

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



July 18, 2017

**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	Absent	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	

PUBLIC COMMENT

None

OATH OF OFFICE

Andrew Briggs, Charles Livesay, Michael Medrano, Nathon Spencer, and Tyler Wood received the Oath of Office from Clerk-Treasurer Gross as the newest members of the Cedar Lake Volunteer Fire Department.

ANNOUNCEMENT

Chief of Police Jerry Smith announced his retirement effective October 2, 2017. He read aloud the letter he sent to the Council and shared his memories of the Town. Members of the Council thanked Chief Smith for his dedication to the Town. President Niemeier stated that under new business they would add an item to direct the Town Administrator to advertise the position of Police Chief.

CONSENT AGENDA

Minutes: June 20, 2017 Public Meeting & June 26, 2017 Special Public Meeting

Docket: July 5 and July 18, 2017 – All Town Funds \$976,359.61, Wastewater \$191,123.33, Water \$86,707.84, Storm Water \$139,582.51, Payroll 06/29/17, 06/30/2017, and 07/13/2017 \$442,504.08

Manual Journal Entries: 06/01/2017 – 06/30/2017

Donations: DARE – Lighthouse Restaurant \$1,650

John Foreman moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by Julie Rivera. Council Member Carnahan asked Clerk-Treasurer Gross to explain the monthly manual journal entries. She stated the manual journal entries are done anytime we have to go into the general ledger program to make a correction. The payroll also goes through the program as well as any budget amendments or corrections. It's part of the accrual accounting system and approved by the State Board of Accounts. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeier – Yes. Vote: 6 to 0.

RESOLUTIONS

1. Resolution No. 1199 – Temp Loan – 2007 RDA Bonds

Clerk-Treasurer Gross read by title only and explained. She stated this allows Fund 410, the 2007 RDA Bond Fund, to borrow \$68,295 from the Wastewater Treatment Plant Special Fund. This will be repaid on or before December 31, 2017 with the fall tax settlement. The spring tax settlement was a shortfall. Town Attorney Austgen stated it is an internal borrowing, no interest, financing method that is used here regularly.

A motion to approve Resolution No. 1199 was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeier – Yes. Vote: 6 to 0.

2. Resolution No. 1200 – Temp Loan – 2011 RDA Bonds

Clerk-Treasurer Gross read by title only. She explained this is similar to the previous agenda item. It allows the borrowing from the Wastewater Treatment Plant Special Fund in the amount of \$99,540 to Fund 406, the 2011 RDA Bond Fund. It is to be repaid on or before December 31, 2017 with the fall tax settlement. She reiterated there was a shortfall with the spring tax settlement.

A motion to approve Resolution No. 1200 was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeier – Yes. Vote: 6 to 0.

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3. Resolution No. 1201 – Title VI Implementation Plan

Council Member Rivera read by title only. Town Administrator Murr explained that the proposed Title VI Plan for the Town sets for the non-discrimination policy. It provides for a Title VI coordinator, establishes a grievance procedure, provides an administrative work-plan, and adopts a limited English accommodation work-plan. She stated that in order to receipt any federal funding the Town has to have a non-discrimination plan in place. She stated it is for all projects to make sure they are treated equally. Council Member Carnahan made a motion to defer the item until they have a better opportunity to look it over more thoroughly. Council Member Foreman asked if there was any harm in delaying. She stated they have funding requests out for the Community Crossing Grant as well as the Cline and Lake Shore Drive Project. The Town has also already receipted federal funding. She stated it was a pro forma that comes out of INDOT. Mr. Foreman asked if two weeks would hurt the Community Crossing Grant. Mrs. Murr answered it could if they ask if the plan is in place. No second was made. The motion failed.

A motion to approve Resolution No. 1201 was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – No, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 to 1.

NEW BUSINESS

1. Direction to Town Administrator to Advertise Position of Chief of Police

Town Administrator stated that with the Council's direction she would like to complete the advertisement for the Chief of Police position. She would like to set an application deadline of August 14, 2017 at 5PM.

A motion to direct the Town Administrator to advertise the position of Chief of Police with an application deadline of August 14, 2017 at 5PM was made by Robert Carnahan with second by Ralph Miller. Town Administrator Murr added that the advertisement would most likely go out by the end of the week. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 to 0.

2. South Lake County Community Services, Inc.

Town Administrator Murr stated this is an annual contribution to South Lake County Community Services for transportation services. She stated that approximately 13 residents participate. South Lake County is looking for a commitment to help fund their 2018 budget. She stated in the past it has been paid from Town Promotion. The addresses have been reviewed and all riders are within the corporate limits. South Lake County Community Services is asking for a donation of \$2,682 to commit towards their 2018 budget. She stated they could plan for this in the budget process for next year or if funding is available make the commitment now. President Niemeyer asked how many people use the service. Mrs. Murr stated there are 13 addresses with 894 rides over the past calendar year. Council Member Carnahan added that at the food pantry on Wednesday's this service brings clients. Mrs. Murr added that this represents a donation of \$3.00 per trip. President Niemeyer asked that essentially they would be pledging this amount. Mrs. Murr answered yes.

A motion to approve the South Lake County Community Services donation request of \$2,682 payable from Town Promotion from this year's budget was made by John Foreman with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 to 0.

3. Northwest Indiana Cancer Kids (NICK) Foundation

Town Administrator Murr stated the last couple of years the Council has supported the NICK Foundation. Last year the Town participated in the luncheon and donated \$350. This year there are various pledge amounts and various levels of contribution for participation for their ball. She added additionally the reading of the proclamation declaring September 2017 as Childhood Cancer Awareness Month. Council member Foreman asked what fund the money was taken out of last year. Clerk-Treasurer Gross stated it was probably Town Promotion. President Niemeyer discussed last year's luncheon. Council Member Rivera spoke a few words about the NICK Foundation. She added she would be attending the event on August 10th at the Lake County Government Center and read the proclamation.

A motion to participate and donate \$250 to the NICK Foundation was made by Julie Rivera with second by Ralph Miller. President Niemeyer stated he loves the organization but has always had a little heartburn with donating public funds to these organizations and it is something he would like to support personally. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – No. Vote: 5 to 1.

4. Chamber of Commerce

Diane Jostes with the Chamber of Commerce spoke on behalf of many Cedar Lake businesses who are concerned with the increase in the storm water user fee and the manner in which it was passed. At the last Town Council meeting it was suggested that the group could come up with an idea of how to deal with it. When the group met to discuss the issue, they realized there were many issues that they didn't understand or

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know. It was the consensus that they come back to the Council with questions. Listed below are the questions and responses.

Mrs. Jostes asked if the board members knew how much each business paid prior to raising the fee. Council Member Foreman stated they knew it was 3000 square feet of impervious surface which equates to 1 ERU. But as far as each business and how many square feet under roof, blacktop, or concrete, he had no clue. Council member Carnahan stated that never once was it said that businesses were going to double but that might have been negligent on his part. He stated he constantly heard that it's only going to go up \$5 on residents. Never once did he hear businesses mentioned. He added it did say double the rates so it might be negligence on his part not realizing. He added he probably would have voted no had he realized that. President Niemeyer stated that's pretty easy to say now but the rate was doubled. Like Mr. Foreman, he doesn't think anyone did the calculations of square footage of rooftop or blacktop. To know everyone's bill is not something he thinks any Council member would go into the utility department and see what everyone's paying. Council Member Rivera stated there wasn't an excel spreadsheet with every business in Town and what they pay now. She stated she can say she knew it was going to double but they did not have a spreadsheet with each business, what they pay now, and whether they have a drainage ditch or an opportunity to appeal. Council Member Miller stated he knew the residents were going from \$5 to \$10 and knew the businesses would be doubling but he didn't realize how much some were paying. Council Member Sharpe concurred with Mr. Miller. Mrs. Jostes added that some of the business owners increased \$100 and she believes Holy Name Church increased \$300-500 a month. She asked if the board member knew how much the amendment to the ordinance was going to affect businesses. She added that if they didn't see a spreadsheet they probably didn't see how much everyone's bill was going up. President Niemeyer said he has never reviewed anyone's utility bills. It's just something that is dealt with the fiscal responsibilities of the Town. The employees in the utility department see the utility bill. Micromanaging the utility department is not something any of the Council members participate in. He stated Mrs. Jostes assumption was correct. Mrs. Jostes added that was one of the main concerns expressed by some business owners. She asked didn't somebody think about what double meant to somebody that has 10 ERU's. She asked if someone really took a look to see how it was going to affect a small business. She asked if the board members knew that the amendment at least doubled or tripled some of the bills. President Niemeyer stated they knew it would be doubling the rate but the actual cash impact was not something they were aware of. Mrs. Jostes stated that in the case of the Hanover Schools, their bill increased almost \$30,000 a year. She asked how much does the Town pay for each drainage fee on each parcel it owns and did they see an increase. Town Administrator Murr answered yes, the Town's fees doubled as well. She couldn't give an exact amount off the top of her head. Mrs. Jostes asked how much additional revenue is being generated from the increase in the drainage fee and how much of that is attributed to businesses. President Niemeyer stated that is a question that the clerk-treasurer would have to pull information on and she would need time to complete that. They've asked for an analysis of cash flow as part of any consideration of amending the ordinance. Mrs. Jostes asked if they could explain the process of determining how each business is assessed in their individual drainage fee. President Niemeyer stated that is a technical question for an engineer. He added that Mr. Foreman lent to it with the 3000 square feet of impervious surface equating to 1 ERU. He stated he didn't know all of the technical jargon. The Town engineer could not be in attendance tonight but the Town Administrator and him have been talking about organizing a forum where some of those technical things can be explained on how the businesses are assessed when it comes to the ERU's being assigned. He stated he thinks that is important for everyone to know. Mrs. Jostes said she guarantees that is one of the main questions businesses have. She asked how they determine how much each business pays in drainage fees. President Niemeyer stated he thinks that is based on that equation. Council Member Foreman added that some businesses may not be aware that if they have retention or detention ponds, for example the school corporation, there is a way to appeal and get a credit. He spoke for a lengthy time on the fee and process available. Mrs. Jostes stated that one issue some spoke about after looking at the ordinance is that they didn't know about the appeal process or credit. Some are concerned that they didn't know that and weren't given the information. A lot of people have never heard of the credit and if they do get a credit are they able to get some of that money back that maybe they should have asked for. Town Attorney Austgen stated technically the law does not have retroactive application to it. The most universal application would be on the date of the filing of the credit appeal and forward is the universal time for the credit. Mrs. Jostes stated that the fee for residential homes under 5 acres has increased \$5. She asked if they could explain the process for homes over 5 acres. Council Member Foreman explained that there are runoff coefficients and essentially grass, lawns, parks, unimproved woods; agriculture, gravel drives, parking, ponds, lakes, rooftops, and all of those types of things go into that equation. He stated he believes it's .9 for concrete drives, asphalt, and rooftops. The others drop off considerably to .15, .2, .55, and .4. All of those types of variables go into those equations. Mrs. Jostes asked that for those who have over 5 acres, who determines the first five acres. Town Administrator Murr stated the Town's engineer does. President Niemeyer added the Town's engineer does and it would be part of the planning process. Town Administrator Murr concurred. Mrs. Jostes asked if the board members took into consideration that

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most businesses set budgets months in advance and make it impossible to pay the increase. She continued by discussing a business that may have already contracted rent and will have to eat the cost of the increase. President Niemeyer stated that based on some of the earlier responses, not knowing that total cash impact, would tell you that they don't necessarily know the impact on a person's budget. He continued by discussing the recent taxes enacted by the State of Indiana and the impact it will have on his business. He stated he will be seeing approximately \$80,000 in added fuel taxes and tolls that no one told him about but they did it because they are funding infrastructure. He said the Town is funding infrastructure. It doesn't make it any easier or any better and that's why he thinks the dialogue this evening is so good. Unlike the state government, this is a place where everyone can connect and move and adjust to fit this in a little better. He stated these are good questions and asked Mrs. Jostes for a list to share with the Town Administrator. He stated that way if they do have a forum, where just this topic is focused on, they can be prepared. They can have the engineer there and really start to develop a plan to resolve some of the issues. Mrs. Jostes stated she can certainly get the question to them. She asked if the board considered the effect the increase would have on businesses and the trickle down. Council Member Foreman stated he thought that if they improved the infrastructure, take some of the smaller neighborhoods that have never had proper stone under asphalt, and continue to dump dollars on top of the asphalt, it may change the character of the subdivisions and neighborhoods. He added maybe this would bring new developments into those areas. He stated they are trying to make the Town better and it may not feel like it or seem like it, but it's safe to say the Council is pro-business. He said they want our community to have good successful businesses and want it to grow within reason. According to plan, not just let developers come in and do whatever they want. He stated he certainly thought of the big picture. Council Member Rivera added that the fees haven't been raised in a really long time and it shows in the roads. It shows that it's been stagnant. It's unfortunate that they didn't incrementally raise things but with the state of the roads, something had to be done. They didn't want to do a wheel tax and they didn't want to go to Lake County and raise property taxes. She stated this was kind of the lesser of some of the evils but they are talking about it. They are talking about engaging the financial advisors as far as caps. She thinks the important part of having a forum with the engineer would be to explain the process of appeal. That will alleviate some of it but what it doesn't alleviate is if no one has drainage or no one has plans of putting in any type of retention. She added that they are working towards fixing some of these things even if that means they don't have as much of a cushion for future road projects. They have to weigh the pros and cons. Mrs. Jostes added that some of the businesses are concerned because they don't think they are going to last. Some think that this bump will be the death of business. They are hoping the Council is thinking about that. Many of the business owners are residents too. She added that the Town needs those businesses to help support the community. She asked if there is a department of storm water management and who the director is. President Niemeyer stated they have a storm water board. Town Attorney Austgen added that fall under the storm function of the public works department. That is overseen by the Board of Storm Water Management and with your assigned Director of Operations, Tim Kubiak, overseeing it. Mrs. Jostes commented on Mr. Kubiak's many functions within the Town. A lengthy discussion continued on the dates and times for the storm board meetings. Mrs. Jostes asked if the director makes the decisions on whether you can file and appeal and receive a credit. President Niemeyer stated that is all evaluated by the engineers. There is a process in the ordinance. When the process is followed, and he believes it includes engineered as-builts of storm water facilities on sight, you have to have measurements and things an engineer can look at in order to successfully have the appeal accepted. The engineer would then recommend the appeal be accepted and a reduction given. Mrs. Jostes commented that it is not an easy process. Council Member Foreman added that there is an agreement between the Town Council and Storm Water Board and the appeal process is captured in a 25 page document that was approved in 2007, when it was written as part of an ordinance as well. It's all public and anyone can get ahold of it and follow the procedure. He thinks Mr. Niemeyer is right. By building the cumulative fund to kind of veer off having to ever do this again, he thinks this is a step in the right directions. He added that at the last meeting it was asked how big the pot has to get. That is what they are trying to figure. They are trying to bring it all in and look at all the businesses, find out what it is, and what needs to be done to continue to function with some normalcy without gouging. Maybe then a maximum can be created. It all starts with the numbers from the financial advisors before they can make any assessments. Mrs. Jostes discussed ordinance number 1263 and the \$2 per ERU that is set aside. She asked if that was cut in stone or could that be eliminated. President Niemeyer discussed the two resolutions on the agenda this evening. In both cases, the Town borrowed from the sewer sinking fund which was created the last time the sewer rates were raised in 1998. That fund has allowed the Town to borrow from itself instead of going to the bank when improvements are needed. He added there is a balance that needs to be struck in some of these things. He thinks Mrs. Jostes is right about some flexibility in the new fund once the cash flow numbers do come in. The balance that is struck from a municipal standpoint of building and maintaining infrastructure and just doing things as they need to be done and reacting to them, he believes creates an environment of always being behind. He added that when a lift station needs to be repaired, which is a public health requirement, the Director of Operations doesn't have to think about if they need to go through the process of bonding and borrowing at a high interest rate. If there are road

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projects and they are a little short on a tax draw, the Town is able to borrow from the sewer funds until the next tax draw comes and pay it back without interest and while maintaining infrastructure. The RDA bonds were for main roads in the Town that were part of the federal 80/20 match. That was the Town's 20%. He thinks that helps to keep the business community propped up. Without being able to do the things like they did this evening, 133rd Avenue on both sides of the lake and Morse Street would be crumbled and gone. The state does not give the Town much to work with in funding for roads. They have to use every mechanism they have in house to try and do these things. It was seen tonight what they did to try and maintain the debt service on the infrastructure commitment to the business community. Mrs. Jostes added that she thought to herself, what if something happens to the sewer interceptor line and they had borrowed all this money from wastewater. Clerk-Treasurer Gross clarified that the sewer sinking fund is a debt service fund. The wastewater treatment plant special fund is a capital fund. That is the fund that was borrowed from. The Town cannot borrow from debt service funds because that pays for principle and interest on debt. President Niemeyer asked what the special fund is. Clerk-Treasurer Gross stated that when they raised the rate to \$48, \$6 of that would go into the wastewater treatment plant special fund. That was meant to go towards infrastructure, the interceptor, and the future capacity with the treatment plant of Lowell. It was all combined for that purpose. President Niemeyer added that a couple years ago a master plan was adopted for the sewer and a west side interceptor but includes the old interceptor. Currently in that special fund, we could fund that in house. Council Member Carnahan added that the \$18 has helped to not raise sewer rates since 1998. Mrs. Jostes stated it just struck her because they said they needed to borrow two very large amounts. She asked what if that money was needed. Clerk-Treasurer Gross added that it has been larger. Recently, they had to borrow \$1 million for the general fund and pay it back with the spring tax settlement. Council Member Foreman said the answer is the bank. They'd have to go finance. Clerk-Treasurer Gross added that they are going to end up borrowing again before the fall settlement is received in December. It's a never ending battle to try and keep some of the funds going. President Niemeyer added that part of the pressure on the funds is the growth of the community. It is growing so fast and there is so much request from that growth that it is extremely difficult to keep up with. The Town has very limited ability to tax and create the revenue. Businesses know that you survive on revenue. He added that the revenue raise they did recently was by no means perfect but that is why they are here tonight discussing. Mrs. Jostes asked what the Redevelopment Commission has to do with the increase in drainage fees. President Niemeyer stated that the Redevelopment Commission has nothing to do with the increase. They were engaged in the process of road bonds. Town Attorney Austgen added that the Redevelopment Commission is the statutory vehicle for the lease rental revenue bonds with the Redevelopment Authority. They will collect the cash from the tax payment and will pay the debt service on the bonds. Town Administrator Murr added that it was a matter of convenience getting all the groups together. Council Member Rivera added that there is an opening on the storm board for anyone interested. President Niemeyer added that a positive to the financing process that the projects went through, which is High Grove, South Shore, and Parrish Avenue South, is that the storm water fees were raised but the Town wasn't required to raise any property taxes. They didn't have to back the road parts of the project with any sort of property tax increase. He added this was because of good financial management, a great bond rating, and they are able to roll some stuff off to roll the new debt service in. He reiterated there will be no negative impact on property taxes. He said that is the positive, obviously the negative part is what they are discussing tonight. Mrs. Jostes asked why some businesses have seen an increase of more than double. Council Member Foreman stated that it is all ERU related. President Niemeyer said he doesn't know why it would more than double. That doesn't make sense. Mrs. Jostes asked who determines who's property ERU's will be reassessed. She stated Mr. Kubal was concerned. Council Member Carnahan stated he didn't know the Town did that. President Niemeyer stated he is not familiar with such a review. Council Member Foreman stated he's not familiar with this. He asked if she meant property tax reviews. Mrs. Jostes stated no. She meant the ERU's. Clerk-Treasurer Gross stated that Mr. Kubal came in and expressed his concerns. Apparently, some of his properties were combined at some point. Lake County doesn't always notify the Town when someone combines a property. She stated a member of the staff is looking into it and working with Mr. Kubal. Council Member Foreman stated he believes he knows the question. He gave an example. If a person has five lots and each one has a tax key number, that person is charged for each lot. If you go to Lake County and file a form to combine all of the lots to one tax key number, then that person only pays the price of one lot. That sounds like what took place. Mrs. Jostes asked who draws the name from the hat. Town Administrator Murr answered that no one does. Unless improvements are made or if a question is raised and they need to go out and have their engineer reassess, no one just picks a random property. President Niemeyer added that the Town doesn't go out like the Lake County Assessor's Office and visit properties. Clerk-Treasurer Gross added that the person who has the concern does have multiple properties which added more to the concern. Mrs. Jostes asked what each business can do to reduce their drainage fee. President Niemeyer stated the first thing to do is have some kind of retention if a property has a large impervious surface. As-builts will be needed so that it can be documented and a credit can be given. He thinks having a forum will be extremely helpful in explaining the process. Mrs. Jostes asked about businesses that have no grass and mostly impervious area and what they can do. President

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Niemeyer said that many businesses being built today are putting in underground storage for storm water. Mrs. Jostes stated that she understands that BP has that. President Niemeyer answered yes. Council Member Carnahan asked about businesses using pervious concrete. Town Attorney Austgen stated that is an engineering call. President Niemeyer stated that is a difficult question to answer. He doesn't know of a real good way when you have an all blacktop lot that is older. In those situations, the biggest thing is the Town looking into doing a cash flow analysis and seeing what is absolutely needed to manage the utility infrastructure investment. He added also looking into some sort of capping system. Mrs. Jostes asked if they are exploring those options. President Niemeyer stated the Town will explore that with them. Mrs. Jostes asked how many businesses currently have credits. Town Administrator Murr stated that over the last ten years there have been five or six that have applied for the credit. President Niemeyer discussed a previous meeting years back with business owners and the opportunity to apply for the credit. He stated this is something that some people have been aware of. He's not sure if in 2007 something went out to the business owners. He's not sure how word of it would have spread back then. Mr. Niemeyer and Mrs. Jostes had a lengthy discussion on a certain property, the appeals process, and fees. Mrs. Jostes asked if someone appeals will they need proof. President Niemeyer repeated that as-builts will be needed for the engineer's calculations. Mrs. Jostes asked if the person appealing has to pay for it. President Niemeyer answered yes. The Town does not pay for someone's engineering or attorney fees. Mrs. Jostes stated that is going to be a killer on the business owners. She wondered how long it would take for someone to prove something. President Niemeyer asked her if she had ever appealed her property taxes. Mrs. Jostes answered no. President Niemeyer stated that when someone appeals their property taxes they have to have an appraisal. That appraisal is paid for by the person filing the appeal. In government, that's how appeals are conducted. He stated the governmental unit does not pay for the cost of the appeal. Mr. Niemeyer discussed previously appealing his property taxes and the cost to him for appealing. He stated government statutes do not allow for the Town to pay for a person's professional fees unless order by a court. Mrs. Jostes added that she believes everyone was concerned about the appeals process fee for \$100. President Niemeyer stated the Town could look into waiving the application fee. He reiterated that the Town cannot pay a person's professional fees unless ordered by a court. Council Member Carnahan asked if they could possibly set up a date to where they can have the engineer come in and let all the people know when he will be here so that some of their questions can be answered. President Niemeyer stated that is what they have been discussing and will need to work on setting that date through the Town Administrator and the Director of the Chamber. Clerk-Treasurer Gross added that they may want to include their financial consultants as they went through the numbers to make the commitment for the closing of the bonds. President Niemeyer and Council Member Foreman concurred. Council Member Carnahan added that Mr. Austgen announced to them recently that the Plan Commission is going to introduce a new zoning law at a public hearing. Mr. Austgen corrected Mr. Carnahan. He stated the building and zoning fees will be the subject of a public hearing at the Plan Commission for recommendation to the Council. Mr. Carnahan stated he just wanted them to know that too. He added that they have the zoning book coming out in the near future and it could affect businesses too. Mr. Carnahan and Clerk-Treasurer Gross briefly discussed an email and whether or not the subject matter was final. Mrs. Jostes asked where businesses and residents can find information on the credit application and appeals process. President Niemeyer stated they can come right to the Town Hall. They can ask for Town Administrator Murr or her assistant Jessica. They will be happy to provide any information they can give. Mrs. Jostes asked if they will waive the fee associated with the application. President Niemeyer stated that is something the Council could consider. Mr. Austgen stated it appears that there are going to be a number of amendments considered or proposed in the master ordinance inclusive of what has been heard tonight about the fee and the process. It may be advisable for the Council to consider a stay of fee collection pending ordinance review for the administrative functions and costs. Those who own businesses in Town can take advantage of the opportunity without the fee to investigate the appeal, assess those circumstances, and visit with the engineer. Clerk-Treasurer Gross asked if that would also include the waiving of possible penalties if someone is unable to make their payment. Mr. Austgen stated in his thought process that includes the possibility of an amendment that would remove that fee retroactively. President Niemeyer asked what fee that would be. Council Member Foreman answered late fees. Mr. Austgen stated penalties. The application fee also in terms of being consistent with any action the Council might consider tonight or in the near future about a stay of enforcement of that. President Niemeyer stated if they were to consider some action tonight it would be a stay of application fee for the credit review for the appeal. Secondary would be a stay of collection of late penalties pending the review.

A motion to amend the agenda to allow for consideration was made by John Foreman with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 to 0.

A motion to approve the stay of application fee for the appeal of storm water credits as well as a stay of the late penalties pending the review of credit applications was made by Robert Carnahan with second by Richard Sharpe. Mr. Austgen explained that means that if a business owner in Town comes to the Town Hall seeking a credit review the fee is

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waived and any late payment fees are waived pending this position of all of the matters. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 to 0.

Council Member Foreman added that this gets the process moving for those folks. President Niemeyer stated that those that do have the drainage retention facilities can come and get the information and start the process. There will be no application fee and pending the position of the appeal any late fees assessed with it will be stayed until the appeal is complete. Mrs. Jostes asked as far as the money coming in from the drainage fee, where exactly does the money go? Clerk-Treasurer Gross explained that every month when they collect the fees they are put into the storm water operating fund. Each month a transfer will be made as stipulated by the financial consultant. A portion of that will be transferred over to the new fund they are to create. Right now it is at a standstill because they want the financial consultant to look at the first two months of collections to see where they stand. She will review things, which is a good time because she may go further into review of discussions that have been taking place this evening. Mrs. Jostes asked about the money collected and its use. Clerk-Treasurer Gross stated the money is for storm drainage purposes. President Niemeyer explained it is for storm water and storm water related. If certain employees at Public Works are employees that work on storm water, then that is part of what funds it. It all has to be related to that utility and the Town has to be able to show that to the DLGF and State Board of Accounts should an audit occur. Clerk-Treasurer Gross further explained there will be a transfer made every month into debt service which will go towards paying the 2017 Storm Water Bonds. Mrs. Jostes asked what guarantee is there that what is collected is only used for storm water. Council Member Foreman stated what is in that pot has to be related to items for storm water. Mrs. Jostes asked if it could be borrowed like the wastewater funds. Clerk-Treasurer Gross stated typically they've never done that. It probably could be done but she doesn't see it ever getting to that point. President Niemeyer added that the law governs that we have to payback what we borrow from ourselves. Council Member Foreman added that has to be done by the end of the year. Council Member Carnahan apologized to Clerk-Treasurer Gross for an early discrepancy. Mrs. Jostes thanked the Council for answering the questions. President Niemeyer stated they were thoughtful questions and going out of here tonight they need to have more than just a few answers. They need to have a plan of action. The Council took some action tonight but going forward dates need to be discussed to put together a forum. He told Diane she did a great job of going back to her group and getting some ideas. Mrs. Jostes stated that they had some help. Everybody has a question and very few have the answers. She thinks going forward everyone's concern is how they are going to pay the monthly amount. She stated they don't want to lose any business. They want to see everyone thriving. President Niemeyer thanked Mrs. Jostes for her thoughtful approach and asked her to get in contact with the Town Administrator to begin discussing dates for a forum.

TOWN COUNCIL REPORTS

1. **Town Council** – None
2. **Town Attorney** – None
3. **Clerk-Treasurer** – The Budget Committee will meet soon to discuss the 2018 Budget.
4. **Town Administrator/Staff** – Reported that she applied for Lake and River Enhancement Grant and was notified on Monday that the Town has been conditionally selected for fiscal year 2017-2018 funding from the Lake and River Enhancement Program for erosion control on the Town Club Ditch, which empties into Cedar Lake. This grant will cover approximately 61% of the cost of the project with the grant not to exceed \$100,000. The Town would only need to fund 39% of the project or approximately \$60,000 plus engineering. The High Grove and South Shore road projects are moving forward. Closing on the bonds will be next week. Construction documents will be moving forward. In conjunction with the projects, NIPSCO has been planning on replacing the gas mains in the High Grove Subdivision area and replacing service lines and meters. There has been discussion with NIPSCO on coordination of construction schedules. The same for the South Shore project. To show support for the Army Corps and the Ecosystem Restoration project, several Council Members and Town Administrator Murr will attend the changing of the guard ceremony on Friday in Chicago. Colonel Drew will be relinquishing command to Colonel Reisinger. All of the parcels and right of way for the Cline and Lake Shore Drive Roundabout Project have been acquired. The next steps will be moving that project forward into construction, currently scheduled for fiscal year 2021.

WRITTEN COMMUNICATIONS

1. Christopher B. Burke Engineering Report – Previously reported.
2. Building Department – Year to date the Town has had 75 new home permits with a residential value of \$13,590,985 and 220 alteration permits with values of \$1,879,216.

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

PUBLIC COMMENT

Carol Kerr, 9900 W. 129th Place, stated she has only been in Town for 3 weeks, received her first bill, and finds it outrageous. She voiced concerns with the Town not having their own wastewater treatment plant. She voiced concerns with folks who may be on a fixed income. She compared her previous bill in Highland to her new bill. She stated she feels something is very wrong and she thinks it is their job to do something about it. She asked when developers come into Town does the Town require detention/retention ponds. Council Member Foreman stated that if a developer wants to turn a field into a subdivision they cannot let any more water run off of the property than what it was prior to. Therefore, they have to regulate the water that is being held in a retention pond and release it at the same rate. He stated the Town has only been in the water business approximately 7 years and discussed when the Town acquired the water utility from Utilities Inc. He stated the figures that were there were in place so that the business could be run. That business had to function as a separate entity through the Indiana Utility Regulatory Commission. Those who are not on city water are not charged a fee for water. The cost of the water utility is beared by the folks that are on city water. He stated lot of people may complain about the 4,000 gallons a month that is charged but that all went into the initial calculations to help fund the business entity. Mrs. Kerr asked since they took over the business entity, did they look to see if they were gouging. Council Member Foreman stated it was not about gouging it's about maintaining. He stated towns and cities cannot be in the business to make a profit. Mrs. Kerr asked how some towns can charge a lesser amount. Council Member Foreman stated some can use Lake Michigan Water. If you are south of the water shed that flows back into Lake Michigan you are not allowed to use Lake Michigan water. Ours flows to the Kankakee River. Mrs. Kerr stated she didn't understand. She asked why she is charged 4,000 gallons of water when she generally only uses 2,000. Council Member Foreman stated that is because the calculations that go into being able to fund the water department require that. Mrs. Kerr stated that doesn't answer her question. Mr. Foreman stated as the community grows they anticipate that could change. As of today, that is the rate. A lengthy discussion continued on the water rate. Tom Blankley, 14122 Soper Street, complimented the response by Town to a recent issue in his neighborhood. He voiced concerns with a new residence going up in his neighborhood. John Schutz, 13522 Schneider Court, introduced Father Mike who is the new pastor at Holy Name Church.

Bill Sechen, 7506 W 134th Place, voiced concerns with golf carts and side by side utility vehicles in his neighborhood. He was recently informed that they are not allowed on the roadway. He was given a verbal warning by an officer. He was also informed by Council Member Miller that there may be some future rules for allowing such vehicles. He stated since he has received a warning he has seen an officer drive past other golf carts on the streets without issuing a warning. He stated he was a little confused on what the rule is and wanted to be sure people are being treated fairly. Chief Smith stated it is based off of officer discretion. The vehicles are not allowed on the roadway because they are not registered according to Indiana State law. Council Member Carnahan stated years ago they tried something and it never got passed. He stated he's requested other municipalities in the state to send their ordinances regarding such vehicles so it can be looked further into. Mr. Sechen stated he's seen golf carts all over the Town being in the roadway and he's concerned about the officer discretion. He asked about the repercussions of the warning. Is it just for the day or forever? He stated it seems open ended. He asked for guidance. President Niemeyer stated he's glad the officers use discretion. It's kind of hard to tell an officer he can't use discretion. Mr. Sechen stated he's all for discretion he's just looking for guidance of what to do in the interim. Officer Fisher added that he is the patrol commander and Mr. Sechen can talk to him at any time. He stated the problem is that all of those golf carts on the road are still illegal. Whether an officer gave a verbal or written warning and another drives by, could be because they're going on a call or any other number of reasons, but the fact is that those golf carts are still illegal. He stated his advice to Mr. Sechen is to not drive the golf cart on the road.

Tom Blankley, 14122 Soper Street, stated he's observed other communities and believes the Town has too much going on and has a need for more building inspectors.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 9:05 PM.

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

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

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.