

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



May 17, 2016

**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	Greg Parker 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	Amy J. Gross, IAMC, MMC, CPM Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	Jill Murr, CPM, IAMC, MMC Town Administrator	
Present	Randell Niemeier Council Member	Ward 5	Present	David Austgen Town Attorney	

OATH OF OFFICE

Volunteer Firefighter Matt Easto, Volunteer Firefighter/EMT Dustin Thibedeau, and Volunteer Firefighter Larry Stenger Jr. received the oath of office by Clerk-Treasurer Gross. President Niemeier thanked them for their bravery and service to the Town.

PUBLIC COMMENT

Donald Wigley & Mario Davila, voiced concerns regarding the IURC Opt-Out and discussed a petition of 178 signatures they gathered from Havenwood residents, indicating their opposition to removal of the IURC. Town Attorney Austgen referred to Indiana Code 8-1.5-3-9.1 for proper procedure to submit a petition. Mr. Wigley and Mr. Davila stated the decision to opt-out should be placed on an upcoming ballot. They believe the citizens of the community deserve some oversight in the decision.

Dave Harkabus, 8029 Lake Shore Drive, stated he wasn't criticizing anyone but voiced concerns regarding the roundabout project and access to his home. He stated he felt disappointed with the secrets being kept regarding the project. President Niemeier stated saying it's a secret is very misleading. Mr. Harkabus stated he feels it's a secret because there's nowhere for him to go to get information on the progress. President Niemeier stated he can come to the Town Hall and reach out to the Town Administrator for information. Everything that happens with the project is public record. Council Member Foreman discussed on going land acquisitions. The project has been delayed until all the property is acquired. Town Administrator Murr discussed meeting with the project engineer tomorrow. She stated she didn't realize his concerns. She would bring his questions to the attention of the engineer and work on getting Mr. Harkabus some answers. A brief discussion continued on the project and proper procedure.

Ron Bailey, 14001 Fairbanks, discussed ongoing drainage issues with his property and knows appraisals were done. He asked for an update. Town Administrator Murr stated the appraisal was done and now they're in communication with the engineer. President Niemeier explained that they're waiting to see if there's a purpose for the purchase for the Town's benefit. A discussion continued on the ongoing drainage issue, the proper process regarding a possible purchase, and viable options. Mr. Bailey asked if he could be notified each step, regarding his concern. It was agreed to keep an open line of communication with him.

Mary Pearson, Monastery Woods, asked when paving on Parrish Avenue would get underway. It was clarified that Parrish Avenue Phase II has not been engineered yet. Town Administrator Murr stated there are left over funds from the 2015 Street Project Program and that will be used to mill and resurface Parrish Avenue from 137th Avenue North to 125th Avenue (Town Limits). It's currently in the process of being scheduled with the contractor.

President Niemeier made the last call for public comment. Public comment was closed.

Council Member Foreman apologized for speaking after public comment was closed but spoke regarding the water rates. He stated it was a private utility that the Town acquired and the minimum usage fee was due to the fact that because of the small number of rate payers, the utility has to function within itself. That was the minimum fee that was calculated with the previous owner of the utility and the Town acquired their rates. Since not everyone in Town is on the water utility, you can't tax them to lower water fees. Council Member Parker stated Mr. Davila suggested last time that all tax payers be responsible for the debt service of the rate payers. He stated that before a situation occurs where the taxpayers take on the liability of the rate payers he would make a motion to sell it all. Mr. Wigley suggested they would be better off if that occurred. A lengthy conversation occurred between Council Member Parker, Mr. Wigley, and Mr. Davila regarding a referendum. President Niemeier stated that the reason the Town has three different water rates is because the Town was forced into that by the IURC. When the water utilities were acquired, the IURC stated that as part of that acquisition the Town had to maintain the current water rates in place for a certain period of time. If the Town does as they suggest, and create a credit system, the water utility will go broke. He stated if they'd like to see the financials, they could make a public records request and see how slim the margin is on the water utility. Mr. Wigley asked what they plan to do once they take it over. President Niemeier stated the plan was to expand to offer more service to more customers and have more flexibility. Right now the Town is working with Developers to expand the water utility like they did on 129th Avenue at US 41 at developer expense. The rate payers didn't have to pay for that. Those are the types of things and

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

flexibility that can be done as self-government. Mr. Wigley said he believed they made some bad decisions and without oversight they'll continue to do that. Council Member Parker stated he believed they made some bad decisions too. He wishes they'd never bought the water utilities. Mr. Davila said thank you and stated all they want to do is put it on the ballot. Mr. Davila continued by voicing concerns with the current wastewater rate. President Niemeyer explained that in the late 1980's/early 1990's, the Town was in receivership of Indiana Department of Environmental Management for wastewater problems. In order to address that, it took people with courage to take on the improvements. He stated improvements were made through that and the state didn't have to basically take over the Town at that time. There were a lot of mistakes made at the incorporation of Cedar Lake and they are still trying to correct them. A very lengthy conversation continued among Council and Mr. Davila regarding Town growth and the benefits of self-government, split water utility rates, and the appropriate procedures for rate changes.

CONSENT AGENDA

Minutes: April 19, 2016 Public Meeting Minutes

Docket: May 3 and May 17, 2016 – All Town Funds \$652,888.99, Wastewater \$204,681.39, Water \$39,722.59, Storm Water \$19,668.24, Payroll 04/21/16, 04/29/16, 05/05/16 - \$395,702.11

Manual Journal Entries: April 1 – 30, 2016

Donations: DARE - Cedar Lake American Legion #261 - \$300, VIPS Tag Day - \$1,335.50, Sportsmen's Den – In-Kind Donation Whistles for Soccer

Refund for Soccer: Stockstill - \$30.00

Town Ground/Cardinal Roost Rental Waiver Request and Approval for Overnight Camping:

Boy Scouts Overnight Camping on Town Grounds – July 29-30, 2016

Girl Scouts Overnight Camping on Town Grounds – July 22-23, 2016

Julie Rivera moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by Greg Parker. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

ORDINANCES & RESOLUTIONS

- 1. Ordinance No. 1240 - Zoning Amendment – Goc & Cox, 8600 W. 139th Court (Strategic Plan: An Effective Organization)**
Council Member Parker made a motion to defer.

Motion to defer made by Greg Parker with second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

- 2. Ordinance No. 1241 – LOIT Y2016 Special Distribution Fund (Strategic Plan: An Effective Organization)**

Council Member Parker read by title. Clerk Treasurer Gross explained that according to Senate Enrolled Act 67, in order to obtain a one-time distribution from the State of \$188,453, a fund needs to be established to receipt that money into and appropriations need to be created. 75% is to go towards roadway infrastructure and 25% for any other lawful purpose.

Motion to approve first reading of Ordinance No. 1241 made by John Foreman with second by Julie Rivera. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

President Niemeyer asked for a motion to suspend the rules and allow for a second reading. Motion by Ralph Miller with a second by John Foreman. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

Council Member Parker read Ordinance No. 1241 by title only.

Motion to adopt Ordinance No. 1241 made by John Foreman with a second by Ralph Miller. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

- 3. Ordinance No. 1242 – Park and Recreation Fees Amendment (Strategic Plan: An Effective Organization; An Engaged Community)**

Council Member Parker read by title. Town Administrator Murr explained that this is to update the list of park and recreation activity fees. It has not been updated since 2011.

Motion to approve first reading of Ordinance No. 1242 made by Ralph Miller with second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

President Niemeyer asked for a motion to suspend the rules and allow for a second reading. Motion by Richard Sharpe with a second by John Foreman. Roll call vote:

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

Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

Council Member Parker read Ordinance No. 1242 by title only.

Motion to adopt Ordinance No. 1242 made by Ralph Miller with a second by Julie Rivera. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

4. Resolution No. 1166 – Temporary Loan to TIF Fund (Strategic Plan: An Effective Organization; A Secure Future)

Clerk-Treasurer Gross read by title and explained. An invoice in the amount of \$345,269.46 for 133rd Avenue Phase II, Change Order #18, was received from INDOT. This temporary loan will be from the Wastewater Treatment Plant Special Fund to the TIF Fund so that the payment can be made. The Redevelopment Commission approved at their meeting last week now it's before Council for final approval. Mr. Austgen concurred.

Motion to approve Resolution No. 1166 made by Ralph Miller with second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

5. Resolution No. 1167 – Lease Purchase Public Safety Vehicles (Strategic Plan: A Secure Future; An Effective Organization)

Clerk-Treasurer Gross read by title and explained. Information was provided to three banks for lease-purchase quotes for police vehicles, which also includes a vehicle for the fire department. The lowest bid received was 2.57% financing for an annual payment of \$32,865 from Republic First National Bank. Total payments made would be \$98,595. Interest would be a total of \$4,063. First payment is in arrears and would take effect January of 2017. PNC Bank was nonresponsive, so only two quotes were received. Mr. Austgen asked if Amy and her team prepared the Resolution. Clerk Treasurer Gross answered yes.

Motion to approve Resolution No. 1167 made by John Foreman with second by Ralph Miller. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

PLAN COMMISSION

1. Cedar Lake MHC, LLC, PUD Zoning District Zone Map Amendment

Plan Commission sends a Favorable Recommendation to the Town Council for approval of a PUD Zoning District classification amendment based upon the presentation, the site plan, the one (1) lot subdivision. BZA approved the Developmental Variance for reduced sized area of the PUD from ten (10) acres to seven and a half (7.5) acres on May 12, 2016. Mr. Austgen stated this was the final step for the clean-up of zoning and land use approvals for the new owners of the Cedar Lake Mobile Home Community. They've done everything the Staff has asked and are here tonight for the PUD. For a one lot subdivision, subject to a site plan and community rules and requirements, that upgrades completely from 1975 approvals. Everything follows code. He asked the only condition be for a final review of community rules and attachments they would make to the site plan.

Motion to Cedar Lake MHC, LLC, PUD Zoning District Map Amendment with the conditions as listed made by Greg Parker with a second by Richard Sharpe. Council Member Foreman added they have the opportunity to catch the tiny house craze and wished them luck. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

NEW BUSINESS

1. Easement Agreement (Strategic Plan: A Secure Future; An Engaged Community)

This item was deferred from the April 19, 2016 meeting. Mr. Austgen stated this is the joint storm drainage easement of the Hanover Community School Corporation, Lake County Public Library, with the Town for the storm facility on West 133rd Avenue between the school and the library. Everything is in order and ready to go.

Motion to approve Easement Agreement made by Greg Parker with a second by Ralph Miller. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

2. Sweet Corn Sale Request – Mark Christenson to sell at Bobb's Auto, 13007 Wicker Avenue (Strategic Plan: An Engaged Community; A Thriving Local Economy)

Town Administrator Murr stated this is for approval for Mr. Christenson to sell sweet corn at Bobb's Auto Group. It would be in the northwest corner parking lot so traffic would be able to get off of US 41. She reminded Council that Mr. Christenson will also be selling on the east side of the lake by True Value.

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

Motion to approve Sweet Corn Sale Request made by Julie Rivera with a second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – No. Vote: 5 to 1.

3. CEDIT Fund Transfer (Strategic Plan: An Engaged Community, A Thriving Community)

Council Member Foreman presented. He would like to have \$15,000 of CEDIT (County Economic Development Income Tax) funds moved to the Ecosystem Restoration Project. President Niemeyer asked if he proposed that what was budgeted for rail expansion be moved to the Ecosystem Restoration Project. Council Member Foreman answered he would like to move what was budgeted for rail expansion and make that line \$0. Council Member Parker asked if that would affect anything else financially. Clerk Treasurer Gross stated she did a projection of the revenues and obligations they currently have and \$15,000 is feasible.

Motion to approve CEDIT Fund Transfer made by John Foreman with a second by Richard Sharpe. President Niemeyer added that when the lake project becomes fundable, will this fund be sufficient as a contribution to the process. He asked Mr. Foreman if he thought this was the best course of action at this time. Council Member Foreman stated yes he thinks this is good use of CEDIT funds and the most prudent course of action at this time. Council Member Rivera asked if the item could be deferred. She made a motion to table the item. It was seconded by Greg Parker. Item was tabled.

4. Ratification of Christopher B. Burke Engineering Agreement for Jane Ball SRTS (Strategic Plan: An Engaged Community; A Secure Future)

Town Administrator Murr explained this is the construction and observation engineering agreement for the Jane Ball Safe Routes to School Project, in an amount of \$23,359.20. Money was transferred from the MacArthur to Jane Ball Safe Routes to School Program. The bid came in just under \$187,000 to construct sidewalks along 133rd Avenue, heading down Parrish Avenue to 137th Avenue. Construction will begin this summer. This item had to get in in order to meet this fiscal year's construction season. This construction project is being paid 100% out of federal funds. The engineering came in \$10,000 higher overall project costs. Estimated costs were about \$202,000 and came in at \$210,000. She stated she will be asking NIRPC for additional funding to see if the project can get some help. But as of right now, the Town will be paying about \$10,000 for this project.

Motion to ratify the Christopher B. Burke Engineering Agreement for Jane Ball SRTS made by Ralph Miller with a second by John Foreman. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

5. Ratification of 133rd Avenue Phase II – Change Orders No. 16 & 21 (Strategic Plan: A Secure Future, An Engaged Community)

Town Administrator Murr explained that Change Orders 16 & 21 is part of the 133rd Project with AT&T utility relocations. The first is in the amount of \$8,267.58 and the other is \$8,934.68. The ratification is to get these through the INDOT funding process for fiscal year 2016.

Motion to ratify 133rd Avenue Phase II – Change Orders No. 16 & 21 made by Richard Sharpe with a second by John Foreman. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

6. Lake County Soil & Water Conservation Agreement (Strategic Plan: Extraordinary Natural Resources; A Thriving Local Economy)

Town Administrator Murr stated this is a continuing agreement between the Town and the Lake County Soil and Water to provide public education and outreach participation. NIRPC no longer offers these services. Last year Lake County Soil and Water performed activities at the Boys and Girls Club, MacArthur Elementary, and Jane Ball Elementary. The fee for these services is \$1,278.00 annually. This is an MS4 requirement.

Motion to approve Lake County Soil & Water Conservation Agreement made by Greg Parker with a second by Julie Rivera. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

7. Independent Contractor Agreement for K. Bredar Yoga Instructor (Strategic Plan: An Engaged Community; A Thriving Local Economy)

Town Administrator Murr explained that Kandy Bredar is a yoga instructor that will be performing yoga classes on Wednesdays and Fridays. With this agreement she will be an independent contractor versus an employee of the Town. It's part of the outreach efforts to engage the community to provide recreational services for residents. President Niemeyer asked what the cost of the service would be. Town Administrator Murr stated the cost of the service will be a per attendee cost of \$5 per attendee. The cost of the program is \$8 per attendee. Council Member Foreman commented on it being a great idea. Town Administrator Murr added that they will be incorporating yoga on the beach and with the summer camp program.

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

Motion to approve Independent Contractor Agreement with Kandy Bredar, Yoga Instructor made by Ralph Miller with a second by John Foreman. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

8. Storm Water Easement Recommendation – 135th Avenue

The Storm Water Board sends a Favorable Recommendation the Town Council to investigate obtaining drainage easements from properties at 7105 W 135th Avenue and 7029 W. 135th Avenue to alleviate flooded roadway. Town Administrator Murr explained that the water is settling in the roadway and not able to flow through the easements between the properties to the pond. The water naturally flows that way. Don has reviewed this. The next step is to reach out to the property owners and see if this is something that can be worked on together.

Motion to direct staff to investigate drainage easements for the properties listed made by Richard Sharpe with a second by John Foreman. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

9. Kelly Miller Circus Request – One Day Event on Monday, August 29, 2016 (Strategic Plan: An Engaged Community, A Thriving Local Economy)

Town Administrator Murr explained that a request was received to see if the Town would be interested in hosting the circus on Monday, August 29, 2016. They didn't specify a location. There is a contracting fee of \$290 to participate. There is the potential to make a percentage of ticket sales. This is the weekend before Labor Day. The Historical Association will be doing their Craft Beer Event Labor Day Weekend. She stated the only possible location might be the Town Grounds. President Niemeyer asked what the potential take would be. Town Administrator Murr said the letter stated the average take is between \$2,000 - \$5,000. President Niemeyer stated if it was housed here, he thinks it would cost more to fix the Town Grounds and clean-up. Council Member Rivera added police and fire protection costs as well. Council Member Miller added that the same letter was sent to different organizations through Town looking for a sponsor.

Motion to deny Kelly Miller Circus Request made by Julie Rivera with a second by Richard Sharpe. Roll call vote: Foreman – No, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 5 to 1.

WORK SESSION ITEM (S)

1. Monastery Woods South

Town Administrator Murr explained that on the southwestern portion of Monastery Woods South, there was a strip dedicated to get residents through the subdivision into the school parcel. Now that the school has developed the athletic fields, they no longer wish to have a walkway through the area. The developer would like for the Town to potentially deed the parcel back to them to redevelop it and possibly offer walkways in a different fashion. Council Member Foreman added that originally the intended walkway was further to the east and the old superintendent suggested moving it south, so kids in the subdivision could walk to school. The new superintendent and school board decided they didn't want a path by the new athletic fields. In lieu of that, Monastery Woods Development, LLC, would contribute land or money towards a walkway. Legal Counsel for Monastery Woods Development, LLC, Mr. Anderson, stepped forward to gauge the Council, to figure out a plan to possibly deed the parcel back. In exchange for deeding it back, they would construct a 450' pathway. President Niemeyer discussed the next steps for Staff and Mr. Austgen. Mr. Austgen discussed threshold items to consider and policy considerations for the future. Mr. Anderson added that an alternative would be to give the Town \$10,000, which they estimate as the cost of the path. They don't want to miss out on the construction season. Monastery Woods South is filling fast and there might not necessarily be construction next season. A lengthy discussion continued on the proposed pathway, reaching out to the school corporation, and the future of pathway partnerships in the area. President Niemeyer discussed adding an agenda item for the next meeting for consideration of the request.

2. VS Engineering

Town Administrator Murr explained that they were joined by Julia Surber, Manager of Business Development at VS Engineering, to discuss a Comprehensive Roadway Maintenance and Improvement Plan. Moving forward, in order to obtain future federal funding, an asset management plan and a maintenance and improvement plan is needed. It's needed to address how roads will be maintained and how repairs will be planned. It would also help with budgeting for roadway improvements. President Niemeyer thanked Ms. Surber for being present and stated it wasn't an agenda item because it is new in front of the Council. With the proposed monies being spent, the Council needs to take a look at the total impact. Ms. Surber discussed the different things B.S. Engineering can do and provide for the Town. They'll rate the roads and condition they're in, give the federal classification, and potential fixes and costs. She discussed that the State has indicated that an asset management plan is needed for funding. A lengthy discussion continued on the rating system used, business plans provided, federal funds, and updating of the rating system.

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

TOWN COUNCIL REPORTS

1. Town Council – Council Member Parker spoke about the water utility and revenue discussions being strictly with protection of the rate payers in mind. He stated he gets frustrated with all the criticism, when less than a decade ago, the Town didn't have a water utility. They're constantly, looking for ways to improve the infrastructure of the Town. He stated he believes they've been good stewards in trying to keep the cost of the water utilities down, especially with the condition of them and things of that nature. He's upset with the criticism from folks that don't understand what has to be done to get infrastructure improved here. He admitted his behavior wasn't great but it's frustrating in these cases. Clerk Treasurer Gross added that it's frustrating for the Utility Department to deal with three water rates, one or two of the subdivisions have hydrant fees, and another does not. It's frustrating. She looked back on the records and over the years, the Town has spent close to \$68,000 because of the IURC. Every time we bond, we have to pay the IURC. It's not free to stand before them and testify. The Town also has to pay a financial consultant each year, around \$5,000, for an annual report for the IURC. It costs the rate payers money to be involved in the IURC. Council Member Foreman added that it's why over 300 municipalities have gotten out. Council Member Parker stood by his earlier statement that while he's around, a cost for the water utility wouldn't be added to the taxpayers that do not benefit from the water utility. President Niemeyer added that it might have been misunderstood tonight, that when someone proposes there be a credit or charges by usage, rather than a minimum delivery fee. That's the cost of doing business. In order to eliminate that, the General Fund would have to subsidize the water utility, which means that the taxpayers would essentially pay for that drop in revenue because you can't run a utility in the red. Part of this disingenuous petition approach, he thinks, is that what people were being told as they went around with the petition, is that the Town Council wanted to pull out of the IURC in order to raise rates. That's totally untrue. Rates haven't been touched since they've acquired them. Wastewater rates haven't gone up in 18 years. A lengthy discussion continued on how public money is raised and spent, the process and education on matters that have been discussed this evening, and how it affects everything else.

2. Town Attorney – Mr. Austgen stated he needed the Council's authority with a motion to resolve and address the disposition of the police training reimbursement agreement issue with a former police officer. President Niemeyer asked for a motion to amend the agenda and allow for consideration. Motion by Greg Parker with a second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

Mr. Austgen stated the item for consideration is the negotiation for resolution of the police training reimbursement contractual agreement of former Officer Lukasik.

Motion to approve by Ralph Miller with a second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

3. Clerk-Treasurer – Clerk-Treasurer Gross stated in the month of June she will have an amendment to the Materiality Threshold Ordinance that was passed. Upon further discussion with the financial consultant, advisement was made that the material threshold should be made more specific to the Town's needs. There was a review of the revenues from the Town and utilities. It should be separated according to the different aspects of Town business. The CCD rate needs to be reestablished and also in June, will be the public hearing. Legal notices need to get out first.
4. Town Administrator/Staff – Town Administrator Murr discussed forward movement in the Ecosystem Restoration Project. On April 28th, the Department of the Army, Office of the Assistant Secretary of Civil Works, approved an exception to allow for the locally preferred plan. This will allow an Army Corps of Engineers to proceed with the locally preferred plan. On May 13th, a meeting occurred with the Army Corps of Engineers in Chicago to discuss the next steps and timeline for this joint project. In the coming months, the Town will be preparing for the public meeting review of the Ecosystem Restoration Plan. They anticipate that meeting occurring mid-summer. She added that 133rd Avenue has been paved. Painting will occur soon. She stated she spoke with the engineer who is doing the construction observation on the US 41 INDOT project. They are going to go ahead and put down intermediate mill within the next couple of weeks. She added that the Electric Vehicle Dual Charging Station has been installed. It should be ready soon.

WRITTEN COMMUNICATIONS

1. Christopher B. Burke Engineering – Previously updated.
2. Recreation Report – 163 children are participating in soccer this year. It's taken off well. An exercise program is currently going on at the Cedar Lake Clubhouse. Yoga is upcoming and summer camp will begin June 13th.

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

3. Building Department Report – 28 new permits as of the end of April, with a residential value of \$3,920,012. 100 alteration permits with a value of \$851,137.

PUBLIC COMMENT

Larry Stover, 13971 Orchard Drive, voiced concerns about a flooded sewer near 140th Avenue by Binyon. He also asked who's responsible for cleaning the dam. He voiced concerns over fish getting caught in the grill and rotting. He also voiced concerns about the gate and public access to the park. It was discussed that Mr. Austgen would speak with Mr. Peterman regarding the gate. Mr. Stover voiced concerns about large pot holes on Polk Street. Discussion occurred regarding getting those fixed once the equipment needed is repaired.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 9:10 PM.

An Executive Session was advertised and conducted at 6:00 PM and following the meeting, pursuant to IC 5-14-1.5-6.1(b). Refer to Memorandum of Meeting for topics discussed and those in attendance.

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

Randell Niemeyer, President, Ward 5

Greg Parker, Vice President, Ward 6

Robert H. Carnahan, Ward 1

John Foreman, Ward 2

Julie Rivera, Ward 3

Ralph Miller, Ward 4

ATTEST:

Richard Sharpe, Ward 7

Amy J. Gross, IAMC, MMC, CPM
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.