

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



December 1, 2020

**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	

**Planning Director Jill Murr was present via Zoom.*

OATH OF OFFICE

Chief Wilkening introduced two newer volunteer firefighters. Clerk-Treasurer Sandberg gave the Oath of Office to Volunteer Firefighters Tyler Tomerlin and Grayden Heeter.

PUBLIC COMMENT

None

CONSENT AGENDA

Minutes: November 17, 2020

Claims: All Town Funds \$142,906.37, Wastewater Operating \$15,343.67, Water Utility \$41,013.61, Storm Water \$115,550.44, Payroll November 25 and December 1, 2020 \$204,935.34

Manual Journal Entries: November 1-30, 2020

Town Grounds (Beach, Lion's Den, VIPS Building & Restrooms) Use/Fee Waiver: Hanover School Education Foundation Annual Penguin Plop (March 6, 2021)

A motion to accept and waive the reading of the minutes and accept the consent agenda as listed was made by Richard Sharpe with second by Julie Rivera. Mr. Carnahan stated the minutes indicated they made a motion at the last meeting to defer the Hanover Township Fire Contract. He doesn't see it on this agenda. Mr. Niemeyer stated it was still under review and drafting and will be on the next agenda. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 – 0.

ORDINANCES

1. Ordinance No. 1370: Y2021 Salary Ordinance

Council Member Rivera read Ordinance No. 1370 by title only.

A motion to adopt Ordinance No. 1370 was made by Colleen Schieben with second by Julie Rivera. Mr. Carnahan stated he would vote no. He commented on the Clerk-Treasurer. He stated she saved them about \$40,000 her first year by not hiring another employee. She recently reported on the two grants awarded for public safety. Roll call: Carnahan – No, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 6 – 1.

2. Ordinance No. 1372: Zone Map Amendatory Ordinance (14627 Parrish Ave)

Council Member Rivera read Ordinance No. 1372 by title only. Mr. Austgen explained this is an amendatory ordinance from a one lot R-M zoning to R-2 zoning. It is consistent with planning and use.

A motion to adopt Ordinance No. 1372 was made by Robert Carnahan with second by Julie Rivera. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 – 0.

PLAN

1. Letter of Credit: Centennial Phase 12

Town Manager Eberly reported this is the letter of credit for Centennial Phase 12. It is included in their packet. It is from First Midwest Bank. It received the Plan Commission approval last week. It is in the amount of \$98,079.06.

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

A motion to accept the Letter of Credit was made by Richard Sharpe with second by Colleen Schieben. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 – 0.

NEW BUSINESS

1. Pavement Maintenance Asset Management Plan

Mrs. Murr stated this item is the annual pavement asset management plan. It was distributed in paper form. In the packet is a map outlining all of the Paser ratings. It was completed by Don Oliphant and Christopher B. Burke Engineering. It was submitted as part of the annual requirement for participating and being eligible in Community Crossing Grants. All of the roadways have been reviewed and rated. This allows for a five year maintenance plan for repairs. An average of \$250,000 per year for that maintenance was used. This will be used by Committees and staff as they prepare for future budgets and road projects. Mr. Carnahan stated Fairbanks was not included. Mrs. Murr stated all roadways are included. The Paser rating on Fairbanks should be a ten. She will review with Don. Mr. Niemeyer asked if this could be put online for the public to have access to. They get a lot of questions every year on street ratings. Mrs. Murr stated this has been submitted to LTAP. Upon their approval they will get it posted on the website.

A motion to approve the Pavement Maintenance Asset Management Plan was made by John Foreman with second by Ralph Miller. Roll call: Carnahan – No, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 6 – 1.

2. 2021 Insurance Renewal

Mr. Eberly reported they had a committee meeting last week with Henriott Group on the health insurance renewal. It was the consensus of the group to recommend going with the renewal plan at a 5.2% overall increase in total premium. There were only two bidders. Clerk-Treasurer Sandberg stated Anthem and United Healthcare were the only ones to quote. Everyone else either declined to quote or was not competitive. Anthem originally quoted a renewal of 9.63% but they were able to get it down to a 5.2% renewal.

A motion to approve the 2021 Insurance Renewal at 5.2% was made by Robert Carnahan with second by Colleen Schieben. Mr. Niemeyer stated he went to a meeting with Senator Braun and a few others including a medical doctor. The topic of health insurance came up. They discussed negotiated terms, fees, and the power insurance company's hold. They discussed healthcare being less transparent for the consumer. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 – 0.

3. Sustainability Plan

Mr. Eberly stated this item was requested of the Council. This is the proposal from Krohn and Associates for a financial sustainability plan. The firm gave a proposal in October but they were asked to add an investment policy as well as an analysis of how the Town may be able to finance the Lake Restoration Project. Those items have been added to the proposal. The original proposal was for a range of \$20,000 to \$30,000. With the inclusion of the other two items the range is now \$25,000 to \$40,000. Mr. Niemeyer stated this item was discussed before COVID. He had previously circulated an outline of objectives. They focused on how they will plan to grow the services of the Town. This is to be proactive with the needs of the community. He hopes they will favorably consider this.

A motion to approve the Sustainability Plan Proposal from Krohn and Associates was made by Colleen Schieben with second by Richard Sharpe. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 – 0.

REPORT

- 1. Town Council** – Mr. Carnahan stated the Parade of Lights was successful. Everyone complimented the Chamber on a job well done. Mr. Niemeyer stated recently there was a water main break. A sub-contractor for AT&T hit the water main. He knows they can't stop them from addressing their infrastructure needs. He thinks they need to adopt a policy where there is some transparency with this stuff. Our people had to respond to this huge water main break. It was a real problem and this could've caused a serious ripple effect. He continued to voice concerns with the break. He asked David what could be done. Mr. Austgen stated the Council could pass a resolution. He asked for permission to discuss with the Town's engineers. Mr. Kubiak stated some of these companies notify us and others don't. He's talked with other Towns to learn how they operate in these instances. Mr. Eberly stated he likes the idea of a permit issue but in this particular case it was an unusual situation. No one knew this line existed. We couldn't identify the line

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

ourselves. In this case a permit wouldn't have helped but it would be a good idea overall. Mr. Niemeyer discussed government transparency. He discussed Board and Commission members using their personal emails. He thinks it would be best for everyone who is a part of the Town to have a Town email address. A brief discussion continued. Chief Fisher stated he will work with Cliff. Cliff is looking into the Town's email service to make sure the Town is getting the best service and rate.

2. **Town Attorney** – The Town needs to retain Crowe, LLC for the arbitrage calculations for the 2017 A, B, and C Series Bonds. A motion to amend the agenda and allow the item for consideration was made by John Foreman with second by Colleen Schieben. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 – 0. A motion to approve the engagement of Crowe, LLC for the 2017 RDA Bonds arbitrage calculations was made by John Foreman with second by Colleen Schieben. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 – 0.
3. **Clerk-Treasurer** – Clerk-Treasurer Sandberg reported the excess levy appeal they applied for during the budget process was approved by the Department of Local Government Finance. The levy will permanently increase by \$36,105. This is what was anticipated. This will be utilized for the public safety increased.
4. **Town Manager** – At the last meeting there were three residents in attendance to discuss drainage issues. He's been able to talk with Mr. Lameeka. They will be meeting at his house next week. He's gone over the file and will get a firsthand look at the project. He intends to get ahold of Mrs. Prough in Lynnsway. He's had a chance to look into it. He doesn't believe it's a drainage issue in her case but he still wants to meet with her at her property. As for Mr. Deenik's concerns, he's sent the two letters to the property owners that need to remove items for the project. His emailed Public Works and directed them to go out and get the work completed. They are giving the residents two days to remove the necessary items. As soon as weather permits they will be out to work. A staff meeting is scheduled for Thursday to start tackling the zoning ordinance changes. They will be going into the control ordinance next as well as the comprehensive plan.
5. **Director of Operations** – No report.
6. **Police Department** – The two newest officers began their training last week.
7. **Fire Department** – No report.

WORK SESSION

1. Town Investment & Fund Management and Policy Ordinance Matters – Mr. Eberly stated this will be discussed with Krohn and Associates. As expected it should be a simple matter of looking at two funds. As discussed with Buzz and Corby as well as Sue Haase, the wastewater funds are the best for investment. They want to make sure they maintain liquidity in those accounts. It will be a simple policy.
2. Personnel Policy – Mr. Eberly stated this item is more for Chief Fisher and Chief Wilkening to discuss. Chief Fisher stated they have been meeting with Lexipol to help update public safety policy procedures. They can also help update the Town's policy. He'd like to bring information to them at the next meeting. Mr. Niemeyer asked if this included continuing updates. Chief Fisher answered in the affirmative. The company will review policy on a weekly basis. A brief discussion continued on cost and policy updates. Mr. Austgen asked if they wanted Council Affairs to discuss this first. Mr. Niemeyer stated this has been discussed with the Board of Safety. Mr. Foreman asked if this was something planned for in the budget. Chief Fisher stated no. This is a new item. A brief discussion continued.
3. Ecosystem Restoration Financial Analysis – They want to go through all of the funds like TIF, Wastewater, and Storm Water to see what kind of help they can give in funding the Lake Restoration Project. A brief discussion continued on a previous storm analysis completed by Ms. Haase.

WRITTEN COMMUNICATION

None

PUBLIC COMMENT

Mark Deenik, 10813 W. 134th Place, discussed the updated from Mr. Eberly. He thanked Mr. Eberly and Mr. Niemeyer for their help in getting this issue taken care of. He thanked Mr. Eberly and Mr. Kubiak in advance for handling this as soon as they possibly can. He thanked Mr. Foreman and Mr. Niemeyer for suggesting he fill out a Board and Commission application. He filled it out for the open Storm Board position. A brief discussion continued.

Robert Crider, 13401 Osborne, stated he was told by Ryan Kuiper to come to a meeting. He had this same issue last year. He's at the corner of Osborne and 134th and he's not sure if it's the garbage truck or the leaf pick up but they back down the street and destroy his yard. Mr. Crider couldn't say for sure if it was the garbage truck or a public works truck. Mr. Niemeyer asked if someone could watch for him. It depends on who's doing the damage. Mr. Crider asked about putting large rocks on the corner of his property. It was answered so long as it is on his property.

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

A brief discussion continued. Mr. Foreman asked Mr. Eberly to look into this. Mr. Eberly asked for the resident to share their contact information with Mr. Kubiak.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 8:07 PM

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

Randell Niemeyer, President, Ward 5

Julie Rivera, Vice President, Ward 6

Robert H. Carnahan, Ward 1

John Foreman, Ward 2

Ralph Miller, Ward 4

Colleen Schieben, Ward 6

ATTEST:

Richard Sharpe, Ward 7

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.
 - (5) Any additional information required under IC 5-1.5-2-2.5.