

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

February 20, 2018

**Fire Territory Public Hearing Advertised for 7:00 PM
Conducted at the Cedar Lake Town Hall
Pledge of Allegiance & Moment of Silence**



Cedar Lake Town Council Roll Call:

Present	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 Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

Hanover Township Advisory Board:

Present	Richard Niemeyer Advisory Board Member	Present	Mitch Lopez Hanover Township Trustee
Present	Scott Bourrell Advisory Board Member	Present	Patrick Schuster Township Attorney
Present	Maralynn Echterling Advisory Board Member		

PUBLIC HEARING:

Cedar Lake Fire Protection Territory

1. Introductions & Opening Remarks

- a. Hanover Township Trustee** – Mitch Lopez stated this was to present the final draft of the resolution. They will vote on March 22, 2018. He asked the Township Board President to read Township Resolution FT1-2018 by title. Richard Niemeyer read the resolution as follows:

A RESOLUTION ESTABLISHING A FIRE PROTECTION TERRITORY FOR THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, A UNIT OF LOCAL GOVERNMENT, WITH HANOVER TOWNSHIP, LAKE COUNTY, INDIANA, A UNIT OF LOCAL GOVERNMENT, PURSUANT TO THE PROVISIONS OF I.C. 36-8-19, ET SEQ., AS AMENDED, APPROVING ENTRY INTO A FIRE PROTECTION TERRITORY AGREEMENT, AND ALL MATTERS RELATED THERETO.

Mr. Lopez stated he believes this resolution takes into account many of the objections they've heard over the last year. He believes they've come to an agreement they all can stand behind. It is beneficial for everyone.

- b. Cedar Lake Town Council President** – President Niemeyer stated this process has been ongoing for over a year. They're happy so many people have offered they're thoughts and ideas. It helps them to formulate the best possible plan. There will be an impact but the impact will not be massive. The financial advisor is here to address concerns. He asked Council Member Parker to read Town Ordinance No. 1282 by title only into the record. This reading is for the record only. The second vote will take place on March 22nd. Mr. Parker read the ordinance as follows:

AN ORDINANCE ESTABLISHING A FIRE PROTECTION TERRITORY FOR THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, A UNIT OF LOCAL GOVERNMENT, WITH HANOVER TOWNSHIP, LAKE COUNTY, INDIANA, A UNIT OF LOCAL GOVERNMENT, PURSUANT TO THE PROVISION OF I.C. 36-8-19, ET SEQ., AS AMENDED, APPROVING ENTRY INTO A FIRE PROTECTION TERRITORY AGREEMENT, AND ALL MATTERS RELATED THERETO.

President Niemeyer added there was a previous commitment between the Town and Fire Department to increase staffing. Since the merger, the staff has increased from six full-time to ten. Wages have increased as well. The growth of the Township and the Town is creating a need to find a new way to fund the fire service. The volunteer service is not what it used to be. This is to make the current partnership stronger. This will give the Township more say in how funds are spent. This territory will have a uniform tax rate. That tax rate is based upon assessed value of Town residents and Township residents alike. A brief discussion continued on providing better services to the Town and Township.

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Council Member Carnahan stated they approved a claim for London Witte Group in the amount of \$6,000 at the regular Town Council Meeting. They will incur more expenses tonight.

2. Attorney – Review of Legal Requirements - Town Attorney David Austgen stated law requires a public hearing be conducted. A Joint Public Hearing notice has been posted in the Times and Post-Tribune on February 9th and 10th. The public hearing is properly in order. President Niemeyer asked Mr. Schuster if he concurred. He answered yes.

3. Presentation – Jennifer Hudson with London Witte Group presented a PowerPoint that discussed the proposed fire territory and potential tax impacts. She discussed the impacts on residential, agricultural, and commercial properties. She briefly discussed circuit breakers. Council Member Rivera asked if there were property owners in Cedar Lake already at the max and won't see an increase. Mrs. Hudson answered yes. There are a couple of the districts that wouldn't see an impact depending on the value of the home. Once the exempt rates roll in, the tax rates will rise to where most people will reach the cap. Richard Niemeyer asked about the effect on the school tax rates. Mrs. Hudson explained everyone will be affected from the standpoint that the territory will increase the overall tax rate. When you increase the overall tax rate it puts more properties to their circuit breaker limits. Circuit breaker limits are where property owners in Indiana don't pay more than 1% on the homestead, 2% for agricultural land, and 3% for commercial. As soon as you hit that limit, they start issuing credits to the entity, such as the Town, Township, school, and library. As you increase the tax rate it will put more of a circuit breaker burden on everyone in the County. Everyone will share in the increase. President Niemeyer stated that is how it is currently. The County just approved a 3% raise for their employees and everyone else has to take a little bit of a cut. Council Member Foreman clarified when property owners get to the tax cap, they are not affected. Mrs. Hudson stated they do not pay anymore. She added that school referendum rates are outside of the cap.

4. Public Comment

Wayne Stoll, 13237 Calumet Avenue, read a lengthy list of concerns meant for the Township board members. Some of those concerns included emergency services, tie-breakers, ending tax caps, debt, budgets, personnel issues, and board responsibilities. He stated he wasn't looking for answers but wanted them to think about these concerns. He believes there are too many unanswered questions and it would be unfair to the taxpayers to move forward with this. President Niemeyer addressed the comment on ending tax caps. He stated the tax caps are not being lifted in 2020 they are constitutional by state law.

Mark Stenger, 13925 Wicker Avenue, voiced concerns with St. John's future plans for annexation and the timeframe of meetings. He feels this is being rushed and all about money. He discussed making developers pay for increased services. Council Member Rivera asked how long can they rely on volunteers. Mr. Stenger stated he talked to a lot of people that wanted to be firefighters that weren't hired. He thinks the Town should hire more firefighters. A lengthy discussion continued on hiring more staff, response times, and the time frame of events.

Shelly Faber, 9419 W. 125th Court, stated she is in favor of the territory. She encouraged them to properly fund it. Don't have something and not fund it. This is people's lives and very few people can do the job of first responders. She implored the elected officials to do what's best for all residents. President Niemeyer briefly discussed response times and how to continue supporting necessary services.

Kevin Toth, 9725 W. 129th Place, stated he understands the need. He asked if they've talked with neighboring towns to create a larger fire district. He believes this could be mutually beneficial. He voiced concerns with future areas that may be annexed and tax impacts. President Niemeyer stated when this started there was a larger group that included multiple entities but it went nowhere. Lowell has been reached out to but they are working on their own service areas. He thinks if they have a successful territory they will see partners that want to join. This is a starting point. Council Member Parker added it seems like if no one takes it on to create an example, no one will try anything different. Mr. Toth stated he understands what he's saying but once they set up a territory no one will want to give up their control. A lengthy conversation continued on government consolidation, shared assets, and mutual aid.

Council Member Foreman asked Mr. Austgen how long Indiana has had territories. Mr. Austgen stated approximately a decade. It was a statutory alternative to fire districts. Mr. Foreman asked if the statute allowed for receiving other entities. It was intended to give more autonomy to units participating. You'll see from the language in the documentation it talks about participating units. It does allow for receiving other units but there will be a need to start over with added units. This would be to refigure the area of service, levy, budgets, etc. Mr. Foreman asked if there was a way to word the document for easily accepting other units. Mr. Austgen stated this document was drafted with that in mind. President Niemeyer asked Mrs. Hudson about annexed areas and how it would affect the unit. Mrs. Hudson answered if a part of the territory is annexed outside of the territory that portion would be lost. The assessed value would shrink, the levy would stay the same, and the tax rate would go up. President Niemeyer added if it's up against the circuit breaker they would have to shrink the budget. Mrs. Hudson stated he was correct. She addressed the comments regarding hiring more firefighters or paying them more. That is

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difficult to do. The state limits what you can budget for every year. They put out a growth quotient and this is what the budget can increase by.

Charlene Beck, 15320 W. 113th, stated she was from Hanover Township and many by her are upset because they feel there's an advisory board they're being asked to vote on and that board doesn't really have any power. She voiced concerns about the questions Mr. Stoll asked and not receiving answers. She requested more time and meetings to answer the questions. She voiced concerns with increasing taxes. President Niemeyer stated they are under a statutory guideline and if they don't have it adopted by the end of March, it won't happen. They'll have to start the process all over again and the funds that the Township and Town have spent will have to be spent again. If the Township wants to call additional public meetings they have the ability to do so. He added that Mr. Stoll specifically asked they don't answer questions this evening as they were directed to the Township board. The joint board has authority. That was something the Township and Town worked on diligently to make sure it is well represented. Mrs. Beck asked if the board has any disagreements will they vote. President Niemeyer stated yes. They will meet and vote on items, solve problems, pay bills, and hire and fire personnel. The Town will be the treasurer. The Town will process items and keep the records. Mr. Stoll stated the draft he has stated all fire personnel report to the Town Council. President Niemeyer stated no. It all goes through the Town for processing. All personnel, the Chief included, report to the territory board.

Jim Betkowski, 9931 Lincoln Plaza, stated this is an important meeting and expansion is needed. He was happy to hear about the possible expansion in the Brunswick area. He voiced concerns with the trickle down on the business community with increased taxes and fees. President Niemeyer discussed trying to find a balanced approach to the needs of the community. A lengthy discussion continued on the effects on businesses in the community, future expansion in the area, and sustainability through partnerships.

Council Member Miller briefly discussed collaboration. Other areas are already discussing territories and future partnerships. Chief Wilkening added a few years back the tri-creek area tried to put together a territory. They could not come to an agreement amongst the different entities. They are currently trying to make the tri-creek ambulance service and volunteer fire service municipal. If that is done they can eventually merge their fire and ems. He commented on placing a station on US 41. The US 41 corridor was looked at but the issue is stoplights. They cannot access US 41 without a stoplight. If they did they are in an area that doesn't have other stoplights that can control the traffic. The State of Indiana stated they more than likely wouldn't allow a stoplight on US 41.

Mark Gross asked about the percentage breakdown. Mrs. Hudson stated it is based on total assessed value of the territory. Mr. Gross asked what the breakdown was before. It was answered that the Township contributed about 12%. Mr. Gross discussed the need to hire because of increased demand in the Township. He voiced concerns about the Town subsidizing services for the Township. He asked about the fire department being a union and hiring and firing authority. A lengthy discussion occurred on hiring and firing practices as well as additional building codes.

Dave Ashe, 13216 Calumet Avenue, voiced concerns with coverage area, tax impacts, and possible joint ventures. He stated the area he lives in seems like it should be covered by St. John. He asked about possibly changing the boundaries. President Niemeyer stated a good portion of Cedar Lake is in the Township. The Township could contract with St. John if they wanted to but it may make it more difficult. There's natural contiguity between the Town and Township. A lengthy discussion continued on tax impacts, expansion and annexation, and possible location of a second station.

Mark Stenger asked about more time. President Niemeyer stated they have spent a significant amount of money on the process and they won't spend it again. Mr. Stenger stated Mr. Niemeyer has heard the people. President Niemeyer stated he's heard from the people he represents and they are supportive. The Township can do what they want. Multiple conversations overlapped at this time.

Carol Kerr stated she feels like the Town blew it with the business people. She voiced concerns with the drainage fee increase. She voiced concerns with the US 41 annexation and funds spent on piping water. President Niemeyer stated no water or funds was ever spent on moving utilities in the US 41 corridor. Water and sewer connections were made at 41 for existing needs of customers. Mrs. Kerr asked if the annexation was going to happen. President Niemeyer stated it was not. Mrs. Kerr asked if no money was spent on that. President Niemeyer stated money was spent on legal fees over a period of four years. Mrs. Kerr continued to voice concerns with the annexation, funds spent, and drainage fees for businesses. A lengthy conversation continued on the drainage fees.

Council Member Carnahan stated Clerk-Treasurer Gross previously told him they had spent \$235,000 on the annexation for legal fees. He asked if it had gone up. Clerk-Treasurer Gross answered \$260,000. Mr. Carnahan asked about paying the opposing attorney about \$37,000. Mr. Austgen answered yes.

Mark Stenger discussed getting a developer to give land and money towards a second station. He stated they don't seem to be pushing developers. A lengthy discussion continued on developers providing property and helping to sustain fire and police service and permit fees.

President Niemeyer added the annexation attorney fees were paid to Barnes and Thornburg for their work on the annexation over a period of four years. The annexation did prepare them for some of the business growth they are starting to see. He's been in talks with a business in Illinois that is possibly looking to move up to 150 manufacturing jobs to Cedar Lake.

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ADJOURNMENT President Niemeyer called the meeting to adjournment at 8:55pm.

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.