by the police headquarters along Constitution Avenue and approximately 20,000 square feet. She read a portion of the document that said the construction is anticipated to be through the BOT. She stated there is a discrepancy between what was said at that previous meeting and what is shown in the agenda.

Jeff Biel, 10240 W 134th Avenue, asked about the Morse Street Watermain Extension Project. He stated at the July 18th meeting the Town Council voted and it did not pass. He stated the no votes were by Nick and Bob. He stated during public comment there were several residents that voiced concerns with issues with Gatlin Plumbing on the Utopia project. He asked what guarantees they have that Gatlin will not have the same problems. He encouraged the board to vote no until the current problems are completed. He stated he knows that Gatlin was the only company that put a bid on the job. He stated they still need a competitive bid. He discussed putting the process out again.

Kevin Toth, 9725 B W 129th Place, discussed Resolution No. 1337. He stated the resolution is a complete fabrication of the facts. He stated there is no April 7, 2022, meeting listed in any of the Town minutes or agendas about the \$2,000,000 pledged. There were discussions as far back as 2021 about ARPA Funds, Storm Water, and TIF money being used but never a mention of \$4.4 million in Wastewater Funds for this project. In February 2022, there was an ordinance passed to take TIF Funds for the project. Public hearings were scheduled and he stated this followed a transparent, proper path. He stated at the July 5, 2022, meeting there was a discussion to award Dredge American \$5.9 million for the project. He stated the Town Manager commented then that they would need to commit sewer funds to fill the gap. He stated there was no mention of how much or a resolution or public hearing on taking funds. He stated he believes the funds were taken without proper transparency. He continued to voice his concerns.

Terry Broadhurst, 14515 Morse, commented on the Morse Street Watermain. He asked if any of the residents will be connected to the watermain and if not, what is the purpose.

Mr. Salatas responded to the public comments made. He stated as far as the Veridus contract and the previous K2M contract for schematic design for a new Town Hall, that was budgeted into the Town Council's budget last year for this year. As far the information the consultants put into the agreement, those are all planning numbers. The schematic design process, like what was done with Police and Fire, will ultimately show the square footage and other temporary planning information like location. That will be decided if and when the project moves forward once, they are past schematic design. Likewise, the ultimate funding source for that will have to be identified once they know the size of the project. He stated it is mixed planning messages with temporary space fillers. Mr. Foreman asked if this was just the visioning, due diligence, and conceptual design. Mr. Salatas stated yes. The same process that was used for police and fire. He stated the Morse Street Watermain is very different from the Utopia project. There will only be four (4) residential properties involved versus an entire subdivision project where they replaced service lines. They are not cutting through backyards; they will be cutting through right of way on Morse Street. He stated restoration will be done. He stated ideally if the project is awarded or if put back out to bid, Christopher Burke will be overseeing that construction observation. All the property owners are uniquely aware of the project because the Town has acquired the right of way and/or temporary easements in front of their homes. One gave a temporary and a permanent easement in front of his house in consideration for landscaping. Mr. Salatas stated the project was competitively bid. Six companies attended the pre-bid meeting. Out of those six, one chose to bid on the project. Mr. Foreman stated that line is to service the police and fire stations. Mr. Salatas stated that is correct. That line is to service the police and fire stations. That line has been contemplated to be installed in the overall project to go to 133rd in phases as they move forward north. He stated they cannot require anyone to tap onto the water utility like they can with the sewer utility. At the time, if those property owners want to tap on, that will be at their choosing. The water line will be in front of their homes and available if they so choose. They will not be forced to connect. Mr. Recupito addressed Mr. Biel's comments. He stated he reached out to Neil Simstad and he thought it would be a good idea to require as part of the bidding process that professional landscaping be used for restoration. He thinks regardless of whether there are four houses or four hundred. He said hopefully they will correct that moving forward. Mr. Salatas stated Mr. Toth has officially filed a complaint with a government agency and he will let Mr. Austgen handle that. Mr. Austgen stated there is a complaint pending before the Indiana Public Access Counselor. As a consequence of that and same similar comments made in that document, here at the dais, there should be no answer to that until the official response of the Town is made. Mr. Salatas added he answered Mr. Broadhurst's comment as part of the response to Mr. Biel. Clerk-Treasurer Sandberg responded to Mrs. Dickson's comments. As previously stated in her email response, it is not tax revenue that is down it is miscellaneous revenue. Those are two different funding sources. When it comes to miscellaneous revenue not being what they estimated

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it to be, Cedar Lake has posed itself in such a position that there are significant cash reserves. That will make up the difference in this year's budget for any miscellaneous revenue shortfall. She stated what they need to do moving forward, and they have already discussed as they look forward to future budgets, is to be much more conservative moving into future years.

CONSENT AGENDA

- 1. Minutes:** July 18, 2023
- 2. Claims:** All Town Funds: \$161,763.61; Wastewater Operating: \$28,188.79; Water Utility: \$92,700.18; Storm Water: \$12,579.19; and Payroll: 7/20/23 & 8/1/23 - \$292,354.46
- 3. Donation:** Donation of K-9 Vest, Southern Lake County Conservation Club

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 John Foreman. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1448 – Building Department Escrow Fees

Council Member Foreman read Ordinance No. 1448 by title only. Mr. Salatas explained this is an ordinance to establish the escrow fees for the Building Department. When new construction projects are presented, there are certain requirements, which are listed in the attachments, of what is required to be installed at time of occupancy. At times there are environmental issues that arise. In order for people to take occupancy of their homes, they would like to establish the escrow fee. It will be set aside into a separate non-reverting account. It will be held until the property owner can complete the required infrastructure or as-builts. That money will be returned to the property owner when the items are completed. This will allow occupancy during the winter months. It is a surety item. Mr. Austgen stated that is exactly what it is intended to do. It is to allow an administrative process of occupancy when conditions would preclude otherwise. Mr. Recupito asked if this would apply to a single home being built or any larger development. Mr. Salatas stated yes. It is per project or per building permit. A residential house would have an escrow fee of \$2,500 and a commercial/industrial escrow fee will be \$5,000. Mr. Foreman asked if they have been burned before. He voiced his concerns. Mr. Salatas stated this equates to the letter of credit for larger developments. This is the surety the builder will do what they are supposed to. This could include, driveways, landscaping yards, and as-builts. As-builts are needed for every construction project. This is a surety that backs up the Town so the property owner/developer provides what is required. As-builts are probably the largest that gets not completed. Mr. Recupito stated under current ordinance, all of these improvements would need to be made before occupancy is given. This allows people to get in if there are issues with weather. Mr. Salatas stated yes. A lengthy discussion continued on the matter.

A motion to approve Ordinance No. 1448 was made by Julie Rivera with second by Ralph Miller. Roll Call: Carnahan – No, Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – No, Sharpe – Yes. Vote: 4 – 2.

2. Ordinance No. 1465 - Special Events Permit (*First reading was on June 20, 2023*)

Mr. Salatas reported there have been no changes to the document. It is a special events permit modeled after several communities with very similar ordinances. Mr. Austgen agreed with Mr. Salatas.

A motion to adopt Ordinance No. 1465 was made by Julie Rivera with second by Ralph Miller. Roll Call: Carnahan – No, Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes, Sharpe – Yes. Vote: 5 – 1.

3. Resolution No. 1337 - Lake Ecosystem Restoration Pledged Funds Transfer

Mr. Austgen reported this resolution is the act to move monies from sewage funds as described into a segregated fund for purposes of Lake Eco-System Project. He stated he has reviewed the document and discussed it with Chris and the financial advisors. He stated they have a few tweaks to make. He recommended the item be deferred.

A motion to defer Resolution No. 1337 was made by John Foreman with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

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4. Resolution No. 1338 - Parks and Public Works Transfer of Funds

Council Member Sharpe read Resolution No. 1338 by title only. Clerk-Treasurer Sandberg explained two requests were made. The first is for Parks & Recreation for a total of \$15,000 from 113 – Full-Time Admin to 222 – Operating Supply. The second is for Motor Vehicle Highway for a total of \$4,000 from 394 – Training to 241 – Misc. Supply.

A motion to approve Resolution No. 1338 was made by Robert Carnahan with second by John Foreman. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

BZA/PLAN

1. Performance Letter of Credit Extension – Beacon Pointe East, Unit 1

Mr. Sharpe noted Plan Commission approval was on 7-19-23. It is in the amount of \$341,736.80. The extension date is to January 30, 2024. Mr. Salatas stated it is from Peoples Bank and Don's engineering letter is attached to the back of the document. Mr. Carnahan stated he has a concern. He spent two hours on site looking at the issues and concerns presented by residents. He stated he sent pictures of the creek. Mr. Carnahan stated he received a response back from John that there is a plan. Mr. Carnahan stated he was in support of this at Plan Commission but after spending time out there he has concerns. John stated he spoke with Don and that they are addressing it. A plan is being put together. It has not yet been presented. Mr. Carnahan stated it has stagnant water. Mr. Recupito stated he has been out there several times. He stated John is right they are working on it. He stated they talked about the letter of credit extension at the last meeting. He stated he wants to get them to do something but the alternative is to not extend it and then the burden would be on the Town. Mr. Sharpe stated this is a protection. Mr. Salatas stated they did submit a plan to Don late last week. It is in the hopper to be reviewed. He stated absolutely this is a surety to the Town. Mr. Austgen stated he spoke with the developer's attorney today. They are well aware of the circumstance and their engineer is looking at this and working on it. Mr. Recupito asked about the Units of Beacon Pointe and where they are located. Mr. Salatas stated you would have to go on to the Lake County GIS and click on the subdivision tab to look at the area. That will show the breakdown of the phases. A brief discussion continued.

A motion to approve was made by John Foreman with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

2. Maintenance Letter of Credit Extension – Beacon Pointe Unit 1A

Mr. Sharpe noted Plan Commission approval was on 7-19-23. It is in the amount of \$25,209.17. The extension date is to January 30, 2024. Mr. Salatas stated the letter of credit is with Peoples Bank.

A motion to approve was made by John Foreman with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

3. Maintenance Letter of Credit Extension – Beacon Pointe, Unit 2

Mr. Sharpe noted Plan Commission approval was on 7-19-23. It is in the amount of \$151,452.32. The extension date is to January 30, 2024 and is held by Peoples Bank.

A motion to approve was made by Ralph Miller with second by John Foreman. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

4. Accept Performance Letter of Credit in the amount of \$71,467 – Centier Bank

Mr. Salatas stated Centier pulled their own letter of credit with their own bank.

A motion to approve was made by John Foreman with second by Nick Recupito. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

OLD BUSINESS

1. Bid Award – Morse Street Water Main Extension Project

Mr. Salatas stated he was asked at the last meeting to look into what it would cost to rebid. That cost is at or under approximately \$1,000. The only thing they would really lose is time. Mr. Foreman stated they need the police and fire stations to stay on schedule. Mr. Recupito asked how close the timeframe is. Mr. Salatas stated it would be a little

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more than thirty days. He stated they need it before the middle of next year. He stated there is also consideration for material availability.

A motion to approve the bid award was made by John Foreman with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – No, Miller – Yes, Foreman – Yes, Sharpe – Yes. Vote: 5 – 1.

NEW BUSINESS

1. Consider CLPD/Geminus/Regional Mental Health Services MOU

Chief Fisher introduced Brian Dieckmann with Geminus. He stated they are starting a pilot program and hope the Town will partner. Mr. Dieckman stated there are three police stations involved in the pilot program, which is for a mobile response unit. Chief Fisher stated the mobile response unit is for incidents involving addiction, mental health, as well as other incidents that might not necessarily involve a law enforcement response and jail. Chief Fisher stated Mr. Dieckmann is trying hard to get funding and is looking for partnership. Mr. Dieckmann said the State of Indiana is considering a grant for such services. He said this is part of the approval. He stated it is not just a mobile team. They are in development of a crisis stabilization receiving unit. He stated it goes out to bid this week. He stated if all goes to plan it will be open January 1st. The mobile component will be an extension of that. The team will be available 24/7 at the crisis location. Chief Fisher added that the program will marry up to the route they are taking in the Police Department. Over the last eight months they have developed a wellness program in the department. It entails not only mental health and physical health but all that is included. He stated they started the EAP program with the Town and are working hard to get a social worker. He stated the MOU would allow Mr. Dieckmann to put the department on the docket to show there is a need. Chief Fisher stated they are looking for authorization to sign the MOU. There is no cost. It will give them the ability to notify them during these situations. Mr. Carnahan stated it is a highly confidential program. A brief discussion continued on the program.

A motion to approve was made by Robert Carnahan with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

2. Veridus Owner's Representative Services Proposal – Town Hall

Mr. Salatas stated Dave Rainey from Veridus is online and available for any questions. He stated this is for owner's representative services for the schematic design phase of the project. Mr. Rainey stated the proposal takes them through visioning, conceptual design, as well as schematic design. This scope of services is to identify the viability of the project, identify location, and magnitude of cost. They do not go beyond that scope. The scope of services is identified on Page 2. Mr. Foreman asked if they have already identified a team with Chris for the Town Hall side. Mr. Salatas stated the administrative offices that will remain here when the police leave has been included. Mr. Foreman asked if it was budgeted. Mr. Salatas stated the \$30,000 proposal was budgeted within the professional, consulting line item. Mr. Recupito discussed trying to get together to schedule a walk-through. He stated he does not have enough background on this. He stated part of his discovery was to do a walk-through. Discussion occurred on the proposal and future phases.

A motion to defer was made by Ralph Miller with second by Robert Carnahan. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – No, Miller – Yes, Foreman – Yes, Sharpe – No. Vote: 4 – 2.

3. Consider using outside legal services for special projects

Mr. Austgen stated this is for purposes for having special representation for the Town related to projects where there are conflicts of interest. He reported a conflict of his law firm. He recommended as a consequence; his firm not be involved in that representation specifically. He recommended they retain and engage special counsel. Mr. Salatas concurred. He stated it is \$630 per hour and estimated between \$25,000 - \$40,000. That will be billed to the developer that made the application. The Town will initially pay out but seek reimbursement as it does with a numerous volume of different applications made with the Town. Mr. Recupito stated he did not get this until today and has not had a chance to read it. Mr. Salatas stated it was received today. Mr. Recupito stated the name of the developer is not correct and he does not know if that makes a difference. Mr. Austgen stated no. Mr. Carnahan noted that the firm is Barnes and Thornburg.

A motion to approve was made by John Foreman with second by Ralph Miller Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – No, Miller – Yes, Foreman – Yes, Sharpe – Yes. Vote: 5 – 1.

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4. Acceptance of the Founders Creek Well Site

- a. Deed
- b. License Agreement for Access

Mr. Austgen made a recommendation to defer to August 15th. A motion to defer was made by Robert Carnahan with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

5. CBBEL Pay Request 2 for Stage 2 Dredging in the amount of \$212,752.53 payable to Dredge America

Mr. Salatas reported they will be seeing more of these. This is a pay request for the work completed so far. Mr. Carnahan stated he was at the Chamber and saw they were replacing the grinding equipment. He asked if the Town pays for it. Mr. Salatas stated no. A brief discussion continued.

A motion to approve was made by John Foreman with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

6. Peterson Consulting Services Agreement to assist in preparing the GASB 34 Report for FY 2023

Clerk-Treasurer Sandberg stated it is the annual engagement with Peterson Consulting. She stated they help prepare the Capital Asset Annual Report. This is for a fixed fee of \$3,675. Mr. Carnahan stated he believes one year they discovered an older vehicle listed. Ms. Sandberg stated it is possible. They have gotten much better in keeping schedules, tracking, and reporting.

A motion to approve was made by Robert Carnahan with second by Nick Recupito. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

7. Bid Award – Shades Roadway Project

Mr. Salatas reported two bids were received for the first half of the Shades Subdivision. The lowest, most responsive bidder was Milestone Contractors North Inc. It is in the amount of \$1,795,961.77. The project will most likely span this construction season and next. This is partially funded by the Community Crossing Matching Grant. A construction observation proposal from Christopher Burke will be on the next agenda. Mr. Recupito asked where the remaining funding is coming from. Ms. Sandberg stated they will be using all of the Motor Vehicle Highway Restricted Funds as well as Casino, CEDIT, and any remaining monies from the Lennar Rose Garden Fund. A brief discussion continued on the project.

A motion to award the bid to Milestone Contractors North Inc. was made by John Foreman with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0.

REPORTS

- 1. Town Council** – Mr. Carnahan reported the Cedar Lake Chamber will have the annual Town wide yard sale this Saturday from 8 to 4. He voiced concerns regarding NIPSCO work by a sub-contractor on Fairbanks and 129th. He stated the sub-contractor has done a bad job on the road patching. Mr. Salatas stated the engineers for the Town are aware.
- 2. Town Attorney** - None
- 3. Clerk-Treasurer** – Ms. Sandberg reported they are continuing to work with the on-staff accountant and consultants on the various projects and the 2024 budget.
- 4. Town Manager** - None
- 5. Director of Operations** - None
- 6. Police Department** – Chief Fisher reported the flashing signs are out on Lake Shore Drive. They were able to move the signs to the westbound side. Cars will see it as they come around the curb. Mr. Carnahan brought up concerns on Parrish Avenue. Chief Fisher stated the discussion was to put a stop sign there. An audience member discussed the issues at Parrish. She stated there are constant issues. Chief Fisher suggested a traffic study of the area. He stated he was going to reach out to Mr. Oliphant to see if they had anything regarding the area. A pedestrian crossing sign is set up but people are not stopping. Discussion continued on the crossings and concerns on Parrish.
- 7. Fire Department** – Chief Wilkening reported they applied for a baby box grant through the State Fire Marshall's Office. He discussed the secured box. He stated they were unsuccessful in getting any more of the alarms for the hearing impaired. They are going to try and get some with the Red Cross.

