

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



August 22, 2017

**Work Session Advertised for 7:00 PM
Conducted at the Cedar Lake Town Hall
Pledge of Allegiance & Moment of Silence**

Roll Call:

Present	Robert H. Carnahan Council Member	Ward 1	Present	Richard Sharpe Council Member	Ward 7
Absent	John Foreman Council Member	Ward 2	Present	Amy J. Gross, IAMC, MMC, CPM Clerk-Treasurer	
Present	Julie Rivera Council Member	Ward 3	Present	Jill Murr, CPM, IAMC, MMC Town Administrator	
Present	Ralph Miller Council Member	Ward 4	Absent	David Austgen Town Attorney	
Present	Randell Niemeyer Council Member	Ward 5	Present	Don Oliphant Town Engineer	
Absent	Greg Parker Council Member	Ward 6			

WORK SESSION

President Niemeyer opened the meeting. He stated the purpose of the work session is for discussion and education.

1. Stormwater

a. ERU Calculation

Donald Oliphant with Christopher B. Burke Engineering explained the ERU (equivalent residential unit) calculation. He stated the ERU was determined in 2007. An ERU is calculated by Town staff and engineering looking at representative residential parcels throughout the Town and get an average of how much imperviousness there is per lot. In 2007, they came up with 2,903 square feet of impervious per residential lot. That sets what an ERU is. One ERU is equal to 2,903 square feet. For a residential parcel that is one ERU they are charged. Up to a few months ago it was \$5.00 per ERU now it is \$10.00 per ERU based on the increase. It is a fixed fee for residential. Non-residential includes agricultural parcels, commercial parcels, industrial, schools, churches, and any others that are not residential. There are no exemptions written into the ordinance as it sits today. Those parcels are evaluated based on how much imperviousness on their lot. He stated if someone has 29,000 square feet, which is ten times one ERU, they would be charged ten ERU's. Since one ERU is equivalent to ten dollars it would be \$100 per month. The way it was determined is using aerial photography. They get updated aerial photography at least once a year. It is anything from a roof outline, parking lot, driveway, or anything that won't allow water to infiltrate. They will calculate that on a per lot basis, come up with the imperviousness, and transfer that to how many ERU's for that lot. That is how they get the monthly fee. President Niemeyer stated a business owner said to him he doesn't believe he has that many ERU's. Mr. Niemeyer asked Mr. Oliphant how a person would dispute the actual calculation of ERU's they are being charged. Mr. Oliphant stated that if there is an owner inquiry or Town inquiry, they will reassess parcels. For various reasons they reassess various parcels throughout the year. There is a petition in the ordinance for reassessment. The engineering company will reassess at authorization from the Town. He stated this year they have done 28 reassessments, 26 last year, and 43 in 2015. It varies from year to year. As he said previously, they will reassess when the storm water utility department asks them to. They will set ERU's for new developments. For reassessments they will look at current aerial photography. He stated most of the time they are close to what the original assessment was in 2007. He added most of the older businesses in Town that have not done improvements the likelihood of any imperviousness on their site has not changed drastically. It may go up or below a few tenths but it is relatively close. He stated it's a pretty quick process. Everything is digitized in the computers and they'll use the best available photography. If they know for sure that something has changed, been demolished, or added, they'll go out and get a general square footage and do an on-site evaluation. President Niemeyer asked if someone has a survey of their property, could they use that as evidence to support their claim of ERU's. Mr. Oliphant stated that if it outlines the impervious area it can be used. If it is a simple plat of survey that sets lot boundaries, it's not something they can use. If it is a proposed plan that shows square footage of a building or blacktop it can be used. Mr. Oliphant stated proposed plans are used for newer developments. President Niemeyer asked how they utilize photography to calculate ERU's. Mr. Oliphant stated they bring it into their geographic information system (GIS) where they have all the lot lines of the county digitized. With this they can tell the limits of property. This is how they get the square footage and calculate the ERU's. He stated it is pretty accurate and some photography might be obscured by trees and in those instances they'll go out to the site and measure off. President Niemeyer asked Mr. Oliphant what is pretty accurate. Mr. Oliphant stated he would say in the ninety percent range. President

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Niemeyer asked if it would be beneficial for a property owner to have renderings of their building that includes square footage and impervious surface. Mr. Oliphant stated it determines on how many ERU's they are being charged. If it's a smaller site and not being charged many ERU's, to hire an engineer to go out there and survey may not be worth it. But if it is a large site and they are disputing what the ERU is, it could be potentially useful. President Niemeyer asked what if they already have the drawings and draft work done. Mr. Oliphant stated they can bring it in and have it reassessed based on that. President Niemeyer opened up the floor for public comment.

Jennifer Irons Jostes discussed the residential calculation being for properties up to five acres, after five acres they are assessed the same as a business. She asked who determines what counts as the first five acres for a residential lot. Mr. Oliphant stated the definition in the ordinance is gray. But there are not many five acre plus residential parcels in Town. It is something that would need to be evaluated on a case by case basis. His thought on it is that it would not be much more because he can't imagine there would be a lot of other impervious area on the site other than the actual homestead and driveway. It would be a special case and they would look into it. Ms. Jostes added that it could make a difference if the first five acres were the pond and field on the property and not the house and driveway. Mr. Oliphant agreed and stated that the ordinance is not very clear on what is considered the first five acres. Ms. Jostes discussed the definitions of coefficients in the ordinance. She asked why the asphalt coefficient is the same as the lake and pond coefficient. Mr. Oliphant answered that normal water level is equivalent to pavement because it doesn't necessarily infiltrate. It's either going to drain off or evaporate. The ordinance was really built around penetration. It's always been an engineering practice to include them as the same. Ms. Jostes voiced concerns with that practice and asked what the point is with a retention pond and trying to get a credit if a pond has the same coefficient as asphalt. Mr. Oliphant stated there is a difference as many ponds in the Town are dry-bottom. If they are dry-bottom they don't hold water seasonally. He explained that Hanover High School they have three ponds that are all dry most of the time. They wouldn't be counted as impervious. If there is a property with a wetland or a lake it would be attributed to it. Ms. Jostes asked if dry-bottom pond determinations can be made from the GIS or if they have to go to the site. Mr. Oliphant stated they generally can. The photography is pretty clear on what has a normal lake level. They also know from being in Town enough where those features are. They've done a lot of the reviews that design those ponds and know where they are at. Those are the ones that are eligible for the credit.

Carol Kerr, 9900 W 129th Place, asked if any other Town charged people with rainwater. Mr. Oliphant stated yes, it is becoming more common throughout the United States for funding stormwater infrastructure projects and MS4 mandates. He listed off local communities that currently charge stormwater fees. Ms. Kerr voiced concerns with a local business and the fees they are being charged. She continued to voice concerns with the stormwater fees in Town. President Niemeyer stated it is a matter of maintaining the infrastructure that supports the managing of stormwater runoff.

Ashton Blagojevich, 9810 W 136th Lane, asked if the money just goes toward maintenance or upgrading infrastructure. President Niemeyer stated it goes towards both. Mr. Blagojevich stated his yard floods because his backyard is lower than his front which makes it level or lower than the street. He asked if the money can go towards helping folks like him. Mr. Oliphant stated it is a storm board issue. He urged Mr. Blagojevich to attend the meetings. Mr. Oliphant added that with private drainage they don't have a lot of easements to get access. Those need to be looked at closer before an answer can be given. He added that storm funds can be used for a variety of stuff related to stormwater. They try to limit it to public access points.

Monica Vecchio asked where the money used to come from and asked why extra is needed. She voiced concerns with business owners in Cedar Lake being able to pay this fee along with other fees and taxes. President Niemeyer discussed the implementation of the stormwater fee in 2007. He discussed how governmental entities have had to move to fee based structure to fund projects. He briefly touched on the upcoming stormwater infrastructure projects. A lengthy discussion continued on market limitations, cost of infrastructure, the growing population, and the findings of the financial advisors.

Jennifer Irons Jostes stated a lot of discussion is around the road projects. She asked why they continue to discuss all of these road projects when the stormwater fee is only for drainage issues. She voiced concerns with the Town borrowing almost \$2 million from itself to fund normal operations. President Niemeyer stated the Town routinely borrows from itself and pays itself back. The \$2 million is not what is accrued. He couldn't give the exact balance this evening. He stated the reason they keep talking about the road projects is because it was all part of a package. He added she was correct that the funds can only be used for stormwater infrastructure and that's what it will be spent on. He stated the road projects are an example of how things are funded. Ms. Jostes stated the concern is the increase in the stormwater fee. President Niemeyer asked what the total to be spent on stormwater infrastructure in the upcoming projects was. Mr. Oliphant stated it looks to be 33%. He added that roads can also convey stormwater. There is a certain amount of

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common area between roads and stormwater that blend the aspects of infrastructure projects together.

Carol Kerr asked about the gas tax increase being used for roads. She asked about the Town receiving a portion of that. She also discussed casino funds. President Niemeyer stated that the Town only sees a sliver of that. A lengthy conversation continued on funds available, received, and the use of funds.

Richard Henn, 13733 Wicker Avenue, asked how many ERU's are in the Town. Mr. Oliphant didn't have the number available this evening. President Niemeyer stated staff would look into it and get him the number. He asked about the stormwater infrastructure cost for the upcoming projects. President Niemeyer stated it was probably around \$2.5 to \$2.7 million. Mr. Henn asked about the total ERU's again. President Niemeyer again stated it wasn't available this evening. Mr. Henn asked about the total number of addresses in Town. No one could give him an exact number. He further discussed total ERU's and the funds brought in each month. He asked where all the money was going. President Niemeyer discussed the findings of the financial consultants and the use of funds for stormwater related operations. A lengthy discussion continued on the upcoming projects and the stormwater fee.

b. Credit and Appeal Process

Mr. Oliphant stated they previously covered the appeal or reassessment process. It is something that can be done if someone believes their ERU's are being calculated incorrectly. He explained the credit process is different and there are two types of credits available. The first is the direct discharge credit. This is applicable to properties that are at the corporate limit of the Town or part of their parcel drains out of the Town. The direct discharge credit is also available to properties contiguous to and that drain into an exempt drain such as Cedar Lake, Cedar Creek, Founder's Creek, or Hog Pen Ditch. If a property qualifies for that they have the opportunity to reduce their rate by 30%. In order to qualify for that credit documentation such as topography is needed. He stated the county has readily available topography. The second credit available is the quantity reduction credit. It is for properties that have a detention basin on site that meets current stormwater ordinance requirements. Qualifying properties can receive up to a 50% rate reduction. He stated a lot of the newer developments in Town would qualify for that. He added that the last major update to the stormwater ordinance was in 2007 or 2008. That's when the rate dropped to .2 cfs per acre. You multiple the acreage of the lot by .2 and that's how much stormwater can be released by the lot. Storage is needed to hold that amount of water to meet that rate. In order to qualify for that credit documentation such as engineered drawings, as-builts, or survey of the detention basin. To show that it was engineered, built correctly, and meets all of the stormwater requirements. There are additional requirements such as operation and maintenance plans. A letter will need to be provided to the Town on an annual basis that the basin is being maintained and cleaned so that the property can continue to receive the credit. Between the two credits a property could potentially get up to a maximum 80% credit. The remaining 20% is categorized for administration of the fee itself. President Niemeyer discussed the Hanover School system and the multiple detention ponds they have. He asked if an appeal was every filed by the school system. Mr. Oliphant stated partially. He added that Hanover High School and Jane Ball Elementary came in for a pre-application discussion approximately five years ago. They were told what documentation was needed and the process was never completed. President Niemeyer asked what category they would qualify for. Mr. Oliphant stated they would potentially get up to a 50% reduction under the quantity reduction credit. Mr. Carnahan asked if there was anything they could do to the current ponds to get more credit. Mr. Oliphant stated if they are in compliance there is nothing they can do, say dig out more, to get a larger credit.

Diane Jostes, Cedar Lake Chamber, stated she was curious about the credits because the detention ponds were built at the specifications of the Town engineer and the schools engineer. Mr. Oliphant stated it is required because they are not always built to the proposed plans. Mrs. Jostes asked isn't it reviewed by the engineer. Mr. Oliphant stated they don't necessarily see as-builts. They only became a requirement in the last couple of years. As-builts of private ponds are not typically required but in order to prove they were built correctly to the proposed plan, there needs to be proof. President Niemeyer asked if some of the ponds could have been constructed before the standards were upgraded. Mr. Oliphant stated yes. Mrs. Jostes discussed the multiple additions to Hanover Central and she assumed they were planned and the specifications of the detention ponds had to be figured into an equation. Mr. Oliphant stated they were and they were relatively new ponds, especially the larger one to the northeast. Assuming they were built correctly, yes they would qualify. But they can't assume they were built correctly, they need proof. That's what as-builts are for. President Niemeyer added that Hanover should probably already have those. Mr. Oliphant reiterated that as-built requirements on private ponds weren't in the ordinance until several years ago. President Niemeyer asked what is several years ago. Mr. Oliphant couldn't say for sure. President Niemeyer asked if it was just recently. Mr. Oliphant stated it was relatively recent.

Monica Vechhio voiced concerns with previously built ponds and inspections by the Town and asked why those wouldn't be grandfathered in. Mr. Oliphant stated the as-built requirement in the stormwater fee ordinance has always been there. It's always

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been a requirement for the quantity reduction credit to make sure that a contractor has built it according to what was approved by the Plan Commission. He stated while he would love to believe all contractors build exactly what was approved, that's not always the case. Ms. Vecchio asked why it wasn't checked at the time it was built. Mr. Oliphant stated they are separate ordinances. As-builts are required for utilities, ponds, and roads in public subdivisions. Private developments are a different story. Ms. Vecchio stated they are talking about the schools. Mr. Oliphant stated it is still not maintained by the Town. The requirement for detention basin as-builts was put in after the stormwater fee was put in. They are two separate ordinances. Mrs. Marilyn Kaper questioned inspections made at the time of building. Mr. Oliphant stated that building department inspections are really only for the building proper itself. Mrs. Kaper added so it has nothing to do with anything required by the Town. President Niemeyer stated that the Town doesn't do the as-builts on the pond. The owner of the pond would do it. Mrs. Kaper stated she understands that. Mr. Oliphant added that if it wasn't a requirement by the Town at that time then there is no requirement for the owner to do it on their own. President Niemeyer added that now there is a requirement. Mr. Oliphant concurred.

Carol Kerr questioned about retention ponds, how they work, and credits given. Mr. Oliphant discussed dry bottom versus wet bottom ponds and credits given.

Scott Burdan, 9520 W 133rd Avenue, discussed the increase of \$30,000 to Hanover schools and asked if credits show on statements. Town Administrator Murr stated the fee would be reduced within the utility billing program. Mr. Burdan asked how they verify what they may or may not have. Clerk-Treasurer Gross stated they would come to the Town Hall to the Utility Billing Department and they can pull out the account file and talk with the customer. Mr. Burdan asked about previous discussions with the school for credits. Mr. Oliphant stated discussion occurred with the schools engineer about them applying for the credit. They were told what was required but it never went anywhere. Mr. Burdan questioned why no one from the Town followed up. Council Member Rivera stated that's the responsibility of the school to follow up. She stated as a homeowner it's her responsibility to go to county when there is a discrepancy with property assessments. The county won't come to her. She added the school had an engineer come in so they know they knew the information. As to what happened after the engineer left that is not for them to follow up. Mr. Burdan stated he understood her logic but didn't agree with it. He stated the Town and school need to work together not in opposition. Mrs. Rivera stated the Town is not in opposition. The engineer for the school was their employee like Mr. Oliphant is the Town's employee. If their engineer didn't follow through, they can't expect Mr. Oliphant to chase down their engineer and ask why they didn't apply for the credit. But now it's known and can be followed through. Mr. Burdan continued to discuss public funding. Clerk-Treasurer Gross discussed non-profits in Town that were hit hard with the fee. She briefly discussed legislation on stormwater credits for non-profits that unfortunately never went anywhere.

Diane Jostes, Chamber of Commerce, added that the biggest concern with the businesses is that no one knew about the credit and didn't know about the appeal. They wish the Council would've passed the information on. President Niemeyer stated he wished they could go back and change the communication but they can't. He added that he had a face to face meeting with a former business owner and begged him to apply for the credit. It was ignored. There is a process to go through. He asked how many people have applied for a credit since they announced they were waiving the fee. Town Administrator Murr stated before they waived the fee they had two. Since the fee has been waived there have been none. Someone in the audience stated that surveys need to be done. President Niemeyer stated the application process can be started. Mrs. Murr stated that through her office she's only had three people communicate with her on the credit application. Mrs. Jostes added that one of the concerns is the costliness of getting a surveyor or engineer. President Niemeyer stated he understands that but the fact that no one has called to get the information or start the process, he doesn't know what else can be done at this point. A brief conversation continued on communication. Mrs. Jostes asked about underground storage and if businesses are charged anything for it. Mr. Oliphant stated they would be eligible for the quantity reduction credit. He added that not many properties have underground storage. President Niemeyer asked if someone were to come in to the building department is there something in a developmental manual that states requirements and options for credits. Mr. Oliphant stated they are independent of each other. Whether above or underground storage, it is eligible for the credit so long as it meets the requirements. President Niemeyer clarified his question of if there is a deficiency in the building department. Mr. Oliphant stated he didn't know that. Mr. Niemeyer asked Town Administrator Murr. She stated she would check into it. A brief conversation continued on education.

Jeff Sawaska, 10433 Paramount Way, voiced concerns about when the bank was built, permits received, and inspections. He questioned why the permits didn't ensure that everything was built to the Town's standards. Mr. Oliphant explained that at that time there were no as-built requirements. He explained that if they were in place at the time it still would've been the owner's responsibility to do it. Mr. Sawaska stated they did. Mr. Oliphant answered they put it in but did they make sure it was constructed right. Mr. Sawaska stated they did because they paid the permit fee. It should've been inspected. Mr. Oliphant stated they inspected the building. It was not

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a requirement back then. Mr. Sawaska continued to voice concerns about permit fees, inspections, and as-builts. Mr. Oliphant stated any kind of as-built is not covered by inspection fees. Those would've been the responsibility of the owner at the time it was in place just as it is now. Mr. Sawaska continued to voice concerns. A lengthy conversation continued on requirements and inspections. Mr. Sawaska voiced concern about the school's stormwater fees.

Monica Vecchio commented on simplifying things and making it easier for people to understand. She voiced concerns about the technicality of everything being discussed. She continued to voice concerns about rising fees and property taxes.

Rick, owner of Subway and building, voiced concerns with business owners that have no option to put in a retention pond. He voiced concerns with rising taxes and fees. He asked why nobody on the Council looked into the increase on non-profits and businesses in Town. President Niemeyer asked Clerk-Treasurer Gross to comment on access to utility records. Clerk-Treasurer Gross stated that they cannot distribute utility records. She stated the Town would be held liable. They can't give one business another's utility records nor can they give that information to Council members. Rick asked if Council members knew it was going to double why they didn't inquire with the school or businesses. Clerk-Treasurer Gross stated they could've asked. Rick voiced concerns with no one looking into the impact. President Niemeyer commented that the system is terrible the way they have to fund schools and government entities. It's very difficult. He asked for ideas to maintain infrastructure and provide basic services without going to the taxpayers or fee structures. Rick voiced concerns with the Council and 133rd Avenue Phase I. He stated the construction company was not charged a fee for missing the completion date. Council Member Carnahan commented that there was an issue with the utility companies and location of utility poles. It had to get redesigned and that caused a delay in the construction. Rick asked why they waived the fee. Multiple members answered that it was a delay with the utility company not the contractors. A lengthy conversation continued on fees and solutions.

Carol Kerr commented about having a casino boat on Cedar Lake. President Niemeyer questioned if the revenue would be sufficient.

Keith Piszro voiced concerns with the businesses being able to pay the doubled fee. He stated he believes in fair tax. He doesn't think the fee is equal. He discussed having a flat fee for everyone. He asked the Council to start considering other solutions. Council Member Rivera stated that his concerns were not falling on deaf ears. She stated they are brainstorming. It's at the forefront of conversations. President Niemeyer discussed finding different funding sources. A brief conversation continued.

Diane Jostes added that it was looked into placing a gambling boat on Cedar Lake but DNR told them no.

Dan Enright, 14815 Reeder Road, discussed Mr. Piszro's concerns about being fair. He stated the ERU's are the fairest way. He spoke at great length about the upgrades needed in Town, funding needed, and the ability to dispute. President Niemeyer briefly discussed recourse.

Mike Toth, 14605 Lee Street, asked if they checked into increasing the residential fee so businesses weren't hit so hard. President Niemeyer discussed what was given to the financial advisors for a recommendation to be given to the bond counsel. Mr. Toth stated that he would willingly pay more as a resident to see the fee come down for businesses in Town. President Niemeyer added that this is why they are here to discuss. Not everything was thought out as well as it should have been and they'll see if there is an opportunity to fix some errors.

Scott Burdan, on behalf of the Knights of Columbus, invited everyone to their fundraiser on Saturday.

Council Member Miller stated he knew the residential fee was going from \$5 to \$10. He knew the businesses were going to double. He stated he believes the majority of them realize the effect on the businesses. That's why they are here today. They are trying to correct some of this. He discussed the possibilities the credits may bring for lowering the stormwater fee for businesses. President Niemeyer added that this dialogue may give way to positive outcomes. He stated he's glad of all the participation this evening.

Charlie Kaper, discussed the unknown is what has so many unaware. Most don't know about the bond issuance or ERU's. If people had the numbers it would be a little easier to understand. Council Member Rivera asked about Mrs. Murr getting together with the Chamber to get that information out or placing it in the newsletter. President Niemeyer briefly discussed getting a summary of the information to people. Mr. Kaper questioned how much is currently in the stormwater fund and how much is collected each month. He discussed keeping people informed with the numbers so that they may equalize some of this. President Niemeyer discussed the capital fund having approximately \$150,000. Clerk-Treasurer Gross concurred. President Niemeyer discussed about \$100,000 going to Wicker Meadows for improvements. Town Administrator Murr added that they received a grant of \$100,000 for 60% of the project for Town Club Ditch. Part of the capital fund will go towards the Town's portion of that project. Rick asked how much they want to see in the capital fund. President Niemeyer asked about the last capital plan for stormwater. Town Administrator Murr stated they were averaging about \$200,000 to \$230,000 a year to have in the fund to do projects over the next five years. President Niemeyer asked

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about a further plan for where they want to be. Rick asked if they will reduce the rates once they hit that target. President Niemeyer stated that he doesn't know exactly what that target is. He briefly discussed the sewer charges, not seeing an increase in twenty years and the establishment of the sewer capital fund and being able to fund projects without rate increases. Rick again asked about a maximum amount.

Monica Vechhio briefly discussed the establishment of the income tax. She voiced concerns with the increase of fees.

Brian Kubal asked about a cap or a guarantee that fees won't rise in the future. President Niemeyer stated he doesn't foresee that based on the Town's history. He discussed the bond rating and revenue changes today being frowned upon by the S&P and being looked at as fraudulent. Mr. Kubal asked about capping it now. President Niemeyer stated as long as he is in office he won't vote for another increase. A brief conversation continued

Richard Henn asked about when he can get the total ERU's in Town. Mrs. Jostes asked about seeing businesses versus homeowners. President Niemeyer stated staff would work on it.

Diane Jostes asked about the administrator that looks at credit applications. She asked if it would be Christopher Burke. Mr. Oliphant stated it would be a combination of them and Town staff. Mrs. Jostes asked about the ordinance describing a stormwater director. She asked if Mr. Oliphant is more of a stormwater director than someone in house. President Niemeyer stated Mr. Enright is the stormwater chairman. Mrs. Jostes asked if he was an engineer. It was stated he didn't have to be to be the chairman. Mrs. Jostes asked about the person reviewing a credit or appeal being an engineer. Jennifer Irons Jostes asked about Tim Kubiak. She stated at the last meeting they were told to contact him. Town Administrator Murr clarified that in the credit appeal manual it says to contact him to see if they would preliminarily qualify. Internally it has been discussed that those calls would be directed to the Town Administrator. She discussed doing the preliminary reviews with Mr. Oliphant. Diane Jostes stated the ordinance says they would have a director of stormwater. President Niemeyer added the director of operations is the director of the public works, sewer utility, stormwater utility, and all of it. Mrs. Jostes stated that is an impossible task for one man. Jennifer Irons Jostes questioned the building inspector also being in charge of the credit process. She voiced concerns with the person in charge of building reviews also being in charge of the credit process. President Niemeyer stated the person in charge of that internally is Michelle Bakker, the Building and Zoning Administrator. Mrs. Jostes asked who the director of stormwater management is. President Niemeyer stated it would be the director of operations. She asked if that was Mr. Kubiak. President Niemeyer stated yes.

Rick asked why the Town Attorney was not in attendance. President Niemeyer stated he had another meeting.

Carol Kerr asked about leaving projects be and telling them tonight that they won't double the fee. President Niemeyer stated if they rescinded the fee tonight, they would be in fraud because they procured money based on a revenue stream. He stated they can't change the revenue stream this evening. Mrs. Kerr asked why they couldn't admit they made a mistake. President Niemeyer stated he admitted that a couple of times tonight but it doesn't mean they can solve the problem tonight.

Diane Jostes asked about businesses that qualify for credits if they would receive some of the money back. President Niemeyer stated no. She asked what the ordinance says. Mr. Oliphant stated it is not retroactive. A member of the audience stated that the ordinance states that it may be retroactive at the discretion of the director. A brief discussion continued.

Charlie Kaper asked about having another work session. President Niemeyer stated that was up to the Chamber membership. He stated he was open but discussed about some homework being done internally on the bond obligation.

Rick asked how long it would take to get information together. President Niemeyer stated it may take a few months. He stated it's a delicate process.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 8:50 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

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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.