

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

**April 7, 2020**

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



*In an effort to maintain transparency and accessibility while keeping accordance with the Governor's Executive Orders relating to COVID-19, the Town Council meeting limited in person attendance but the live broadcast was streamed and can be viewed at <https://cedarlakein.org/view-town-meetings/>. Questions and comments were accepted electronically and instructions can be found on the Public Meeting Agenda, a copy of which can be found at <https://cedarlakein.org/wp-content/uploads/2020/04/TOWN-COUNCIL-4.7.2020-draft.pdf>.*

**Roll Call:**

Present*	Robert H. Carnahan Council Member	Ward 1	Present*	Colleen Schieben Council Member	Ward 6
Present	John Foreman Council Member	Ward 2	Present*	Richard Sharpe Council Member	Ward 7
Present	Julie Rivera Council Member	Ward 3	Present	Jennifer N. Sandberg, IAMC Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	Jill Murr, CPM, IAMC, MMC Town Administrator	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

*\*Council members Carnahan, Sharpe and Schieben participated remotely.*

**PUBLIC COMMENT** (on agenda items) – Mary Joan Dickson, 8711 W. 132<sup>nd</sup> Place, submitted electronically, asked what was Carpere Canada - Addendum 1. President Niemeyer explained it was a commercial development business agreement. The addendum is to extend the timeframe for the land option agreement.

**CONSENT AGENDA:**

1. Minutes: March 3, 2020 and March 17, 2020
2. Claims: All Town Funds: \$105,160.66; Wastewater Operating: \$133,776.78; Sewer Sinking: \$418,900.00; Water Utility: \$65,544.79; Storm Water: \$11,714.60; 2017 RDA A Bond: \$227.25 and Payroll: (March 19, April 1, April 2, 2020) \$418,705.48 P1
3. Sweet Corn Sales: June 22 – September 15, 2020 in True Value parking lot P2

A motion to accept the consent agenda was made by Ralph Miller with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

**ORDINANCES**

**1. Ordinance No. 1347 – Ravens Public Way Vacation – 12528 Wicker Avenue**

Council Member Rivera read by title only. Attorney Mark Anderson, representing CL Leasing, addressed council's concerns raised at the last meeting. Mr. Anderson cited court appeals cases and multiple vacation ordinances previously approved by Council; explaining this is no different than any other petition for vacancy with no payment transactions. Lengthy discussions followed on the Town's jurisdictions, right of way donations to the State for future road widening projects, and boundaries affected. Mr.

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Raven explained his intentions for the use of the vacated parcel. A lengthy discussion followed. Mr. Austgen noted re-subdivision will be needed to append the current parcel to the new parcel with zoning being checked for accuracy. Mr. Carnahan stated he would like the motion to include donation of right of way to the State for any future road widening projects.

A motion in favor of the donation was made by John Foreman contingent on right of way donation language as well as insuring the Town's zoning and platting requirements are met before recordation. Second was made by Julie Rivera. Mr. Austgen explained the steps needed before recordation before the Ordinance will become effective. Mr. Austgen gave a legal description of the parcel and explained the need for the exhibit to be updated accurately. Mr. Anderson provided a copy of the parcel's survey. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

A motion to suspend rules to allow for second reading was made by John Foreman with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

Mrs. Rivera read Ordinance No. 1347 by title only. A motion to adopt Ordinance No. 1347 with contingencies as discussed was made by John Foreman with second by Julie Rivera. Mr. Austgen advised that the ordinance needs to be revised to reflect the added contingencies. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

**2. Ordinance No. 1349: Job Description Amendment**

Council Member Rivera read by title only. Mrs. Murr stated this was updating the Assistant Fire Chief to Deputy Fire Chief. President Niemeyer added this was a change in the organization to follow the Police Department's example. Mr. Carnahan asked if money was in the budget to pay for this. Mr. Niemeyer answered in the affirmative.

A motion to adopt Ordinance No. 1349 was made by John Foreman with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

**3. Ordinance No. 1350: 2020 Salary Ordinance Amendment**

Council Member Rivera read by title only. Mrs. Murr explained the ordinance has been reviewed by legal and includes updates to Fire and Police. President Niemeyer discussed the plan for police officer raises of \$3,000, by foregoing hiring a new police officer. Ms. Murr asked for Council to amend the Holiday schedule to reflect the change of Election Day from May 5<sup>th</sup> to June 2<sup>nd</sup> due to the Governor's Executive Order. President Niemeyer stated he still stands in opposition of foregoing additional personnel in favor of a raise for the Police Department. A financial analysis is in the process that will give a long term plan to not just give a raise but to sustain wages for a long period of time.

A motion to adopt Ordinance No. 1350 with the addendum was made by John Foreman with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – No. Vote: 6 - 1.

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**NEW BUSINESS**

**1. Bid Opening – 10833 W 133rd Avenue**

President Niemeyer stated only one bid was received by Industrial Properties, LLC. Mr. Austgen examined the documents and verified they were in order. Mr. Austgen recommended taking the matter under advisement for Council to review appraisal and decide if this is a sufficient bid. A motion to take under advisement for future consideration was made by Ralph Miller with second by Richard Sharpe. President Niemeyer stated he would like to move forward as the property has been on the market for a long time. Discussion followed on the benefits of selling. Mrs. Murr noted the asking price of \$78,750.00 was in the distributed bid packets. Roll call vote: Carnahan – No, Foreman – No, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – No, Niemeyer – No. Vote: 3-4. Motion failed.

A motion to approve the bid from Industrial Properties, LLC. in the amount of \$71,953.00 was made by Julie Rivera with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – No, Schieben – No, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 5-2. President Niemeyer called for a motion for consideration to direct the attorney to put together closing documents. Motion was made by Robert Carnahan with second by Julie Rivera. President Niemeyer called for a voice vote: Vote: 7 Ayes – 0 Nays.

**2. Rental Reimbursement Request**

Mrs. Murr explained the Clubhouse was double booked resulting in one renter having to find another venue. The rental fee was reimbursed but renter is seeking a reimbursement of \$119.75 for additional cost of the new venue. President Niemeyer expressed concern for setting precedent for similar requests. A brief discussion followed.

A motion to approve the reimbursement request in the amount of \$119.75 with the fund to be determined by the Clerk-Treasurer was made by John Foreman with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – No, Rivera – Yes, Niemeyer – No. Vote: 5 - 2.

**3. Discuss Operations during the Covid-19 Emergency and all Matters Related Thereto**

Mrs. Murr presented an update on steps being taken to deal with Covid-19. Spring soccer has been canceled; fees and sponsorships will be reimbursed. Parks are open but they discourage use of playground equipment, monitoring lakefront use. Clubhouse rentals are suspended. It is recommended to extend dog tag renewals to July 1<sup>st</sup>. Clerical staff continues to work split shifts and there is no public access to Public Works. The next scheduled Plan and BZA meetings are cancelled. Republic Garbage Service has suspended large item and branch pick-up and all garbage/recycling must be in a container. *\*A copy of the full report can be found at the end of the minutes.*

A motion to acknowledge and accept the updated conditions as listed was made by John Foreman with second by Robert Carnahan. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

**4. Fire Department Training Reimbursement Agreement – Fahey-Smith**

Mrs. Murr explained Firefighter/EMS Jon Fahey-Smith starts work April 12<sup>th</sup>. The training agreement is presented for Council's approval. A brief discussion occurred on the agreement amounts payable. It was recommended they accept the agreement.

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A motion to accept the agreement was made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

**5. Carpere Canada – Addendum 1**

Mr. Austgen explained the request was from Carpere Canada to extend the time period, approximately 90 days, for due diligence to deliver the land option agreement for control of the land by Carpere with ownership by the Town. Mr. Austgen discussed a suggested addendum to the original addendum by Carpere for a 15 month extension on all other matters and the Town's request for a detailed business model. Discussion continued on the requests of each party and extended timelines. Mr. Austgen recommended allowing the first addendum to be executed with clarification on the suggested addendum. President Niemeyer referred to Mary Joan Dickson's public comment and explained Carpere Canada is a development company out of British Columbia. They build agricultural based business parks that manufacture agricultural goods. The addendum is to extend the land option agreement.

A motion to approve the addendum as recommendation was made by Julie Rivera with second by Ralph Miller. Roll call vote: Carnahan – No, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 6 - 1.

**6. Consideration of Farm Lease to Huseman Farm**

Since the timeframe has been set back, Mr. Austgen recommended the Council enter into the annual lease agreement with the current tenant farmer for the 114 acres. A brief discussion followed on a crop damage inclusion, Carpere's assessment for the land use, and lease payment amounts and dates.

A motion to approve and allow for drafting of a lease by the attorney and execution by the Clerk-Treasurer was made by Ralph Miller with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

**7. Authorization of Appraisals**

Mr. Austgen has been in contact with the Wornhoff family, as discussed and directed, regarding their 40 acre parcel adjacent to the 114 acres. An appraisal is needed to engage in some sort of dialogue. Mr. Austgen recommended 2 appraisals be sought.

A motion to approve was made by John Foreman with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

**8. Authorize Fire Chief to Begin Ambulance Purchase Process/Financing**

A motion to begin the process for bids and purchasing of a new ambulance was made by Ralph Miller with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

**REPORTS**

1. Town Council – Mr. Carnahan reported the state has a census completion rate of 48.8%; Cedar Lake is at 56%. Cedar Lake was at 80% last census. The deadline has been extended to August 14, 2020.

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a. Ecosystem Restoration – No report.

b. Public Works & Safety – President Niemeyer stated several items were brought up for consideration during the last meeting. Mr. Foreman started a discussion on planning for some of Fire Chief Wilkening's ideas. Chief Wilkening previously submitted budget plans that included wage comparisons with St. John, Merrillville and Schererville. Mr. Foreman asked Clerk-Treasurer Sandberg if she had a chance to go over the plan. Ms. Sandberg stated she had questions on some of the amounts listed and would like further discussion during the next Public Safety Committee meeting. Mr. Carnahan commented on St. John's and Crown Point's salary for Chief noting the larger tax base and our inability to compete. Mr. Foreman stated we are not trying to have the same wage amounts but possibly increasing wages by \$10,000 as Chief suggested. Mr. Niemeyer reported on the topics of discussion at the last Public Safety meeting; revenue stream; treating economic growth as a business; Fire Department vehicle needs; Fire billing; across the board hydrant fees; inability to sell old ladder truck with Chief's suggestion to donate it to the training academy; and Fire Department facility upgrades. Mr. Niemeyer suggested taking steps to authorize an ambulance purchase. Mr. Niemeyer added discussion was had on establishing a Public Safety Committee as well as exploring the creation of a Fire Territory. The Territory would potentially include Winfield, Winfield Township, Crown Point, Cedar Lake, St. John, Center and Hanover Townships. Discussion followed on the core group for the territory. Mr. Niemeyer wants to add the creation of a Public Safety Board to the next agenda with a target date of July 1, 2020; adding two members to the current Police Commission to create a five member board; budgeting for extra members. Additional items directed to be placed on agenda for the next council meeting were to include Fire Billing Ordinance, Ambulance Purchase, and research for Hydrant Fees. Mr. Foreman asked Mrs. Sandberg about the possibility of adding the requested \$100,000.00 to the budget for Fire Department wages by July 1<sup>st</sup>. Mrs. Sandberg would like to wait until the financial analysis is completed by London Witte before any decisions are made. Mr. Carnahan concurred. Mr. Foreman asked Chief for his comments on the folder he presented. Chief Wilkening stated the paperwork was distributed 21 days ago with very little feedback. Adding they are the lowest paid department in the county. Chief spoke adamantly of numerous occasions his suggestions for generating additional revenue were offered without response. Chief requested Council take action on at least one thing in his proposed plan adding the Police Department is getting raises now and his department should have the same consideration. He requested Council to set a number and go forward with it. Mr. Foreman explained the Police Department was able to give raises to the officers by foregoing a new employee. The money was already in the budget. Chief Wilkening's request for \$100,000.00 for wages puts a strain on revenue and there is no money at this time to allow for the raises. Chief countered that some of his requests are four or five years old and it's a sad day he can't get some direction tonight. Mr. Foreman stated some direction has been made, some requested items are being added to the next agenda. Mr. Niemeyer discussed items being placed on the next agenda. He asked for a motion to direct Council and staff to prepare the Fire Billing Ordinance as well as create a Public Safety Board, and finding and circulating information for hydrant fees. A motion to direct and move forward was made by John Foreman with second by Julie Rivera. President Niemeyer called for a voice vote. Vote 7 Ayes – 0 Nays.

c. Park & Recreation – No report other than the cancellation of soccer.

d. Council Affairs – No report

e. Streets –Mrs. Murr announced the Town has received a Community Crossings Grant in the amount of \$671,489.32. That will cover half of the street project for hot in place or heat scarification of Morse Street, Lake Shore Drive, and Lauerman. Discussion followed on improving Vermillion, Fairbanks, and 135<sup>th</sup> off of Morse. Mr. Niemeyer asked for a

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committee meeting with staff and engineers to discuss citizen's concerns and street repair planning. Mrs. Murr reported the street committee continues work on Noble Oaks and Shades improvements; 133<sup>rd</sup> and King Drive is going forward with an estimated start on construction in summer of 2021. Discussion continued on communication with American StructurePointe on the start date for completion of the roundabout. They are still looking at a punch list completion date of May 22<sup>nd</sup>.

f. Planning Committee – Mrs. Murr reported meetings continue, inspections are still ongoing, and the Building Department continues to move along.

2. Town Attorney – Mr. Austgen reported on easement parcels for the West Side Sewer Interceptor Project. Appraisers are being engaged for the right-of-way offers. Mr. Austgen spoke with Chief Deputy Prosecutor, Barb McConnell, on the parcel in Cedar Point Park. The owner being acutely aware of the circumstances. The Police Chief and Detective continue to monitor the matter.
3. Clerk-Treasurer – Ms. Sandberg reported her staff is working hard to continue business as usual, processing utility billing/payments and payroll. It is difficult to do some of those things remotely due to the sensitive nature of some of those processes.
4. Town Administrator/Staff – Director of Operations Tim Kubiak reported the Town cleanup is in progress with dumpsters stationed throughout the Town. Signs are posted at each dumpster listing acceptable items.
5. Police Department – Chief Fisher reported that 500 N95 masks have been ordered through a local business. The department is looking for new optional online training techniques for ILEA credit since physical training has been suspended until at least June. Civilian employees were sent home two weeks ago so they wouldn't have contact with officers dealing with the Covid-19 crisis, using their leave time. The decision was made after talking with several chiefs in the area. Chief requested permission to reimburse paid leave used by the employees. Discussion followed on use of sick and comp time. Chief Fisher pointed out they were sent home, not by choice, and had to use their paid time off. Chief Fisher stated he had been in constant communication with the Clerk-Treasurer and Town Administrator when asked by Mr. Niemeyer about consultation on internal procedures. Much of their work requires logging in to a secure system that is not available to them remotely. The employees have since been set up with computers to work on non-secure tasks. Mr. Niemeyer commented the benefits are in place and were used for that purpose. Chief made the decision to send them home without consult with anyone and now wants taxpayers to reimburse the paid time off. Chief replied he made that decision to protect them and has been in contact with Jill and Jen. Discussion followed with no action taken.
6. Fire Department – Chief Wilkening reported calls are down but the intensity is higher as well as the stress level for employees. The administrative assistant was recently set up to work from home two days a week with the ability to continue to process EMS billing. The Clubhouse is being looked at as an alternate site to house some of the firefighters and equipment. They will need \$6,000.00 to \$8,000.00 for beds. A grill was recently purchased since the Clubhouse doesn't have a kitchen and a computer and television needs to be installed. There are concerns with lack of showers and the tenant upstairs. Alternate sites are being looked at. Communication is ongoing with county health officials. On Saturday, the Fire Department will be taking the Easter Bunny through Town to bring a little cheer during the pandemic.

**WRITTEN COMMUNICATION:**

1. Christopher Burke Report – Ms. Murr covered items earlier. Mr. Carnahan asked if the House Bill passed forcing collection of Utility bills from renters, not owners, was passed. Mr. Niemeyer responded the governor vetoed the bill.
2. Building Department Report – Covered earlier.

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**PUBLIC COMMENT**

A written public comment was submitted by Mary Joan Dickson, 8711 W. 132<sup>nd</sup> Pl., commenting on past discussion of fire truck for sale or donation. She stated it would be in the best interest of the community to sell it and asked where this item stands. Mr. Niemeyer responded the truck has been listed for sale with no interest. They need to figure out what to do with it and they can't store it forever. Mr. Niemeyer discussed communication efforts and transparency. The public is welcome to email or call members of Council with questions/comments on this and future meetings. He noted contact information is on the Town's website.

**ADJOURNMENT** Council President Niemeyer called the meeting to adjournment at approximately 9:40 PM.

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

\_\_\_\_\_  
Randell Niemeyer, President

\_\_\_\_\_  
Julie Rivera, Vice President

\_\_\_\_\_  
Robert H. Carnahan

\_\_\_\_\_  
John Foreman

\_\_\_\_\_  
Ralph Miller

\_\_\_\_\_  
Colleen Schieben

ATTEST:

\_\_\_\_\_  
Richard Sharpe

\_\_\_\_\_  
Jennifer N. Sandberg, IAMC  
Clerk-Treasurer

The Minutes of the Cedar Lake Town Council are transcribed pursuant to IC 5-14-1.5-4(b), which states:

- (b) As the meeting progresses, the following *memoranda* shall be kept:
- (1) The date, time and place of the meeting.
  - (2) The members of the governing body recorded as either present or absent.
  - (3) The general substance of all matters proposed, discussed, or decided.
  - (4) A record of all votes taken, by individual members if there is a roll call.
  - (5) Any additional information required under IC 5-1.5-2-2

# TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

## MINUTES OF THE TOWN COUNCIL

### ***TOWN OF CEDAR LAKE***

7408 Constitution Ave – PO Box 707 – Cedar Lake, IN 46303  
Tel (219) 374-7400 – Fax (219) 374-8588



April 7, 2020

#### Town of Cedar Lake

#### Updates on Steps to Slow the Spread of COVID-19

The Town of Cedar Lake, in an effort to slow the spread of novel coronavirus (COVID-19), has updated and modified our proactive efforts. The measures being taken are not to limit or halt any of the governmental services the Town provides to our citizens. We will continue to provide quality services and have available personnel to assist you with any issues you are having.

As a result of the evolving Coronavirus (COVID-19) situation, and in compliance with Indiana Governor's Executive Orders including and through Executive Order 20-18 issued April 6, 2020, the Town of Cedar Lake is continuing its social distance practices for its buildings, departments and facilities.

The following new practices have occurred and/or will become effective immediately:

Access to Town Hall, Public Works, and Cedar Lake Clubhouse will be closed to the public. Staff will be working and available by telephone and email during normal business hours. We have suspended all in-person services.

Recreation Programs – Spring Soccer 2020 has been cancelled. Registrations will be refunded. Sponsorships received will be refunded. Questions email [events@cedarlakein.org](mailto:events@cedarlakein.org) or call (219) 374-7400 x119.

#### Parks

Public parks are open, for outdoor activity provided that there is compliance with Social Distancing Requirements. As per the Indiana Governor's Executive Order, public access to playgrounds may increase the spread of COVID-19 and are closed. Public Restrooms on the town grounds will be closed.

Clubhouse & Shelter rentals – no future rentals are being taken at this time. Those who have upcoming dates may request a transfer to a future date or request a refund. All rentals scheduled through April 30, 2020 have been cancelled and refunds will be issued.

Dog Tags: By mail or drop box only, extend due date extension from April 30, 2020 to May 29, 2020, after that price increases.

Staffing – March 28, 2020 memo to Town Council. Acknowledgement and acceptance of alternate work day scheduling for all clerical staff Town Hall Administration and Building Department, Police Department Fire Department, Public Works and Clerk-Treasurer staff. Random Testing for public safety non-CDL has been suspended for first (1<sup>st</sup>) and second (2<sup>nd</sup>) quarter 2020.

#### Election Day:

Amend 2020 Holiday schedule to reflect the change in date of the Primary Election Day from May 5, 2020 to June 2, 2020.

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### Meetings:

In compliance with the Governor of Indiana's Order, the following public meetings scheduled through April 10, 2020 are cancelled.

- Plan Commission Work Session meeting scheduled for April 8, 2020 at 7 pm is cancelled.
- Board of Zoning Appeals Meeting scheduled for April 9, 2020 is cancelled.

Meetings will be held in compliance with the Indiana Governors Order and Open Door Law. The link to the live broadcast is <https://cedarlakein.org/view-town-meetings/>.

### Public Works & Utility

Public Access to the facility is closed. All dumpster access/drop off of electronics and tires are suspended until further notice. Saturday "Clean Up" dates are cancelled for March and April. Please call (219) 374-7478. Utility staff will not enter residences to read or change meters unless in an emergency.

Garbage & Recycling Pick-up - Republic has stated that trash collection will continue for the town's residential routes and contracted services. Acknowledgement and acceptance of the March 25, 2020 communication from Jim Metro, Republic Services - as of March 30, 2020, due to the Covid Virus, services will change to include suspension of large item and branch pick up. All trash must be in a garbage can or container.

These practices will not only protect our residents and employees, but hopefully reduce the impact of COVID-19 yet continue to remain available for the public. As circumstances evolve, so too will our response.

Updated 04/07/2020

