

Town Council Public Meeting
May 19, 2020

ORDINANCES & RESOLUTIONS:

1. Ordinance No. 1353 - Public Safety Board Establishment

Deferred from April 21, 2020 & May 5, 2020

Motion: _____ 1st _____ 2nd

Robert H. Carnahan	John Foreman	Ralph Miller	Colleen Schieben	Richard Sharpe	Julie Rivera	Randell Niemeyer	Vote Tally
Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	-

2. Ordinance No. 1354 - Weeds, Noxious Growth, Rank Vegetation and Other Environmental Nuisance Regulations Amendment

Motion: _____ 1st _____ 2nd

Robert H. Carnahan	John Foreman	Ralph Miller	Colleen Schieben	Richard Sharpe	Julie Rivera	Randell Niemeyer	Vote Tally
Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	-

3. Resolution No. 1257 – Summerfest 2021

Motion: _____ 1st _____ 2nd

Robert H. Carnahan	John Foreman	Ralph Miller	Colleen Schieben	Richard Sharpe	Julie Rivera	Randell Niemeyer	Vote Tally
Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	-

BZA:

1. James C. Thorn and Pamela J. Thorn – 14101 Lauerman St. – Special Use Variance

The Board of Zoning Appeals certifies a Favorable Recommendation to the Town Council for the requested **Special Use Variance** to allow the Petitioner, **Jeremy A. Larson**, to operate Full Service Garage LLC an automobile repair center a B-3 use in a B-1 Zoning District, with the following conditions of recommendation, namely: 1. No more than ten (10) vehicles will be parked outside overnight; 2. No heavy equipment will be parked on the property overnight; 3. The interior heating stack shall be extended for elimination of off-site odors satisfactorily to the Town Building Department; 4. The Hours of Operation will not exceed Monday-Friday 8:00 am to 5:00 pm and Saturday, by appointment only and no later than 1:00 pm.

Motion: _____ 1st _____ 2nd

Robert H. Carnahan	John Foreman	Ralph Miller	Colleen Schieben	Richard Sharpe	Julie Rivera	Randell Niemeyer	Vote Tally
Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	-

NEW BUSINESS:

1. Corona Virus Relief Fund Acceptance Certification

Motion: _____ 1st _____ 2nd

Robert H. Carnahan	John Foreman	Ralph Miller	Colleen Schieben	Richard Sharpe	Julie Rivera	Randell Niemeyer	Vote Tally
Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	-

2. Operations During Covid-19 Emergency and all Matters Related

Motion: _____ 1st _____ 2nd

Robert H. Carnahan	John Foreman	Ralph Miller	Colleen Schieben	Richard Sharpe	Julie Rivera	Randell Niemeyer	Vote Tally
Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	-

Town Council Public Meeting
May 19, 2020

WORK SESSION:

1. Joshua Gierczyk presentation

REPORTS:

1. Town Council
 - a. Stormwater
2. Town Attorney
 - a. Ordinance No. 1352 - Emergency Response Billing Update
3. Clerk-Treasurer
4. Town Administrator/Staff
5. Police Department
6. Fire Department
 - a. Ambulance Bid

WRITTEN COMMUNICATION:

1. Christopher Burke Report
2. Building Department Report
3. May 9, 2020 letter from Mr. Sexton

PUBLIC COMMENT:

ADJOURNMENT:

PRESS SESSION:

NEXT MEETING: Tuesday, June 16, 2020 at 7:00 pm

The Town of Cedar Lake is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding accessibility of the meeting or the facilities, please contact the Cedar Lake Town Hall at (219) 374-7400.



May 19, 2020

ALL TOWN FUNDS	\$177,047.94
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WASTEWATER OPERATING	\$129,723.95
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WATER UTILITY	\$29,558.07
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STORM WATER	\$6,673.28
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PAYROLL 5/14/2020	\$238,952.86
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2020 Tag Days Schedule

Organization	Tag Day	Rain Date	Request Received Date	Proof of Insurance
	04/04/20	04/11/20		
*American Legion Auxiliary #261	04/18/20	04/25/20	01/22/20	01/22/20
	05/02/20	05/09/20		
*VIPS	05/16/20	05/23/20	01/15/20	N/A
Hanover Central Varsity Pom Cats	05/30/20	06/06/20	02/12/20	02/12/20
Cedar Lake Lions Club	06/13/20	06/20/20	01/08/20	01/08/20
	06/27/20	none	01/22/20	01/22/20
Cedar Lake Girls Softball	07/11/20	07/18/20	01/22/20	01/22/20
VIPS	07/25/20	08/01/20	01/15/20	N/A
	08/08/20	08/15/20		
Hanover Central Junior Varsity Dance Team	08/22/20	08/29/20	02/12/20	02/12/20
	09/05/20	09/12/20		
American Legion Auxiliary #261	09/19/20	09/26/20	01/22/20	01/22/20
	10/03/20	10/10/20		
	10/17/20	10/24/20		

*Cancelled due to COVID/Restrictions

Town Grounds, Shelter & Clubhouse Summary

Updated: 05/14/20

CLUBHOUSE RENTALS: All clubhouse rentals, exercise classes and scout groups have been cancelled through May 31.

EXERCISE CLASS: Proposed to restart classes on June 2

SHELTERS & GROUNDS USE:

Date	Status	Event
5/12/2020	Cancelled	CLHA & Legacy Foundation on Town Grounds
5/16/2020	Cancelled	Hanover Band Concert at Bandshell
5/27/2020		Cedar Lake Farmers Market (start date - pending)
05/29/20- 05/30/20	Cancelled	Wedding at Bandshell
5/30/2020	Confirmed	Graduation party at Lion's Den
6/2/2020	Confirmed	Lake County Board of Elections Town Hall Use
6/7/2020	Postponed	Meals on Wheels Spinning Spokes Feeding Foks bike event Town Grounds use; moved to 08/16/20
6/10/2020		Cedar Lake Farmers Market (start date - pending)
06/12/20- 06/13/20	Cancelled	Region Radio Car Show/Band Fundraiser on Town Grounds
6/24/2020		Cedar Lake Farmers Market (start date - pending)
July	Cancelled	Cedar Lake Summerfest on Town Grounds
7/8/2020		Cedar Lake Farmers Market
07/20/20- 07/24/20	Unconfirmed	CLHA Steam Boat Rides
7/22/2020		Cedar Lake Farmers Market
07/24/20- 07/26/20	Unconfirmed	CLHA Art Show
8/1/2020	Unconfirmed	Gary Shakespeare Company at Bandshell
8/12/2020		Cedar Lake Farmers Market
08/14/20- 08/16/20	Pending	CLFFA Fireman's Ball on Town Grounds
8/16/2020	Rescheduled from 6/7/20	Meals on Wheels Spinning Spokes Feeding Foks bike event Town Grounds use
8/23/2020	Unconfirmed	Iron Horse 4x4s Truck Show on Town Grounds
Aug-Oct		Fall Soccer: Practices 8/25 to 10/15; Games 9/5 to 10/17
8/26/2020		Cedar Lake Farmers Market
8/30/2020	Unconfirmed	CLHA Family Fun Fest in Lion's Den area
9/9/2020		Cedar Lake Farmers Market
9/20/2020	Unconfirmed	FOE Make A Wish Car Show on Town Grounds
9/23/2020		Cedar Lake Farmers Market
09/24/20- 09/28/20	Unconfirmed	St John Evangelist Oktoberfest (table use)
10/3/20- 10/4/20	Pending	Boy Scout Camping Overnight on Town Grounds (pending TC approval)
10/10/2020		Trunk or Treat
10/14/2020		Cedar Lake Farmers Market
10/28/2020		Cedar Lake Farmers Market

Sarah Rutschmann

From: LTjg Nicholas Serena <usnscstarsandstripesdivision@gmail.com>
Sent: Wednesday, May 13, 2020 7:09 PM
To: Sarah Rutschmann
Subject: Pavillion

Hi Sarah,

I am the Commanding Officer of the United States Naval Sea Cadet Corps, Stars and Stripes Division. Our unit plans to attend the DNR Boaters Safety Course on 13 JUN at Pine Crest Marine. After the class, we would like to request the use and the fee waiver of the Lions Den Shelter Pavilion, at Cedar Lake beach, to provide a picnic and an afternoon of fun for our Cadets. It has been a long 8 weeks in Corona lockdown and my officers believe that, an afternoon of rest and relaxation in the sun would truly benefit these 30 Cadets and their families. There will be approximately 75 people invited and I am sure most will come. Your space is a perfect place for us to unwind and reconnect. Thank you for your consideration and I look forward to hearing from you soon.

Sincerely,

CO, LTjg Nicholas R Serena
815-405-2574

From: Ann Pence [mailto:crownpointscoutspack48@gmail.com]
Sent: Thursday, May 14, 2020 10:34 AM
Subject: Cub Scout over night

Hello, I am requesting to have an overnight at the Cedar Lake Conference grounds for my Cub Scout Pack 48. I am requesting the use and fee waiver for the date of October 3rd to the 4th.

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Ann Pence

Cub Master Pack 48

219-688-8171

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

ORDINANCE NO.: ____

AN ORDINANCE ESTABLISHING A BOARD OF SAFETY FOR THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, REPEALING ALL ORDINANCE AND TOWN CODE PROVISIONS, OR PORTIONS THEREOF, IN CONFLICT HEREWITH, AND ALL MATTERS RELATED THERETO.

WHEREAS, the Town of Cedar Lake, Lake County, Indiana (hereinafter, the “Town”), is a unit of local government in Lake County, Indiana, duly organized as a Town under the applicable provisions of Indiana law; and

WHEREAS, the Town Council of the Town of Cedar Lake, Lake County, Indiana, (hereinafter, the “Town Council”), is the duly elected legislative body of the Town; and

WHEREAS, the Town Council has heretofore, by its previous legislative body namesake, the Town Board of Trustees, provided for law enforcement services to protect the residents and citizens of the Town through a statutorily established Metropolitan Police Department under the oversight and jurisdiction of the Town Board of Metropolitan Police Commissioners; and

WHEREAS, the present Town Council has been informed and advised that the Town has maintained and utilized a Board of Metropolitan Police Commissioners for the purposes of applicable Indiana law set forth at I.C. §36-8-9-1, et seq., as amended, pertaining to the Town Metropolitan Police Department throughout the time period of the existence of the Town to the present; and

WHEREAS, the Town Council has been informed and advised that a Board of Metropolitan Police Commissioners may be comprised of either three (3) or five (5) Members, as deemed appropriate by the Town Council, provided that establishment of the number of Members of the Town Board of Metropolitan Police Commissioners is by proper legislative actions of the Town Council as required by the provisions of I.C. §36-8-9, et seq.; that the Town Council, and its predecessor Town Board of Trustees, have complied with the then and current legal requirements and actions required for establishment of the number of appointees to the Town Board of Metropolitan Police Commissioners; and

WHEREAS, the Town Council is aware that pursuant to the most current legislative actions of the Town, there are three (3) appointed Members to the Town Board of Metropolitan Police Commissioners at the present time; and

WHEREAS, the Town Council is aware that there may be five (5) Members appointed to the Town Board of Metropolitan Police Commissioners, and that the increase in appointment Memberships from three (3) Members to five (5) Members may be made by enabling Ordinance and legislative action; and

WHEREAS, the Town Council has been informed and advised that the Town Board of Metropolitan Police Commissioners is vested by the provisions of I.C. §36-8-9, et seq., as amended, with the policymaking and management oversight of the Town Metropolitan Police Department and appointed Chief of Police, who is duly appointed and delegated to administer such policies and management oversight of the Town Metropolitan Police Department; and

WHEREAS, the Town Council has been informed and advised that historically, from the time of incorporation of the Town in 1968, until 2014, the Town provided firefighting and all related emergency services to its citizens and residents through contractual relations with the Cedar Lake Volunteer Fire Department entity; in 2014, the Cedar Lake Volunteer Fire Department entity merged its service function, property, and assets into Town government, becoming from that time to the present, the Town of Cedar Lake Municipal Fire Department, and as such, was and is to this day, a Town Government Department enabling the Town to continue providing requisite firefighting and emergency related services, including Ambulance, to its citizens and residents; and

WHEREAS, the Town Council funded, in its requisite budget actions, and as circumstances demanded, the functions, equipment, and personnel of the Town Municipal Fire Department to provide both fire and emergency medical service-related expanded and improved services to the residents and citizens of the Town under the direction and supervision of a full-time Fire Chief; and

WHEREAS, the Town Council has reviewed and considered the circumstances of firefighting and emergency medical services provided to the citizens and residents of the Town, and as a consequence, has concluded that policymaking oversight and management of such services in the same manner as such policymaking and management oversight is provided to the Town Metropolitan Police Department by the Town Board of Metropolitan Police Commissioners is appropriate; and

WHEREAS, the Town Council presently retains and is responsible for the policymaking and management oversight of the Town Municipal Fire Department, including firefighting and emergency medical service functions therein; and

WHEREAS, the Town Council now seeks to establish a Board of Safety to consolidate the functions and responsibilities of the Board of Metropolitan Police Commissioners with those of the Town Council related to the Town Municipal Fire Department, including firefighting and emergency medical service functions; and

WHEREAS, the Town Council has been informed and advised that applicable State law provides that the Board of Metropolitan Police Commissioners in a Town is considered the Board of Safety, and is required to carry out and fulfill the statutory duties imposed by the applicable provisions of the Indiana Code, as amended from time to time, related to the Town Board of Metropolitan Police Commissioners; it is the intention of the Town Council that the Board of Metropolitan Police Commissioners, as the Board of Safety, shall carry out the statutory duties imposed by the applicable Indiana Code provisions for the Town Metropolitan Police Commission,

as amended from time to time, as well as to carry out the additional duties and responsibilities imposed and established by this enabling Ordinance; and

WHEREAS, the Town Council has been informed and advised that the Town Board of Metropolitan Police Commissioners is to be considered the Board of Safety, with the use hereinafter of the word and phrase "Board of Safety" to mean at all times the Board of Metropolitan Police Commissioners; and

WHEREAS, the Town Council has determined that the powers, duties, and responsibilities established hereby which are not authorized by specific applicable State law, are established by the applicable provisions of the Indiana Home Rule Law, as provided for at I.C. §36-1-3, et seq., as amended; and

WHEREAS, the Town Council, having considered all circumstances related to its Metropolitan Police Department under the policymaking and management oversight of the Town Board of Metropolitan Police Commissioners, as well as the functions and responsibilities of the Town Municipal Fire Department, which is effectively and constructively under the policymaking and management oversight of the Town Council, which through its Administrative Staff, has concluded and determined that it is appropriate, advisable, and in the best interests of the residents of the Town of Cedar Lake, Lake County, Indiana, to establish and provide for a Board of Safety, subject to applicable law, for the policymaking and oversight of both functions of the Emergency Services Departments of the Town, namely, the Town Metropolitan Police Department and the Town Municipal Fire Department.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION ONE: That subject to the provisions set forth herein, there is hereby established a Board of Safety for the Town of Cedar Lake, Lake County, Indiana.

SECTION TWO: That all provisions now or hereafter provided by applicable State law, as amended from time to time, for the Appointment, Term, Oath and Bond of a Commissioner of the Board of Metropolitan Police Commissioners of the Town of Cedar Lake, shall apply to the Appointment, Term, Oath and Bond of a Commissioner of the Board of Safety of the Town of Cedar Lake (hereinafter referred to as the "Board of Safety"). Hereafter, the Board of Metropolitan Police Commissioners shall act as the Board of Safety for the Town of Cedar Lake.

SECTION THREE: The Commissioners of the Board of Safety shall have every power and shall comply with every responsibility in the policymaking and management oversight of the operation, management and control of the Town of Cedar Lake Departments of Police and Fire, including Emergency Medical Services conducted by the Town Municipal Fire Department, as is now, or may hereafter in the future be provided, under applicable State law, as amended from time to time.

SECTION FOUR: Each Commissioner of the Board of Safety, in appointing, disciplining or dismissing a member of any Department under its control shall do so without regard

to the political affiliation of the person, and without regard to any other cause or reason other than fitness or unfitness of the person, under applicable rules, regulations, policies and procedures of each Department.

SECTION FIVE: The Board of Safety shall consist of five (5) appointed Commissioners. Each shall be appointed in accordance with applicable State law, as amended from time to time. The Town Council shall appoint each Commissioner. A designated Town Administrator shall receive notice of and have the right to attend all meetings, including Regular, Special, and Executive, and shall be allowed to participate in discussions at all such meetings, and shall be allowed to submit reports and writings to the Commissioners; but in no event shall the designated Town Administrator, in the liaison capacity, have any right to vote or have any other right, power or duty reserved to a Commissioner.

Two (2) Commissioners shall be initially appointed for one (1) year terms. Two (2) Commissioners shall be initially appointed for two (2) year terms. One (1) Commissioner shall be initially appointed for a three (3) year term. Each term thereafter shall be for three (3) years. The Term of each Commissioner expires on January 1st of the third year after the appointment of the Commissioner. The appointments of the current members of the Town Board of Metropolitan Police Commissioners are ratified as to said appointments and term(s) of appointment for each.

SECTION SIX: Each Commissioner of the Board of Safety is subject to removal for any cause deemed sufficient by the Town Council.

SECTION SEVEN: A majority of the appointed and acting Board of Safety shall constitute a quorum. The Board of Safety shall adopt rules concerning the time of holding regular and special meetings and of giving notices of them in accordance with applicable State law, as amended from time to time. The Board of Safety shall elect one (1) of its Commissioners as Chairperson, one (1) as Vice-Chairperson, and one (1) as Secretary, and each Commissioner shall hold the position as long as prescribed by the rules of the Board of Safety. The Board shall record its proceedings in accordance with applicable State law, as amended from time to time, and same shall be considered public records to be filed and maintained in the Office of the Town Clerk-Treasurer.

SECTION EIGHT: The Commissioners of the Board of Safety may act only as a Board. No individual member may bind the Board of Safety or the Town except through a Resolution entered in the records of the Board of Safety authorizing such Commissioner to act in its behalf as its authorized agent for the purpose set forth therein, and no individual member can otherwise act unilaterally.

SECTION NINE: The Commissioners of the Board of Safety may appoint, subject to qualifications for employment determined by the Safety Board, and approved by the Town Council, the following:

1. The Members, and other employees of the Town Metropolitan Police Department; and
2. The Members, and other employees of the Town Municipal Fire Department.

SECTION TEN: The annual compensation of all Members and Employees of the Town Police and Fire Departments, and other appointees, shall be fixed by the Town's Annual Salary Ordinance.

SECTION ELEVEN: The Board of Safety shall have over all matters and property relating to the following:

1. Police Department; and
2. Fire Department, including Ambulance and emergency medical service operations.

Subject to the budget and appropriation of the Town Council, the Board of Safety may recommend salaries and wages to the Town Council and may purchase the equipment and supplies and make the repairs needed for each of the Departments therein.

SECTION TWELVE: The Board of Safety shall adopt rules for the governance and discipline of the Members and other Town Employees of the Town Metropolitan Police Department and Members and other Town Employees of the Town Municipal Fire Department, including the Emergency Medical Services Employees and Members, subject to conformance with applicable State law.

SECTION THIRTEEN: The Board of Safety may adopt General and Special Orders to the Town Metropolitan Police Department and the Town Municipal Fire Department, which Orders shall be carried out through the Chief of chain of command authorized Administrator(s).

SECTION FOURTEEN: The Police Chief shall have exclusive control of the Town Metropolitan Police Department, and the Fire Chief shall have exclusive control of the Town Municipal Fire Department, each subject to the promulgated Rules and Orders of the Board of Safety, as amended from time to time. In time of the operation of a Disaster Plan of the Town of Cedar Lake, the Police Chief and the Fire Chief, for the time of said declared Disaster, are subordinate to the President of the Town Council, or the person or persons designated by the Town Council, and said Chiefs shall obey the Orders and directions given by the President of the Town Council, or said designated person or persons, consistent with said current Disaster Plan of the Town.

SECTION FIFTEEN:

A. Except as provided in Subsection L below, a Member of the Town Metropolitan Police Department holds office or grade until he or she is dismissed by the Board of Safety. Except as provided in Subsection M hereinafter, a Member may be disciplined by demotion, dismissal, reprimand, forfeiture, or suspension upon either:

1. Conviction in any court of a crime; or
2. A finding and decision of the Board of Safety that the Member has been or is guilty of:
 - (a) Neglect of duty;
 - (b) A violation of rules;

- (c) Neglect or disobedience of an order;
- (d) Incapacity;
- (e) Absence without leave;
- (f) Immoral conduct;
- (g) Conduct injurious to the public peace or welfare;
- (h) Conduct unbecoming of an officer; or
- (i) Another breach of discipline.

The Board of Safety may not consider the political affiliation of the Member in making a decision under this **SECTION**. If a Member is suspended or placed on administrative leave under this Subsection, the Member is entitled to the Member's allowances for insurance benefits to which the Member was entitled before being suspended or placed on administrative leave. In addition, the Town may provide the Member's allowances for any other fringe benefits to which the Member was entitled before being suspended or placed on administrative leave.

B. Before a Member of the Metropolitan Police Department may be suspended in excess of five (5) days without pay, demoted, or dismissed, the Board of Safety shall offer the member an opportunity for a hearing. If a Member seeks a hearing, a Member must request the hearing not more than five (5) days after receiving the notice of the suspension, demotion, or dismissal. Written notice shall be given either by service upon the member in person or by a copy left at the Member's last and usual place of residence at least fourteen (14) days before the date set for hearing. The hearing conducted under this Subsection shall be held not more than thirty (30) days after the hearing is requested by the Member unless a later date is mutually agreed upon by the parties. The notice must state:

1. The date, time and place of hearing;
2. The charges against the Member;
3. The specific conduct that comprises the charges;
4. That the Member is entitled to be represented by counsel;
5. That the Member is entitled to call and cross-examine witnesses;
6. That the Member is entitled to require the production of evidence; and
7. That the Member is entitled to have subpoenas issued, served, and executed in Lake County, Indiana.

A disciplinary hearing concerning a Member of the Town Metropolitan Police Department shall be conducted in the manner prescribed by the rules adopted by the Board of Safety, which rules shall provide for an appropriate appeal procedure.

C. Upon an investigation into the conduct of a Member of the Town Metropolitan Police Department, or upon the trial of a charge preferred against a Member of the Metropolitan Police Department, the Board of Safety may compel the attendance of witnesses, examine them under oath, and require the production of books, papers, and other evidence at a meeting of the Board. For this purpose, the Board of Safety may issue subpoenas and have them served and executed in any part of Lake County, Indiana. If a witness refuses to testify or to produce books or papers in his or her possession or under his or her control, the provisions of I.C. §36-4-6-21, as

amended from time to time, control, to the extent applicable. The proper court may compel compliance with an Order by attachment, commitment, or other punishment.

D. The reasons for the suspension, demotion, or dismissal of a Member of the Town Metropolitan Police Department shall be entered as specific findings of fact upon the records of the Board of Safety. A Member who is suspended for a period exceeding five (5) days, demoted, or dismissed may appeal the decision to the Circuit or Superior Courts of Lake County, Indiana. However, a Member may not appeal any other decision.

E. An appeal under this **SECTION** must be taken by filing in Court, within thirty (30) days after the date the decision is rendered, a verified complaint stating in concise manner the general nature of the charges against the member, the decision of the Board of Safety, and a demand for the relief asserted by the Member. A Bond must also be filed that guarantees the appeal will be prosecuted to a final determination and that the plaintiff will pay all costs adjudged against the plaintiff. The Bond must be approved as bonds for costs are approved in other cases. The Town must be named as the sole defendant, and the plaintiff shall have a summons issued as in other cases against the Town. Neither the Board of Safety, nor the Commissioners of it, may be made parties defendant to the complaint, but all are obligated by service upon the Town and any judgment rendered by the Court.

F. In an appeal under Subsection E, no pleading is required by the Town to the complaint, but the allegations are considered denied. The Town may file a motion to dismiss the appeal for failure to perfect it within the time and in the manner required by this Section. If more than one (1) person was included in the same charges and in the same decision of dismissal by the Board of Safety, then one (1) or more of the persons may join as plaintiffs in the same complaint, but only the persons that appeal from the decision are affected by it. The decision of the Board of Safety is final and conclusive upon all persons not appealing. The decision appealed from is not stayed or affected pending the final determination of the appeal but remains in effect unless modified or reversed by the final judgment of the Court.

G. A decision of the Board of Safety is considered prima facie correct, and the burden of proof is on the party appealing. All appeals shall be tried by the Court. The appeal shall be heard de novo only upon any new issues related to the charges upon which the decision of the Board of Safety was made. The charges are considered to be denied by the accused person. Within ten (10) days after service of summons, the Board of Safety shall file in court a complete transcript of all papers, entries and other parts of the record relating to the case. Inspection of these documents by the person affected, or by the person's agent, must be permitted by the Board of Safety before the appeal is filed, if requested. Each party may produce evidence relevant to the issues that it desires, and the Court shall review the record and decision of the Board of Safety upon appeal.

H. The Court shall make specific findings and state the conclusions of law upon which its decision is made. If the Court finds that the decision of the Board of Safety appealed from should in all things be affirmed, its judgment should state that, and judgment for costs shall be rendered against the party appealing. If the Court finds that the decision of the Board of Safety appealed from should not be affirmed in all things, then the Court shall make a general finding,

setting out sufficient facts to show the nature of the proceeding and the Court's decision on it. The Court shall either:

1. Reverse the decision of the Board of Safety; or
2. Order the decision of the Board of Safety to be modified.

I. The final judgment of the Court may be appealed by either party. Upon the final disposition of the appeal by the courts, the Clerk of the Court shall certify and file a copy of the final judgment of the Court to the Board of Safety, which shall conform its decisions and records to the Order and Judgement of the Court. If the decision is reversed or modified, then the Board of Safety shall pay to the party entitled to it any salary or wages withheld from the party pending the appeal and to which the party is entitled under the judgment of the Court.

J. Either party shall be allowed a change of venue from the Court or a Change of Judge in the same manner as such changes are allowed in civil cases. The Indiana Rules of Trial Procedure govern in all matters of procedure upon the appeal that are not otherwise provided for by this Section.

K. An appeal takes precedence over other pending litigation and shall be tried and determined by the Court as soon as practical.

L. Except as modified in I.C. §36-5-2-13, the Town Executive may reduce in grade any Member of the Metropolitan Police Department who holds an upper level policy making position. The reduction in grade may be made without adhering to the requirements of Subsections (a) through (k) above. However, a Member may not be reduced in grade to a rank below that which the Member held before the Member's appointment to the upper level policy making position.

M. If the Member is subject to criminal charges, the Safety Board may place the Member on administrative leave until the disposition of the criminal charges in the trial court. Any other action by the Safety Board is stayed until the disposition of the criminal charges in the trial Court. An administrative leave under this Subsection may be with or without pay, as determined by the Safety Board. If the Member is placed on leave without pay, the Safety Board, in its discretion, may award back pay if the Member is exonerated in the criminal matter.

SECTION SIXTEEN:

A. Except as provided in Subsection L of SECTION FIFTEEN herein, a Member of the Town Municipal Fire Department holds office or grade until he/she is dismissed or demoted by the Board of Safety. A Member may be disciplined by demotion, dismissal, reprimand, forfeiture, or suspension for causes set forth in rules adopted by the Board of Safety, which rules are served upon the Members of the Town Municipal Fire Department. Until such rules are made and served, the causes and procedures shall be the same as those provided for Members of the Town Metropolitan Police Department.

B. Before a Member of the Metropolitan Fire Department is suspended in excess of five (5) days without pay, demoted, or dismissed, the Board of Safety shall offer the Member an

opportunity for a hearing. For purposes of this **SECTION SIXTEEN** and these disciplinary provisions, the Board of Safety is the Town Council, as Town Legislative Body, which is the appropriate appointing authority of the Town. If a Member seeks a hearing, the Member must request the hearing not more than five (5) days after the notice of the suspension, demotion, or dismissal. Written notice shall be given either by service upon the Member in person or by a copy left at the Member's last and usual place of residence at least fourteen (14) days before the date set for the hearing. The hearing conducted under this SECTION shall be held not more than thirty (30) days after the hearing is requested by the Member unless a later date is mutually agreed upon by the parties. The notice must state:

1. The date, time, and place of the hearing;
2. The charges against the Member;
3. The specific conduct that comprises and charges;
4. That the Member is entitled to be represented by counsel;
5. That the Member is entitled to call and cross-examine witnesses;
6. That the Member is entitled to require the production of evidence; and
7. That the Member is entitled to have subpoenas issued, served, and executed in Lake County, Indiana.

In a disciplinary hearing concerning a Member of the Town Municipal Fire Department, such hearing shall be conducted in the manner prescribed by the rules adopted by the Board of Safety, which rules shall provide for an appropriate appeal procedure.

SECTION SEVENTEEN: In addition to the disciplinary powers of the Board of Safety, the Chief of the Town Metropolitan Police Department or the Chief of the Town Municipal Fire Department, may, without a hearing, reprimand or suspend without pay a member, for a maximum of five (5) working days. For the purposes of this **SECTION**, eight (8) hours of paid time constitutes one (1) working day. If a Chief reprimands a Member in writing or suspends a Member, the Chief shall, without forty-eight (48) hours notify the Safety Board in writing of the action and the reasons for the action. A Member who is reprimanded in writing or suspended under this **SECTION** may, within forty-eight (48) hours after receiving notice of the reprimand or suspension, request in writing that the Safety Board review the reprimand or suspension and either uphold or reverse the Chief's decision. At its discretion, the Safety Board may hold a hearing during this review. If the Safety Board holds a hearing, written notice must be given either by serve upon the Member in person or by a copy left at the Member's last and usual place of residence at least fourteen (14) days before the date set for the hearing. The notice must contain the information listed under **SECTION SIXTEEN** of this Ordinance. If the decision is reversed, the Member who was suspended is entitled to any wages withheld as a result of the suspension.

SECTION EIGHTEEN: **SECTIONS** of this Ordinance shall not apply to the extent that they are different from or inconsistent with the provisions established by State law, as amended from time to time, for the appointment, promotion, demotion and dismissal of Members of a Metropolitan Police Department. **SECTIONS** of this Ordinance shall apply to the extent that they are not different from or inconsistent with the provisions established by State law, as amended from time to time, for the appointment, promotion, demotion and dismissal of Members of the Town Municipal Fire Department.

SECTION NINETEEN: The Board of Safety may detail Members from the Town Metropolitan Police Department for the use of any other Department of Town government of the Town of Cedar Lake as is deemed appropriate by the Board of Safety.

SECTION TWENTY: The Board of Safety may employ civilian, technical or clerical personnel to work with the Town Metropolitan Police Department or with the Town Municipal Fire Department as civilian radio operators, radio technicians, chemical technicians, and laboratory technicians and other civilian technical personnel and clerical personnel which are required. The salaries to be paid to the civilian, technical, and clerical personnel shall be fixed by the annual Town Salary Ordinance, and subject to the budget and appropriation approval of the Town Council. The civilian, technical and clerical personnel are not eligible to be Members of any Police or Fire Pension Fund.

SECTION TWENTY-ONE: The salary of the Commissioners shall be fixed from time to time by the Town Council and payable out of the General Fund of the Town under the provisions of the annual Town Salary Ordinance.

SECTION TWENTY-TWO: The Board of Safety, Police Chief and Fire Chief may administer oaths to a person summoned in a proceeding authorized by this Ordinance, or by applicable State law, as amended from time to time, and may take depositions under the rules and orders of the Board of Safety.

SECTION TWENTY-THREE: That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Establishment Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION TWENTY-FOUR: If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

SECTION TWENTY-FIVE: That this Ordinance shall take effect, and be in full force and effect, from and after its passage and adoption by the Town Council of the Town of Cedar Lake, Lake County, Indiana, in conformance with applicable law.

ALL OF WHICH IS PASSED AND ADOPTED BY THE TOWN COUNCIL OF
THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA THIS ____ DAY OF
_____, 2020.

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

Randell Niemeyer, President

Julie A. Rivera, Vice-President

Robert H. Carnahan

John C. Foreman

Colleen Schieben

Ralph Miller

Richard Sharpe

ATTEST:

Jennifer N. Sandberg, IAMC,
Clerk-Treasurer

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

ORDINANCE NO.: 1354

AN ORDINANCE AMENDING CEDAR LAKE TOWN CODE TITLE IX, CHAPTER 93, ENTITLED "NUISANCES", AND SPECIFICALLY SECTIONS 93.20 THROUGH 93.28, ENTITLED "WEEDS AND ENVIRONMENTAL NUISANCE REGULATIONS", TO COMPLY WITH CURRENT INDIANA STATE LAW PROVISIONS REGARDING THE SAME, REPEALING ALL ORDINANCES AND TOWN CODE SECTIONS, OR PARTS THEREOF, IN CONFLICT HERewith, AND ALL MATTERS RELATED THERETO.

WHEREAS, the Town Council of the Town of Cedar Lake, Lake County, Indiana (hereinafter, the "Town Council"), has reviewed existing Town rules and regulations for removal of weeds, noxious growth, rank vegetation, and other environmental nuisances on real properties within the Town; and

WHEREAS, the Town Council has reviewed the current provisions of the Indiana Code pertaining to the regulations for removal of weeds, noxious growth, rank vegetation, and other environmental nuisances on real properties within the Town by the Town; and

WHEREAS, the Town Council has determined that it is appropriate, necessary and advisable to update and enhance the Town regulations for control and removal of weeds, noxious growth, rank vegetation, and other environmental nuisances on real properties within the Town in order to protect and promote the public health, safety, comfort, morals, convenience, and general welfare and well-being of the residents and property owners of the Town; and

WHEREAS, the Town Council has further determined that it is appropriate, necessary and advisable to update and enhance the Town regulations for removal of weeds, noxious growth, rank vegetation, and other environmental nuisances on real properties within the Town, by updating the penalties for violation(s) thereof in the Town; and

WHEREAS, the Town Council has further determined that it is necessary and advisable to amend Title IX, Chapter 93, entitled "NUISANCES", and to specifically amend Sections 93.20 through 93.28, inclusive, regarding such matters, as such updated and enhanced Town rules and regulations, including penalties for violations thereof, are in the best interests of the residents and property owners of the Town, and will promote the public health, safety, comfort, morals, convenience, and general welfare and well-being of the residents and property owners of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION ONE: That Sections 93.20 through 93.28, entitled "Weeds and Environmental Nuisance Regulations," of CHAPTER 93, entitled "NUISANCES," of TITLE IX, entitled "GENERAL REGULATIONS", of the Town Code, as amended from time to time, be, and the same are hereby amended and restated as set forth hereafter to comply with current Indiana statutory provisions for regulation of weeds, noxious growth, rank vegetation, other environmental nuisances, and actions and responses which the Town may take upon the determination of the existence of the same, namely:

"§ 93.20 TITLE.

This subchapter, and the regulations herein, shall be known as the "WEEDS, NOXIOUS GROWTH, RANK VEGETATION, AND OTHER ENVIRONMENTAL NUISANCE REGULATIONS" of the Town.

"§ 93.21 PURPOSE AND INTENT.

It is hereby declared to be the purpose and intent of this subchapter, and these regulations, to protect the public health, safety, comfort, morals, convenience, and general welfare and well-being of the residents of the Town, as well as to enhance the environment for the residents of the Town by declaring it illegal and unlawful to allow and permit weeds, noxious growth, rank vegetation, and any other environmental public nuisance to persist or exist.

"§ 93.22 DEFINITIONS.

For purpose of this subchapter and these regulations, as amended from time to time, the following definitions shall apply unless the context clearly indicates otherwise, or requires a different meaning, namely:

AUTHORIZED REPRESENTATIVE. The Town Official or Officials designated to make inspections of Complaints of weeds, noxious growth, rank vegetation and any other environmental public nuisance existing within the Town, including, but not limited to, the Building Commissioner, Code Enforcement,

Director of Operations, Police Department, Town Administrator, Town Manager and the Unsafe Building Administrator.

EXCLUDED PROPERTY. Land cultivated for gross profit in a business or agricultural zoning district; a natural or developed forest, which does not create a health or safety hazard, which conforms to Management Series No. 2 of the Indiana Department of Natural Resources or is registered, or adjoining landowners; vacant and open lands, fields or wooded areas more than one hundred fifty (150') feet from occupied property; land containing agricultural crops, such as hay and pasture. However, natural habitats or wildlife habitats in residential zoning district properties are not to be considered excluded property, and will constitute a violation of this chapter, as amended from time to time.

GOVERNMENTAL PROPERTY. Real estate within the Town which is owned, leased, controlled or occupied by the United States, the State of Indiana, or any political subdivision thereof, excluding areas such as interior fields, riverbank properties and wooded lots which are maintained as natural sites by any such political entity.

INSPECTOR. An authorized representative of the Town, so designated, and having power to issue Ordinance violation notices and summons in order to enforce the provisions of this Chapter as amended from time to time.

NOTICE OF VIOLATION. The notice served by the authorized representative on the owner of the property where the violation exists.

OWNER. The term "OWNER" shall be presumed to be anyone (1) or more of the following:

- (1) The owner or owners in fee simple of a parcel of real estate, including the life tenant or tenants, if any; or
- (2) The record owner or owners as reflected by the most current records in the Auditor's Office of Lake County; or
- (3) The purchaser or purchasers of such real estate under any contract for the conditional sale thereof; or
- (4) The occupant or user of such real estate, whether or not a life tenant, record owner, or purchaser under any contract for conditional sale, who is occupying or using, in any manner, a parcel of real estate;

as of the date of the Violation Notice.

PRIVATE PROPERTY. All real estate within the Town except governmental property.

TOWN. The Town of Cedar Lake, Lake County, Indiana.

TRAFFIC HAZARD. Any weeds, noxious growth, rank vegetation and/or other environmental public nuisance that is potentially dangerous to the existing traffic at the intersection in question, as it may block or prohibit the view of any oncoming traffic.

WEEDS, NOXIOUS GROWTH, RANK VEGETATION AND OTHER ENVIRONMENTAL PUBLIC NUISANCE.

- (1) Any growth of weeds, grass or other rank vegetation on private or governmental property which is neglected, disregarded or not cut, mown, or otherwise removed and/or which has attained a height of nine (9") inches or more.
- (2) Any accumulation of dead weeds, grass or brush on private or governmental property.
- (3) Any poison ivy, ragweed or other poisonous plant, or plants detrimental to health, growing on any private or governmental property.
- (4) Property which has been allowed to become a health or safety hazard, or which has accumulated litter or waste products, unless specifically authorized under existing laws and regulations.
- (5) The feeding of wild or domestic waterfowl by any person or persons on or near Cedar Lake.

§ 93.23 APPLICATION OF REGULATIONS.

- (A) Each department or agency of the United States, the State, the Town, or any other political subdivision thereof, shall be required to keep governmental property free from environmental public nuisance.
- (B) Each owner of private property shall be required to keep that private property free from environmental public nuisances.
- (C) All persons shall be prohibited from feeding any and all wild or domestic waterfowl on or near Cedar Lake, at any time.

§ 93.24 PROHIBITED ACTIVITY.

It shall be unlawful for any owner of private property or governmental property in the Town to allow, permit, or maintain any weeds, noxious growth, rank

vegetation and/or other environmental public nuisance on that real property, except on excluded property.”

“§ 93.25 DETERMINATION OF VIOLATION.

(A) Complaint. Violations of this Chapter and these regulations, as amended from time to time, shall be cited by any authorized representative of the Town which receives a Complaint regarding weeds, noxious growth, rank vegetation, or any other environmental public nuisance on any property within the Town.

(B) Assignment of Complaint. A Complaint shall be forwarded to the duly designated Inspector for processing and inspection, who shall follow that Complaint case through to its resolution or compliance disposition.

(C) Notice to Abate. Upon receipt of a Complaint that weeds, noxious growth, rank vegetation, or other environmental public nuisance exists in violation of this Chapter, the Inspector shall make an inspection and upon confirmation of the same, shall cause written Notice to be issued to the property owner by first class mail or an equivalent service permitted under I.C. § 1-1-7-1, to:

- (1) the owner of record of real property with a single owner; or
- (2) at least one (1) of the owners of real property with multiple owners;

at the last address of the owner for the property as indicated in the records of the Auditor’s Office of Lake County on the date of the notice.

(D) Contents of Notice. The Notice to Abate shall contain the following information:

- (1) The address of the real property;
- (2) The date of the notice;
- (3) The address and the telephone number of the Planning and Building Department; and
- (4) A statement that the designated violation shall be removed from the property within five (5) calendar days after the mailing of the notice, or the owner must file an appeal. In the event that the Inspector finds a violation pursuant to such definition of “TRAFFIC HAZARD,” the Inspector shall have the authority to waive the five (5) day grace period and abate the

problem as soon as possible.

(E) Continuous abatement. If an initial notice of the violation of an Ordinance adopted under this Section was provided by certified mail, first class mail, or equivalent service under Subsection (c) above, a continuous abatement notice may be posted at the property at the time of abatement instead of by certified mail, first class mail, or equivalent service as required under Subsection (c) above. A continuous abatement notice serves as notice to the real property owner that each subsequent violation during the same year for which the initial notice of the violation was provided may be abated by the Town or its contractors.

“§ 93.26 ENFORCEMENT.

(A) Inspection. Following the expiration of the notice to abate, an Inspector shall visually inspect the property to determine whether weeds, noxious growth, rank vegetation and/or an environmental public nuisance exists. In the event that the weeds, noxious growth, rank vegetation and/or an environmental public nuisance still exists, action shall be taken to abate said condition in accordance with the provisions of this Section and these regulations, as amended from time to time.

(B) Citation for violation. In the event that the Inspector finds that weeds, rank vegetation, and/or other environmental public nuisance exists on private property and has not been abated as directed in the written notice to abate, that Inspector may cause a citation for violation of Town Ordinance to be issued to the offending property owner.

(C) Feeding wild or domestic waterfowl. Where an Inspector or authorized representative of the Town investigates a Complaint of any person or persons feeding wild or domestic water fowl on Cedar Lake, or within five hundred (500') feet from the shoreline of Cedar Lake, or within five hundred (500') feet of any contributory wetland, creek, drain (mutual or regulated), or stream of the Cedar Lake watershed, the Inspector may issue either a warning notice or violation citation, as is warranted and/or deemed appropriate under the circumstances, to any person or persons who refuse to desist from feeding the wild or domestic water fowl, pursuant to the provisions of this Chapter.”

(D) Abatement by Town on private property. In addition to the issuance of a citation for violation of a Town Ordinance under division (A) above, the Inspector, in the name of the Town, may

issue a request to the Town to abate the weeds, rank vegetation and/or other environmental public nuisance. The actual abatement may be assigned to a Town department, or contracted out through standard procedures.

(E) Abatement by Town on governmental property. Where the Complaint involves governmental property, and it is determined by the Inspector that a violation exists and threatens the health and safety of the residents of the Town, the Inspector may direct the Town to immediately enter upon the premises and remove the violation.

(F) Abatement expense. Following abatement by the Town, the Inspector shall furnish the Town with a statement of the actual cost involved for the abatement of the violation, including the costs of removal, cutting or destruction of weeds, rank vegetation, and/or other environmental public nuisance as defined by this chapter, or the costs of trimming tree limbs or branches, as well as administrative costs, including, but not limited to, court costs, attorney's fees and the costs of sending or posting notices of violations. In the event that the enforcement authority uses municipal employees to perform the abatement, the Town shall set and assign an appropriate per hour rate for employees, equipment, supplies and chemicals that may be used.

(G) Responsibility for Abatement expense. The property Owner shall be responsible for all expenses related to abatement of the violation performed by the Town. Following receipt of the statement of actual cost involved for the abatement of the violation, the Town shall the statement to the Owner by first-class mail. The owner shall pay the amount noted to the Town within fourteen (14) days after receipt, which shall be deposited in the Town General Fund.

(H) In the event that the Owner fails to pay a Town bill or invoice issued under this chapter within fourteen (14) days, and has not filed an appeal, as provided for in Section 93.27 below, the Town shall certify to the Lake County Auditor the amount specified in the bill or invoice, plus all documented additional administrative costs incurred in the Certification. The Auditor shall place the total amount certified on the tax duplicate for the property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected, and upon collection, shall be disbursed to the General Fund of the Town.

(I) The Town may also, at its discretion, bring an action in a Court of competent jurisdiction in a State Court in Lake County, Indiana, to collect the amount of the expense incurred in subsection (C), plus any additional costs incurred in the collection, including Court costs and reasonable attorney's fees. In the event that the Town obtains a judgment under this subsection, the Town may obtain a lien in the amount of the judgment on any real or personal property of the owner of record."

(J) Any violation of this Chapter is subject to the penalties as established by § 93.99 of the Town Code, as amended from time to time.

§ 93.27 PROPERTY OWNER'S RIGHT TO APPEAL.

(A) Upon receipt of a notice to abate bill for abatement, the property owner or occupant served, or his duly authorized representative, may notify the town of any objection to the notice to abate or bill. This correspondence shall be in writing to the Town Administrator, and shall specify the street address, legal description of real property involved, and reason for objection to the notice to abate or bill. Any such correspondence must be received by the town within the amount of time set out in the notice to abate or bill.

(B) Upon receipt of such correspondence, the inspector or authorized representative shall provide copies to the Town Administrator, who shall cause the objection to be investigated. No further action shall be pursued against that property owner or occupant to abate the environmental public nuisance or pay the bill for abatement until resolution of the objection thereto. The Town Administrator shall notify the landowner of the final decision on the objection, and the decision of the Town Administrator shall be final.

§ 93.28 ADOPTION OF STATE LAW BY REFERENCE.

It is the express intent of this subchapter and these regulations, as amended from time to time, to adopt the provisions of I.C. § 36-7-10.1-1 et seq., as amended from time to time.

SECTION TWO: That those Sections of Chapter 93, entitled "NUISANCES," of TITLE IX of the Town Code, from Section 93.20 through and including Section 93.28, as amended from time to time, which have not been amended or revoked by the terms and provisions of this Amendment to the Town Code, are hereby ratified and reaffirmed.

SECTION THREE: That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby specifically repealed, and declared to be null, void, and of no legal effect.

SECTION FOUR: That if any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

SECTION FIVE: That this Ordinance shall take effect, and be in full force and effect, from and after its passage and adoption by the Town Council of the Town of Cedar Lake, Lake County, Indiana, and publication in conformance with applicable law.

(Signature page follows.)

ALL OF WHICH IS PASSED AND ADOPTED THIS _____ DAY OF _____,
2020, BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY,
INDIANA.

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

Randell C. Niemeyer, President

Julie A. Rivera, Vice-President

Robert H. Carnahan, Member

John C. Foreman, Member

Colleen Schieben, Member

Ralph Miller, Member

Richard Sharpe, Member

ATTEST:

Jennifer N. Sandberg, IAMC
Clerk-Treasurer

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

RESOLUTION NO: _____

A RESOLUTION ESTABLISHING THE BASIS UPON WHICH THE TOWN OF CEDAR LAKE SHALL PARTICIPATE IN THE Y2021 CEDAR LAKE SUMMERFEST EVENT, AND ALL MATTERS RELATED THERETO.

WHEREAS, the Town of Cedar Lake, Lake County, Indiana (hereinafter, the “TOWN”), and Cedar Lake Summerfest Committee, Inc., (hereinafter “SUMMERFEST”), have annually entered into an Agreement for the operating management and conduct by SUMMERFEST of the yearly Cedar Lake Summerfest Event in the TOWN; and

WHEREAS, the Public Health Emergency of 2020, commencing in early March 2020, has resulted in issuance of numerous Executive Orders by the Governor of the State of Indiana intended to address and be responsive to the circumstances of the World, Country and State-wide pandemic resulting from the spread of COVID-19 Virus; and

WHEREAS, the Town Council of the TOWN and the SUMMERFEST Committee have conferred and agree that the scheduling and conduct of the Y2020 Cedar Lake Summerfest Event, under these known and highly publicized circumstances, as well as the Executive Orders of the Governor of the State of Indiana restricting gatherings of large numbers of persons which is described to be needed to mitigate spread of the Coronavirus known as COVID-19, is appropriate, advisable, and in the best interests of all individuals involved, in any way, in this Community Event, and

WHEREAS, the TOWN and SUMMERFEST seek and intend hereby to establish, clarify and make public the relationship between the TOWN and SUMMERFEST for the operation, management and conduct by SUMMERFEST of the Y2021 Summerfest Event, as a consequence of cancellation of the Y2020 Cedar Lake Summerfest Event.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION ONE: The Y2020 Cedar Lake SUMMERFEST EVENT is hereby officially cancelled due to the circumstances set forth above, and concurring agreement of the Town Council of the TOWN and Committee of SUMMERFEST.

SECTION TWO: The TOWN, by its Resolution, concurs and agrees that the Agreement with SUMMERFEST for the Y2020 Cedar Lake Summerfest Event shall be for the Y2021 Summerfest Event. The Y2021 Summerfest Event is approved to be conducted by this Agreement and Resolution, based on the terms set forth hereinafter, and will permit SUMMERFEST to contract for its appropriate Y2021 Summerfest Event.

SECTION THREE: The TOWN shall furnish the exclusive use of the TOWN Complex Grounds, hereafter “Complex”, located at Constitution Avenue and Morse Street, Cedar Lake,

Indiana, for the operation, management and conduct of the Y2021 Cedar Lake Summerfest Event, to be held on July 2, 2021, through and including July 5, 2021, and to provide SUMMERFEST exclusive rights to the scheduling of activities at the TOWN complex during the dates of June 26, 2021 through July 10, 2021, inclusive, in consideration of payment by SUMMERFEST to the TOWN of Four Thousand Dollars (\$4,000.00), representing payment of the amount of One Thousand Dollars (\$1,000.00) for each day of said event, and as good and valuable consideration, as set forth hereinafter. SUMMERFEST will minimally provide Fire Works during the event on at least two (2) nights of the event, namely, July 2, 2021 and July 3, 2021.

In Addition to the foregoing, the TOWN shall furnish the fireworks barge structure (hereinafter the “barge”) for use by SUMMERFEST for the fireworks celebration activities to be conducted in the Y2021 Cedar Lake Summerfest Event. It is acknowledged that such barge is owned by the TOWN, but is provided and furnished to SUMMERFEST for the fireworks activities to be provided pursuant to the terms of this Agreement. The TOWN will make said barge available to SUMMERFEST for the fireworks activities to be provided, acknowledging that the TOWN will store same when not in use, and also insure said barge. The TOWN shall additionally provide its VIPs Building and Garage during the terms hereof to SUMMERFEST for its use during the aforesaid event period. SUMMERFEST shall maintain the barge and preserve the barge in condition acceptable and approved by appropriate jurisdictional authorities for such fireworks activities use.

SECTION FOUR: The TOWN shall provide water, sewer and electrical utilities at the TOWN Complex during the aforementioned dates, along with the cooperative assistance of the Cedar Lake Department of Public Works in the preparation and cleanup prior to and following the Y2021 Cedar Lake Summerfest Event. The Department of Public Works assistance shall be in the sole determination of the duly designated Town Official. The TOWN hereby grants permission to SUMMERFEST to make necessary repairs and/or alterations to the in-ground electrical system at the expense of SUMMERFEST, provided such is done in conformance with all applicable codes and regulations, and with lawful permitting and inspections.

SECTION FIVE: SUMMERFEST is hereby permitted and authorized to charge a reasonable fee for automobile parking, and to retain all fees collected to defray the costs of conducting the Y2021 Cedar Lake Summerfest Event.

SECTION SIX: The TOWN shall provide certain office services, at its sole determination, such as photocopying, telephone, secretarial services, and the like, to SUMMERFEST. This provision shall not include the purchase of any materials specifically or solely for the use of SUMMERFEST in the conduct of the Event. SUMMERFEST shall provide its own envelopes, copy paper and stamps/postage.

SECTION SEVEN: The TOWN will provide and maintain security during the Y2021 Cedar Lake Summerfest Event with the Town Metropolitan Police Department and Emergency Management Agency personnel. The level and amount of security to be provided shall be in the sole determination of the Chief of Police.

SECTION EIGHT: The TOWN , through Town Council approval hereby, shall permit the establishment and operation of a beer garden on the Town Complex for the Y2021 Cedar Lake Summerfest Event by SUMMERFEST, or its designate; provided, however, that the beer garden conforms to all applicable TOWN and State of Indiana rules, regulations, Ordinances and Laws, and further provided that the beer garden is operated under valid license issued and approved by the Indiana Alcoholic Beverage Commission. Subject to the express terms and provisions hereinafter SUMMERFEST shall provide a Certificate of Insurance naming the TOWN and SUMMERFEST as insured or additional insured, as acceptable to the TOWN and SUMMERFEST, in an amount not less than \$1,000,000.00 per incident/occurrence, and not less than the amount of \$2,000,000.00 in the aggregate for the beer garden. SUMMERFEST shall provide the types, form and amount of insurance coverage which are enumerated and listed on Exhibit A, which is attached and incorporated herein by reference, and which is approved by the TOWN before the establishment and operation of a beer garden on the TOWN Municipal Complex for the Y2021 Cedar Lake Summerfest Event commences. It is understood that a generous portion of the profits, if any, for this activity at the Event will be utilized to defray and pay the expense of the annual fireworks display.

SECTION NINE: SUMMERFEST shall not make any purchase on behalf of or in the name of the Town of Cedar Lake, Lake County, Indiana.

SECTION TEN: SUMMERFEST shall pay the amount of \$1,000.00 for its per diem payment consideration at least thirty (30) days before the event, or before June 2, 2021, and the remainder of \$3,000.00 within thirty (30) days of completion of the event, or on or before August 4, 2021. SUMMERFEST shall further provide the TOWN with a complete financial statement of the Y2021 Cedar Lake Summerfest Event within ninety (90) days of the completion of the event, or on or before October 3, 2021. Further, all records, contracts, receipts, and the like, shall be made available to the TOWN for examination upon request. All funds, receipts, donations, etc., will be handled and accounted for by SUMMERFEST.

SECTION ELEVEN: SUMMERFEST, and all Officers, Agents, Servants, Employees, Volunteers, Representatives, Attorneys, Sub-Contractors, Vendors, and all affiliated entities or individuals, for, with, and on behalf of SUMMERFEST, hereby agree to abide by all rules, regulations and terms of the TOWN for the operation, management and conduct of the Y2021 Cedar Lake Summerfest Event to be held on the dates aforesaid, as such are amended from time to time. SUMMERFEST further agrees to abide by all TOWN , County, State and Federal rules, regulations, Ordinances, Codes and laws that may be applicable.

SECTION TWELVE:

- A. SUMMERFEST shall provide to the TOWN a Certificate of Insurance naming jointly the amusement ride company under contract with SUMMERFEST and the TOWN, or a Certificate of Insurance whereby the TOWN shall be an additionally or jointly named insured as is acceptable to the TOWN; further, the Certificate of Insurance shall provide verified coverage in the amount of not less than \$1,000,000.00 per incident/occurrence, and not less than the amount of \$2,000,000.00 in the aggregate. SUMMERFEST shall

provide the types, form and amount of insurance coverage which are enumerate and listed on Exhibit A, which is attached hereto and incorporated herein by reference, and which is approved by the TOWN before the establishment and operation of amusement ride activities and operation on the Town Municipal Complex for the Y2021 Cedar Lake Summerfest Event commences.

B. Additionally, the fireworks display company contracted for the fireworks events shall provide a Certificate of Insurance naming the TOWN and SUMMERFEST, as insureds or additional insureds, as acceptable to the TOWN and SUMMERFEST, in an amount not less than \$1,000,000.00 per incident/occurrence, and not less than the amount of \$2,000,000.00 in the aggregate for the fireworks display. SUMMERFEST shall provide the types, form and amount of insurance coverage which are enumerated and listed on Exhibit A, which is attached and incorporated herein by reference, and which is approved by the TOWN before the establishment and conduct of fireworks activities on the Town Municipal Complex for the Y2021 Cedar Lake Summerfest Event commences.

C. Additionally, SUMMERFEST shall provide to the TOWN a Certificate of Insurance for its conduct and operation of the Y2021 Cedar Lake Summerfest Event, naming the TOWN as insureds or additional insureds, as acceptable to the TOWN, in an amount not less than \$1,000,000.00 per incident/occurrence, and not less than the amount of \$2,000,000.00 in the aggregate for all required coverages. SUMMERFEST shall provide the types, form and amount of insurance coverages which are enumerated and listed on Exhibit A, which is attached hereto and incorporated herein by reference, and which are approved by the TOWN before the Y2021 Cedar Lake Summerfest Event commences and is conducted. It is contemplated that such coverages shall include, but are not necessarily limited to, Commercial, General, Liability, Auto, Umbrella, Workers Compensation, and all other applicable coverages. Certificates of Insurance shall be provided as proof of compliance with provision of insurance coverages in a timely fashion, and no later than June 1, 2021, for the Y2021 Cedar Lake Summerfest Event.

SECTION THIRTEEN: In consideration for being approved to conduct the Y2021 Cedar Lake Summerfest Event, SUMMERFEST, and all Officers, Agents, Servants, Employees, Volunteers, Representative, Attorneys Sub-Contractors, Vendors, and all affiliated entities or individuals, for, with, and on behalf of SUMMERFEST, hereby release, waive, discharge and covenant not to sue the TOWN, as well as any of its Officers, Agents, Servants, Representatives, Estates, Officials, or Attorneys, whether Elected or Appointed, or any Employees (hereinafter the "Releasees"), from any loss, damage, claim, or injury, including death, personal injury and property damage, and all other claims, acts and expenses, including reasonable attorney fees and costs, whether caused by the negligence of the Releasees, or otherwise, which may occur or be sustained as a result of the SUMMERFEST operation, management and conduct of the Y2021 Cedar Lake Summerfest Event on the Town Complex premises where the Y2021 Cedar Lake

Summerfest Event is being conducted. SUMMERFEST further agrees to indemnify and hold harmless the Releasees from any loss, liability, damage or costs, including court costs and attorney fees that may be incurred due to the operation, management and conduct of the Y2021 Cedar Lake Summerfest Event, in any respect.

SECTION FOURTEEN: It is recognized that the Members, Directors, Representatives and Volunteers working with SUMMERFEST on the Y2021 Cedar Lake Summerfest Event are Volunteers providing their time, energy and community services for the benefit of all residents of the Town of Cedar Lake and invitees to the Town for the Y2021 Cedar Lake Summerfest Event.

SECTION FIFTEEN: Notwithstanding all of the foregoing in this Y2021 Cedar Lake Summerfest Event Resolution, all terms, conditions and requirements set forth herein are subject to continuing review and assessment for the conditions and circumstances of the aforementioned declared Public Health Emergency due to the COVID-19 Coronavirus Pandemic, and all related consequential circumstances. As a consequence, all requirements and provisions herein for the Y2021 Cedar Lake Summerfest Event are subject to revision, modification, alteration and amendment at any time, related to the event and public safety. This term of Agreement relates to all provisions of this Resolution/ Agreement, including operational terms. Further, this term relates to the surety, indemnification and insurance terms herein, including types, coverages, amounts and all other aspects of the required insurance and surety required. These determinations will be made by the Town Council of the TOWN, as it deems appropriate and necessary under the circumstances at that time.

SECTION SIXTEEN: The TOWN will maintain adequate insurance coverage under applicable law for the events to be conducted in the Y2021 Cedar Lake Summerfest Event.

SECTION SEVENTEEN: This Resolution shall take effect, and be in full force and effect, from and after passage and approval by the Town Council of the Town of Cedar Lake, Lake County, Indiana, in conformance with applicable law.

ALL OF WHICH IS PASSED AND RESOLVED THIS ____ DAY OF _____, 2020, BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA.

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

Randell C. Niemeyer, President

Julia A. Rivera, Vice-President

Robert H. Carnahan, Member

John C. Foreman, Member

Colleen Schieben, Member

Ralph Miller, Member

Richard Sharpe, Member

ATTEST:

Jennifer N. Sandberg, IAMC,
Clerk-Treasurer

**ALL OF WHICH IS APPROVED BY THE DULY AUTHORIZED CEDAR LAKE
SUMMERFEST COMMITTEE INC., BOARD OF DIRECTORS THIS ____ DAY OF
_____, 2020.**

CEDAR LAKE SUMMERFEST COMMITTEE
INC. BOARD OF DIRECTORS

President

Vice-President

ATTEST:

Secretary

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

CERTIFICATION

TO: CEDAR LAKE TOWN COUNCIL MEMBERS
TOWN OF CEDAR LAKE
LAKE COUNTY, INDIANA

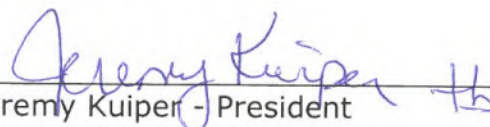
Pursuant to the requirements of applicable law, the Board of Zoning Appeals of the Town of Cedar Lake, Lake County, Indiana, by its duly designated representative, CERTIFIES the application of **James C. Thorn and Pamela J. Thorn, Owners, and Jeremy A. Larson, Petitioner**, for a **Special Use Variance** being sought from Zoning Ordinance No. 496, Title XII-Neighborhood Business (B-1) Zoning District for the property located at 14101 Lauerman St., Cedar Lake, IN 46303, Lake County, Indiana, and which is legally described as:

Noble Oaks Park BL.2 Lots 1 to 4 & BL.3 Lots 1,2,3 & Pt. of Vac. Noble Oaks Blvd.,

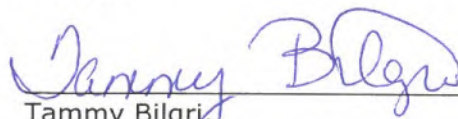
and certifies a **Favorable Recommendation** to the Town Council for the requested **Special Use Variance** to allow the Petitioner: Jeremy A. Larson to operate Full Service Garage LLC an automobile repair center a B-3 use in a B-1 Zoning District, with the following conditions of recommendation, namely: 1. No more then ten (10) vehicles will be parked outside overnight. 2. No heavy equipment will be parked on the property overnight. 3. The interior heating stack shall be extended for elimination of off-site odors satisfactorily to the Town Building Department. 4. The Hours of Operation will not exceed Monday-Friday 8:00 a.m. to 5:00 p.m., and Saturday, by appointment only and no later than 1:00 p.m.

By a vote of **5** in favor and **0** against, upon motion duly made and seconded, at the public meeting held on May 14, 2020.

TOWN OF CEDAR LAKE,
LAKE COUNTY, INDIANA,
BOARD OF ZONING APPEALS

By: 
Jeremy Kuiper - President

ATTEST:


Tammy Bilgri
Recording Secretary



STATE OF INDIANA

Eric J. Holcomb
Governor

OFFICE OF MANAGEMENT & BUDGET

215 State House
Indianapolis, Indiana 46204-2796
317-232-5610

Cristopher R. Johnston
Director

May 14, 2020

Dear Municipal Chief Executive Officer:

The State of Indiana has received a direct distribution of Coronavirus Relief Funds (CRF) from the United States Treasury that may be used for the limited purposes set forth in section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). As recently announced by Governor Holcomb, \$300,000,000 of these funds will be made available to reimburse certain expenses incurred by Indiana political subdivisions. The funds have been allocated to counties, cities and towns based upon population. Townships seeking reimbursement for eligible COVID-19 expenses should coordinate with their county government. Other political subdivisions should coordinate with their enabling body. School corporations are not eligible for participation in this program. Funding and allocations may be adjusted based upon need.

The Indiana Finance Authority (IFA) has been asked to develop a program to enable eligible (CARES Act) expenditures to quickly be reimbursed. Please go to the IFA web site <https://www.in.gov/ifa/> for additional information as to eligible expenses, the amount allocated to each county and municipality, and to obtain the required documents needed for reimbursement. Questions may be submitted to COVID-19@ifa.in.gov.

Initial guidance from the federal government requires that each state may only reimburse expenditures directly related to addressing the COVID-19 pandemic. The federal guidance provides examples of eligible expenses that include payroll expenses resulting from non-budgeted staffing levels, cleaning or disinfection supplies, medical supplies, personal protection equipment, and testing. A more detailed list of eligible expenses in which the State would like to prioritize can be found on the IFA's web site. Please note: THE CRF FUNDS MAY NOT BE USED TO OFFSET LOST REVENUES.

The CARES Act provides that the Inspector General of the United States Department of Treasury shall conduct monitoring and oversight as to the appropriate use of all funds and each state shall be responsible for the appropriate use of all funds, including those disbursed to or on behalf of Indiana political subdivisions. Therefore, the IFA will be asked to implement a strict set of guidelines as to the use of CRF funds and the requirement that each request for reimbursement be supported by appropriate invoices and/or other clear documentation as to their use of funds. Requesting reimbursement for expenses prioritized by the State and set forth in the IFA guidance will limit required third party review and expedite your community's request for reimbursement.

If your community elects to participate in this program, your chief executive must sign and return the Coronavirus Relief Fund Acceptance Certification which can be found on the IFA's website.

Sincerely,

Cristopher R. Johnston

CORONAVIRUS RELIEF FUND ACCEPTANCE CERTIFICATION

I, _____, certify that I am the chief executive officer (Chief Executive) of _____, Indiana (Participant) and, on behalf of the Participant, I hereby certify, represent, warrant and agree that:

1. I have the authority to bind the Participant by this certification and to make each related request seeking direct payment and/or reimbursement (each a CARES Act Request whether now or hereafter requested) from the Coronavirus Relief Fund Program (CRF Program) created by the State of Indiana as managed by the Indiana Finance Authority (Finance Authority); and
2. All CRF Program funds (and each CARES Act Request) are subject to section 601(a) of the Social Security Act, as added by Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act); and
3. The State of Indiana and the Finance Authority are authorized to rely upon this certification as a material representation made by the Participant (and by me, as the Chief Executive Officer of the Participant) in connection with each CARES Act Request; and
4. Each CARES Act Request meets the CARES Act qualifications and requirements including but not limited to that:
 - a. All expense payment and reimbursement requests only qualify if: (i) necessary expenditures directly incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); (ii) such are not being accounted for in the budget most recently approved as of March 27, 2020, for the Participant; and (iii) having been incurred during the period that begins March 1, 2020 and ends on December 30, 2020; and
 - b. Each CARES Act Request adheres to federal guidance issued or to be issued on what constitutes a necessary expenditure; and
 - c. Each CARES Act Request is submitted with appropriate documentation, including payroll records, invoices, sales receipts, etc.; and
 - d. CRF Program funds as made available by any CARES Act Request are not used as a revenue replacement for lower than expected tax or other revenue collections; and
 - e. CRF Program funds as made available by any CARES Act Request are not used to reimburse or pay expenditures for which any other emergency COVID-19 supplemental funding (whether state, federal or private in nature) was received for the same expense.
5. Failure of any CARES Act Request to meet any CARES Act qualifications and requirements (or if there is any misrepresentation made by the Participant related to this certification) shall require, upon any request of the Finance Authority, that the Participant repay to the State of Indiana the related CRF Program funds.

6. To the extent that any CARES Act Request submitted by the Participant seeks to pay or reimburse any COVID-19 related expenses incurred by another political subdivision located within the same jurisdiction as the Participant, by this certification, the Participant is making the same certifications, representations, warranties and agreements as set forth above in regards to such a CARES Act Request and for which the Participant shall be fully and legally responsible.

I certify under the penalties of perjury, subject to IC 35-44.1-2-1, that I have read the above certification and my statements contained herein are true and correct to the best of my knowledge.

[Print Participant Name here]

By: _____

Signature: _____

Title: _____

Date: _____

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____, known to me to be the [Title = Chief Executive Officer] of [Participant's Name], and I acknowledge the execution of the foregoing.

Witness my hand and Notarial Seal this ____ day of May, 2020.

My Commission Expires:

Notary Public Residing in _____ County,
Indiana

(Printed Signature)

[IN ORDER TO HAVE ANY COVID-19 RELATED EXPENSES REIMBURSED, THIS FULLY EXECUTED AND NOTARIZED CORONAVIRUS RELIEF FUND ACCEPTANCE CERTIFICATION MUST BE E-MAILED AND SENT VIA U.S. MAIL TO THE FOLLOWING ADDRESS]

E-mail Address: covid-19@iffa.in.gov

U.S. Mail: Indiana Finance Authority
One North Capitol, STE 900
Indianapolis, IN 46204
Attention: Coronavirus Relief Fund Program Administrator

Coronavirus Relief Fund Reimbursement Request Form

County, City or Town Contact Information ("Participant")									
Name:									
DUNS #:						Request Number:		Federal Congressional District:	
Mailing Address:									
City:				State:		IN		ZIP Code:	
Contact Person:					Contact Phone Number:				
Authorized Representative (Chief Executive of Participant)					Authorized Representative Phone Number:				
If requesting reimbursement to the Participant by wire transfer please provide the following information:									
Bank Name:					Bank Routing				
Account Name:					Account Number:				
Eligible Coronavirus Relief Fund Expenditure Information									
Description of funding request in compliance with CARES Act:									
Using the attached "Designated Expense Items That May Be Reimbursed by CARES ACT Funding" sheet, please <u>list</u> to the right which of numbers 1 through 6 corresponds to the "Designated Expense Items" that you are seeking to pay or reimburse under this request. If this request is for a number 6 "Designated Expense Item" that you represent is eligible, please note that such a request will be subject to additional process and timelines.								Designated Item Nos: _____	
Is this claim a necessary expenditure incurred due to the public health emergency with respect to COVID-19?								<input type="checkbox"/> YES <input type="checkbox"/> NO	
Were expenditures for which you are requesting reimbursement not accounted for in the budget most recently approved for your political subdivision on or before March 27, 2020?								<input type="checkbox"/> YES <input type="checkbox"/> NO	
Are the dates of the expenditures for which you are requesting reimbursement during the period that begins March 1, 2020 and ends on December 30, 2020?								<input type="checkbox"/> YES <input type="checkbox"/> NO	
If yes is marked, this request is representing that <u>all</u> listed expenditures have already been paid by the Participant and it is only seeking a reimbursement under this request. If no is marked, then also designate below the unpaid amount(s) and the party or parties to whom payment(s) will be directly made under this request.								<input type="checkbox"/> YES <input type="checkbox"/> NO	
Has any part of this expense been reimbursed by insurance, legal settlement, or any other emergency COVID-19 supplemental funding (whether state, federal or private in nature)?								<input type="checkbox"/> YES <input type="checkbox"/> NO	
Eligible Coronavirus Relief Fund Amount Requested:									
Total Amount allocated to Participant by State						\$			
Total Amount of Previous Requests:						\$			
Balance Available After this Request:						\$			
Amount to be paid directly to a party other than the Participant pursuant to this Request						\$			
Amount to be paid to the Participant as Reimbursement pursuant to this Request						\$			
Payee Name:					DUNS #:				
Mailing address:									
City:				State:				ZIP Code:	
Wiring Information:									
Bank Name:					Bank Routing Number:				
Account Name:					Account Number:				
Total Amount of this Request:						\$			
The undersigned hereby certifies under penalties of perjury that this request for reimbursement from the Coronavirus Relief Fund is true and accurate and qualifies with all conditions of section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Relief and Economic Security "CARES" ACT and the Coronavirus Relief Fund Acceptance Certification I previously signed and submitted to the Indiana Finance Authority.									
Authorized Representative Signature:						Date:			
For Internal Use Only:									
Approved By:				Date:				\$	
								\$	

Please return this Reimbursement Request and all supporting documentation to the Indiana Finance Authority

Via E-mail: COVID-19@ifa.in.gov

Via Regular Mail: Indiana Finance Authority, One North Capitol, STE 900, Indianapolis, IN 46204

Attention: Coronavirus Relief Fund Program Administrator

Designated Expense Items That May Be Reimbursed by CARES ACT Funding

1. Medical expenses such as:
 - a. COVID-19 related expenses of public hospitals, clinics, and similar facilities.
 - b. Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - c. Costs of providing COVID-19 testing, including serological testing.
 - d. Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - e. Expenses for establishing and operating public telemedicine capabilities for COVID-19 related treatment.
2. Public health expenses such as:
 - a. Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - b. Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - c. Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to COVID-19 public health emergency.
 - d. Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19 related threats to public health and safety.
 - e. Expenses for public safety measures undertaken in response to COVID-19.
 - f. Expenses for quarantining individuals.
3. Unforeseen payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Overtime hours associated with these types of expenses will be prioritized for reimbursement.
 - a. Verification needed of overtime hours worked and associated cost (e.g. payroll system report).
 - b. Verification needed of other related expenses, if any.
 - c. Detailed description of duties performed and how they are related to COVID-19.
 - d. Public health and public safety payroll expenses may not be presumed eligible. Reimbursement of such expenses is limited to employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses of actions to facilitate compliance with COVID-19 related public health measures, such as:
 - a. Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - b. Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - c. Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
 - d. Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions are not eligible for reimbursement.
 - e. COVID-19 related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - f. Expenses for care for homeless populations provided to mitigate COVID -19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support to non-governmental entities or persons in connection with the COVID-19 public health emergency are not reimbursable except such expenses that are associated with the provision of economic support to small businesses in connection with the COVID-19 public health emergency and shall be limited to only the costs of personal protective equipment.
6. Any other COVID-19 related expenses reasonably necessary to the function of government that satisfy the CARES ACT Fund's eligibility criteria.
 - a. Specific details and invoice documentation will be required.
 - b. Costs (payroll or any other expense) that were accounted for in the budget most recently approved as of march 27, 2020 and are used for a substantially different use from what was originally anticipated in such a line item, allotment, or allocation are not eligible for reimbursement.

Coronavirus Relief Fund Reimbursement Request Form

Directions for Use

I. Contact Information

- a. Please include name of the County or Municipality. If reimbursement request is for expenses attributed to an underlying municipality, please include that Municipality's name in (parentheses) on the right side of the reimbursement request form.
- b. Address: Please include the address where reimbursement checks should be mailed (if requesting a check vs. wire).
- c. DUNs #: Please include your community's DUNs # if one is available. If your community does not have a DUNs #, please complete the form by stating "Not Available."
- d. Request Number: Requests for reimbursement can be made by completing multiple request forms and it is preferred that each request be limited to one "category (see below)" of the type of request you are making for tracking purposes. Please keep track of requests from your community and number them sequentially (1...2...3...etc.).
- e. Federal Congressional District. Please include which Congressional District in which your community is located (e.g. 1st, 2nd ... 9th). If you are uncertain as to the number of your Congressional District, please list your federal Representative's name. If your community falls within multiple Congressional Districts, please list the number that represents the largest percentage of your population.
- f. Authorized Representative vs. Contact Person.
 - i. The Authorized Representative should be the chief executive officer of the primary applicant, authorized to make all reimbursement requests. (e.g. County, City or Town). There will be no need to supply contact information for an underlying municipality.
 - ii. The Contact Person should be the individual the Indiana Finance Authority can contact with questions related to the reimbursement request and / or supporting documentation.

II. Eligible Coronavirus Relief Fund Expenditure Information.

- a. Please provide a brief narrative description of the reimbursement being requested.
- b. Identifying the specific category of expense and making requests for reimbursement associated with categories listed as 1 through 5 on the attachment to the reimbursement request form will expedite your reimbursement processing.
- c. Expenses for which you are requesting reimbursement must have been incurred and paid between March 27, 2020 and December 31, 2020.

III. Eligible Coronavirus Relief Fund Amount Requested.

- a. The first line, "Eligible Coronavirus Relief Fund Amount Requested," should reflect the total amount allocated to your community by the State's Office of management and Budget. This amount can also be found in the appropriate Tab on the Finance Authority's web site.

- IV. Participant reimbursement.
- a. The Finance Authority will reimburse the Participant directly for the full amount requested and anticipates the Participant has or will make appropriate payment to a contractor / vendor/ third party (if applicable).
- V. Required Documentation that will need to be submitted to the Finance Authority.
- a. Invoices, payroll records (with all personal information properly redacted) and other supporting documentation are required to be submitted with your reimbursement request. Requests without proper documentation will be returned unpaid.
 - b. Invoices submitted will need to total to an amount that will meet and/or may exceed the amount of reimbursement requested.
- VI. Where & How to submit your completed Reimbursement Request.
- a. You may scan and e-mail the reimbursement request and all supporting documentation to COVID-19@ifa.in.gov.
 - b. Alternatively, you may submit your reimbursement request and all supporting documentation to:
Indiana Finance Authority
One North Capitol, STE 900
Indianapolis, IN 46204
Attention Coronavirus Relief Fund Program Administrator
- VII. Questions: Please address all Questions via email to COVID-19@IFA.in.gov

CEDAR LAKE, INDIANA RE-OPENING PLAN 2020

According to the Indiana Governor's Executive Order on May 1, 2020, all Hoosier employers shall develop a plan to implement measures and institute safeguards to ensure a safe environment for their employees, customers, clients, and members. The plan shall be provided to each employee or staff and posted publicly. This plan is designed to apply to the town staff and members of the public entering the building to do business with town staff. The Clerk Treasurer's Office may choose to also adopt it. The Police Department and Fire Department should consult their department's guidelines for public safety. The plan shall address, at a minimum, the following points:

All Employees:

Employee Screening:

- You should not come to work if sick. If sick, please stay home until free of fever for 72 hours, symptoms have improved over 72 hours, and at least 7 days have passed since symptoms began.
 - If you have symptoms associated with COVID-19 you should contact your health care provider and follow his/ her recommendations.
 - Employees should inform their supervisor immediately if they have been in contact with an individual who is COVID-19 positive or has symptoms of COVID-19.
 - Employees must check their temperatures and do a self-assessment **before** reporting to work every day. Employees are expected to take their temperature and ensure they are within their normal range. Once employees arrive to work, you will be required to acknowledge you took your temperature and it was less than 100 Degrees Fahrenheit. If you have a temperature more than 100 Degrees Fahrenheit, stay home and contact your supervisor. Employees may also have on-site temperature checks.
 - Any symptoms should be reported to your supervisor, who can then advise if you should come to work. Symptoms include:
 - Cough
 - Shortness of breath
 - Or two of the following: Fever, Chills, Repeated shaking with chills, Muscle pain, Headache, Sore Throat and New loss of taste or smell
- If you experience symptoms while at work, notify your supervisor immediately.
- Employees who develop symptoms while at work should leave the worksite immediately, provided you are not leaving unsafe conditions due to the nature of your work. Contact your supervisor as soon as possible.
 - If leaving immediately is not possible, the employee should be isolated in a separate room from the rest of the staff. The room should be one not frequently used by staff. Example: at town hall it would be the council chambers.
 - Flexible accommodations will be made available for high risk individuals, if requested. High risk individuals include people age 65 and older and people with underlying conditions such as: Asthma, Chronic lung disease, Diabetes, Serious heart conditions, Severe Obesity, Immunocompromised and Lung disease.
 - Employees who have children whose day cares or schools have been closed due to COVID-19 should talk to their supervisors about alternative work accommodations if needed.

Remote Work Practices:

- Where practical, all business interactions, meetings, consultations etc. with individuals, suppliers, customers or employees working remotely, should be accomplished using virtual methods such as telephone, teleconference, videoconference or other remote communication technology.
- Under discretion of your supervisor and/or clerk treasurer, clerical employees may have the option to work from home to accomplish agreed-upon work activities that can be reasonably and efficiently accomplished home.
- Employees who work from home will maintain regular communication with their supervisor and prioritize work activities during normal business hours including maintaining a work log.

All Employees shall comply with social distancing requirements, including but not limited to:

- Maintaining six-foot social distancing for both employees and members of the general public whenever possible and using a mask when you can't avoid it.
- Employing other separation measures such as using barriers, driving to work sites in separate vehicles, moving desks apart, and other physical measures to create distance.
- Floor markers, may be used as positional reference to designate for adequate social distancing between employee work-stations.
- When feasible, staggered timing of work tasks or work hours will be implemented to maximize social distance between employees performing sequential work tasks in a process.

Enhance Cleaning Standards for Break Room, restrooms, all door handles and high-touch surfaces:

- Each department will set enhanced cleaning and disinfecting protocols for the workplace.
- Set a schedule or delegate in each shift for regularly cleaning high-touch surfaces.
- Frequently make sure you, your employees, customers and clients wash hands.
- Take precautions with extra personal hygiene measures such as using hand sanitizer frequently.

Town Operations

The following plan takes into consideration Governor Holcomb's Executive Order 20-26, recommendations from the Centers for Disease Control and Prevention, and Guidance on Preparing Workplaces for CoVid-19 from OSHA. It also takes into consideration underlying health conditions of employees in various offices. This plan is subject to change should circumstances surrounding the Pandemic warrant it.

Town Administration, Building & Planning, Clerical & Clerk-Treasurer**Stage 1 to May 10th**

- Town facilities closed to the public.
- Employees working every other day remotely.
- Office staff may be staggered in shifts
- Payments or documents through the drop box or mail only. No in person contact.
- Utilization of no contact box.

Stage 2: May 11th – May 23rd

- Employees return to office, but may work remotely as directed.
- The office will remain closed to the public. Delivery or pickup of items by appointment only.
- Payments or documents through the drop box or mail only. No in person contact.

- Utilization of no contact box.
- Employee shifts may be staggered to reduce potential exposure. Efforts to staff the office during regular office hours of 8am-5pm, Monday-Friday will be made to provide assistance to the public via telephone & email.
- A partition has been installed and work stations have been spaced to meet social distancing guidelines.
- Employees are discouraged from using other worker's phones, desks, offices, or other work tools, and equipment whenever possible.
- Employees are expected to maintain regular housekeeping practices, including routine cleaning and disinfecting surfaces, equipment, and other elements of the work environment.

Stage 3: May 24th – June 13th

Stage 2 will continue with the following additions:

- Employees with high risk health conditions should adhere to social distancing guidelines and remain cautious at work and in the community.
- Employees are to work remotely as directed.
- The office will remain closed to the public. Beginning the week of May 24, 2020, in accordance with social distancing guidelines, from the hours of 8:15 am to 4:45 pm, a limit of two (2) customers will be allowed at any given time in the town hall with a limit of one (1) for utility/clerk office business and a limit of one (1) for building department business. Doors will continue to be locked and customers will be "buzzed" in. After each customer, all contact surfaces will be cleaned prior to another customer entering.
- All business shall be conducted through the glass partitions; at no time shall the sliding glass windows be open to the public.
- The building & planning department will be open for document drop off/pick up but applicants will still be able to submit by email, mail, drop box or no contact box. Appointments are always recommended for more complex construction plans but should be conducted with social distancing, face masks recommended.
- Employees are discouraged from using other worker's phones, desks, offices, or other work tools, and equipment whenever possible.
- Employees are expected to maintain regular housekeeping practices, including routine cleaning and disinfecting surfaces, equipment, and other elements of the work environment.

Stage 4: June 14th – July 3rd

- The office will remain closed to the public. In accordance with social distancing guidelines, a limit of two (2) customers will be allowed at any given time with a limit of one (1) for utility/clerk office business and a limit of one (1) for building department business. Doors will continue to be locked and customers will be "buzzed" in. After each customer, all contact surfaces will be cleaned prior to another customer entering.

Stage 5: July 4th and Beyond

- The office will open to the public for normal operations encouraging social distancing.

During all Stages:

- Employees are encouraged to self-monitor for signs and symptoms of COVID-19 daily. If symptomatic, stay home, contact a health professional and notify their supervisor.
- Employees, customers, and workplace visitors are expected to practice good hygiene and infection control practices (face coverings optional), frequent and thorough hand washing and sanitizing, cough etiquette, social distancing.
- Employees with high risk health conditions should adhere to social distancing guidelines and remain cautious at work and in the community.
- A partition has been installed and work stations have been spaced to meet social distancing guidelines. Floor markings may be used.
- Employees are discouraged from using other worker's phones, desks, offices, or other work tools, and equipment whenever possible.
- Employees are expected to maintain regular housekeeping practices, including routine cleaning and disinfecting surfaces, equipment, and other elements of the work environment.
- The town administrator will stay informed regarding requirements, guidelines, and recommendations and will update this plan accordingly.

Clerk-Treasurer's office

Utility Bills

Payment options:

- US mail, Drop Box at Town Hall or Demotte State Bank in Cedar Lake. Payments should be securely sealed in an envelope. Cash payments are discouraged.
- Online – www.cedarlakein.org; by phone at (855) 246-9327 with a credit card, however, there is a processing fee;
- Sign up for Automatic Withdrawal – the form is available on the website or call the utility department at (219) 374-7000.

The Cedar Lake Town Council approved Resolution No. 1256 on April 21, 2020 which waived utility late fees and charges on the monthly utility billing cycles of March, April, May and June 2020. Utility shut-offs continue to be suspended per the Governor's executive orders.

Alarm Permits – by mail or drop box only will continue.

Dog Tags: By mail or drop box only, extend due date extension to May 29, 2020, after that cost increases per Town Code.

Conducting Meetings:

Town Council, Board & Commission, & meetings

Public Meetings will be held at their normally scheduled date and time unless otherwise posted; these meetings will continue to be held in compliance with the Indiana Governors Orders and Open Door Law. The meetings will be live streamed/broadcast with access via <https://cedarlakein.org/view-town-meetings/> with videoconferencing.

Public Access and opportunity for public comment will be on each meeting agenda. Town Hall meeting room public access will follow social gathering guidelines of no more than 10 people through May 10th; and on/or after May 11th no more than 25 people. Social distancing requirements will continue to be followed.

Meetings with less than 10 people may be held in person with social distancing and room sanitation before and after gathering. Teleconferencing will utilized for meetings regarding projects, staff meetings and others as needed. At-risk members are strongly encouraged to teleconference. If anyone is present, room sanitation will include: cleaning seats, tables, door handles and other surfaces will be conducted before and after gathering. Facemasks are expected, especially if participants cannot be 6' apart.

Stage 1

- Live Streaming and Teleconferencing will be utilized for all Town Council meetings, Board & Commissions, and for meetings regarding projects, staff meetings and others as needed. If anyone is present, room sanitation will include: cleaning seats, tables, door handles and other surfaces will be conducted before and after gathering. Meeting room limits set to no more than 10 people total with social distancing.

Stage 2 (beginning May 11th)

- Live Streaming and Teleconferencing will be utilized for all Town Council meetings, Board & Commissions, and for meetings regarding projects, staff meetings and others as needed. If anyone is present, room sanitation will include: cleaning seats, tables, door handles and other surfaces will be conducted before and after gathering. Meeting room limits set to no more than 25 people total provided social distancing can be met.

Stage 3 (beginning May 24)

- As per current Open Door Laws and Indiana Governor's orders, all voting members must be in attendance to vote. All public meetings will follow Open Door Laws. Face coverings should be utilized for any in-person meetings if social distancing of 6' cannot be maintained.
- Meetings of groups of 25 or more may meet in person but teleconferencing/video streaming will still be utilized for all Town Council meetings, Board & Commissions, and for meetings regarding projects, staff meetings and others as needed. Room sanitation will include: cleaning seats, tables, door handles and other surfaces will be conducted before and after gathering. Facemasks are expected, especially if participants cannot be 6' apart.
- Town Hall Meeting Room will be limited to no more than 50% capacity.

Stage 4 (beginning June 14)

- All public meetings will follow Open Door Laws. All meetings may be held in person with 6' social distancing and room sanitation before and after gathering. Face coverings are optional at this stage.

Stage 5 (beginning July 4)

- Resume to normal for all public meetings and open door with social distancing and PPE permitted. All public meetings will follow Open Door Laws.

Primary Election Day June 2, 2020:

Open Town Hall offices at 10 am on Wednesday, June 3, 2020 to allow for cleaning of the facility after the Primary Election.

Parades

The Town will follow the Indiana Governors Orders that there shall be no parades until Stage 5, which begins July 4, 2020 and beyond. Social distancing guidelines should be maintained. All parade coordinators are to complete an application with the Police Department per Town Code.

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 is closed. Playgrounds will tentatively open after Sunday, May 24, 2020. Public Restrooms on the town grounds will continue to be closed with a tentative re-opening on Sunday, May 24, 2020.

Park Programs

Future programming is being reviewed and assessed to develop a forward moving plan for the remainder of the year.

Clubhouse & Shelter rentals – public rental for town-owned facilities will tentatively begin July 1, 2020. Following State Guidelines:

Social gatherings in:

Stage 2 - May 11th – 23rd, 2020, are limited to no more than twenty-five (25) people; All clubhouse shall have no more than twenty-five people

Stage 3 – May 24th – June 13th, 2020 are limited to no more than one hundred (100) people. All Clubhouse rentals will be limited to no more than 50% capacity which is 83 for Clubhouse.

Stage 4 and beyond – June 14th, 2020 and beyond. Rentals will resume, but are subject to review.

All rentals shall follow the CDC social distancing guidelines. Those who have dates in 2020 may request a transfer to a future date or request a refund. Upcoming rentals will be reviewed by Town staff to ensure compliance with social gathering standards per executive orders and CDC guidelines. Staff will monitor uses and cleaning supplies.

Exercise Program

Exercise Program tentatively scheduled to restart on June 2nd. Social distancing guidelines will be followed.

Tag Dates

Tag dates will comply with the Governor's stay at home executive orders and social distancing guidelines. Usage of masks is encouraged. Tag Dates scheduled through May 23rd have been rescheduled.

Additional Considerations

Due to the unpredictable nature of the COVID-19, every effort will be made by the Town to adjust this plan based on the latest data and guidance from the Indiana Governor, Public Access Counselor, CDC, State Health Department, and the Lake County Health Officials.

Public Works/Water/Wastewater

Due to the nature of the work performed in the water and wastewater departments, hygienic sanitizing practices are used and have been used in normal day to day operation, however the State of Indiana's guidelines will be followed as closely as possible.

Stage 1 (to May 3)

- Social distance, Stager workforce when possible to remove overlapping shifts, Self-monitor for signs of sickness, complete necessary work, avoid public contact.
- Social distancing from public when possible, continue great hygiene, disinfect tools, door handles, vehicles, continue to use multiple vehicles in for transport, one person per vehicle when possible, shifting start and end times of work schedule from other departments to avoid interaction when possible, utilize phones and 2 way radios for communication when possible. Completing single person tasks when possible. Morning meetings held in larger areas for proper distancing
- Buildings & Facility closed to public

Stage 2 (beginning May 11)

- Social distance, Attempt to begin normal work schedule, avoid public contact, Self-monitor for signs of sickness
- Social distancing from public when possible, continue great hygiene, disinfect tools, door handles, vehicles, continue to use multiple vehicles in for transport, one person per vehicle when possible, shifting start and end times of work schedule from other departments to avoid interaction when possible, utilize phones and 2 way radios for communication when possible. Completing single person tasks when possible. Morning meetings held in larger areas for proper distancing
- Buildings & Facilities closed to the public, except by appointment or on Saturdays in May from 9 am to 1 pm for drop-off items provided social distancing requirements can be met. Face masks required.

Stage 3 (beginning May 24)

- Social distance, Normal working schedule, Avoid public contact, Self-monitor for signs of sickness
- Social distancing will still be maintained, proper hygiene will still be enforced, still to utilize multiple vehicles for transport when possible, employees are to still try and complete single person tasks when possible, continue to disinfect vehicles, tools, handles etc. PPE'S are to still be used by employees when necessary.

Stage 4 (beginning June 14)

- Social distance, Normal working schedule, Self monitor for signs of sickness, limit public contact
- Social distancing will still be maintained, proper hygiene will still be enforced, still to utilize multiple vehicles for transport when possible, employees are to still try and complete single person tasks when possible, continue to disinfect vehicles, tools, handles etc. PPE'S are to still be used by employees when necessary.

Stage 5 (beginning July 4)

- Resume to normal. Social distancing will still be maintained, proper hygiene will still be enforced, still to utilize multiple vehicles for transport when possible, employees are to still try and complete single person tasks when possible, continue to disinfect vehicles, tools, handles etc. PPE'S are to still be used by employees when necessary.

Town Council – May 19, 2020

Stormwater Items

- a. Wicker Meadows
- b. Havenwood
- c. 13225 Colfax St
- d. 9207 W 142nd Pl

13225 Colfax



9207 W 142nd Pl

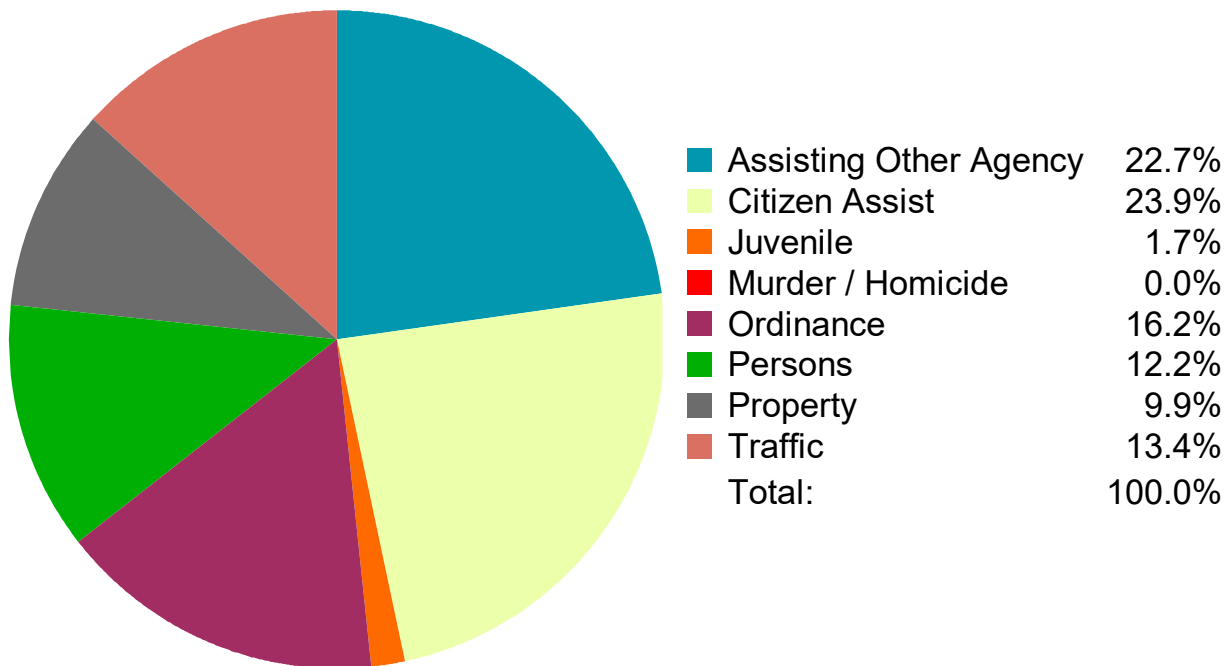


Havenwood/Defrancesco



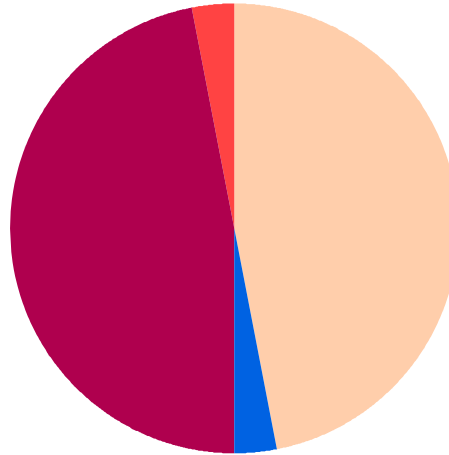
**CEDAR LAKE POLICE DEPARTMENT
INCIDENT AND CALLS FOR SERVICE REPORT
April 2020 and Year-To-Date 2020**

Incident Type	Month Total	Year Total
Incidents Assisting Other Agency (Including Fire and EMS):	80	305
Incidents related to Citizen Assists:	84	569
Incidents related to Juveniles:	6	18
Incidents related to Murder/Homicide:	0	0
Incidents related to Ordinances:	57	277
Incidents related to Persons:	43	226
Incidents related to Property:	35	116
Incidents related to Traffic:	47	1117
Incidents Not Classified:	4	13
Totals:	356	2641



CITATION REPORT
April 2020 and Year-To-Date 2020

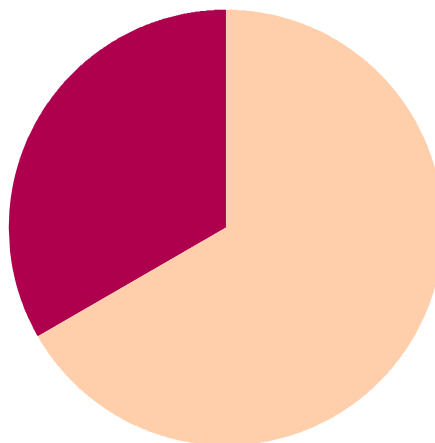
State Violations: 16
Town Traffic Violations: 1
Town Ordinance Violations: 16
Other Violations: 1
Total for April: 34
Year To Date: 507



State Violations	47.1%
Town Traffic Violations	2.9%
Town Ordinance Violations	47.1%
Other Violations	2.9%
Total:	100.0%

WARNING REPORT
April 2020 and Year-To-Date 2020

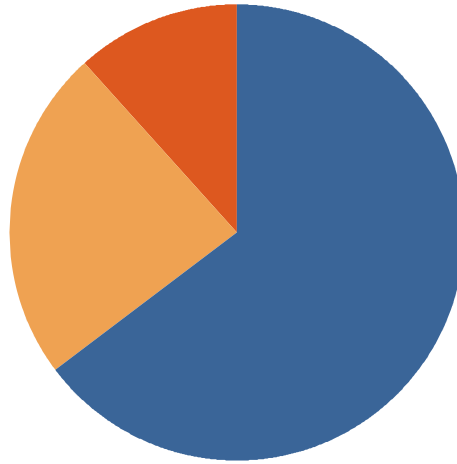
State Violations: 10
Town Traffic Violations: 0
Town Ordinance Violations: 5
Other Violations: 0
Total for April: 15
Year To Date: 696



State Violations	66.7%
Town Traffic Violations	0.0%
Town Ordinance Violations	33.3%
Other Violations	0.0%
Total:	100.0%

ARREST REPORT
April 2020 and Year-To-Date 2020

Total Arrests: 7
Total Charges Filed: 17
Misdemeanor: 11
Felony: 4
Infraction: 0
Not Classified: 2



■ Misdemeanor	64.7%
■ Felony	23.5%
■ Infraction	0.0%
■ Not Classified	11.8%
Total:	100.0%

Year-To-Date

Total Arrests: 78
Total Charges Filed: 139

May 15, 2020

Town Council
Town of Cedar Lake
7408 Constitution Avenue
P. O. Box 707
Cedar Lake, Indiana 46303

Attention: Jill Murr – Town Administrator

Re: Town Engineer Report for May 19, 2020 Town Council Meeting
(CBBEL Project No.: 060015.00001)

Dear Council Members:

This letter summarizes Christopher B. Burke Engineering, LLC (CBBEL) Town Engineer activities for reporting and action (as necessary) for the May 19, 2020 Town Council Meeting. This report covers activities for the period of April 4, 2020 through May 15, 2020.

1) Aquatic Ecosystem Restoration Cedar Lake Project, Section 206

No change from prior report. The project team has continued to respond to questions related to phasing of Town funding of the local share the project costs. The project team's effort is made in support of the Town Council's anticipated action on the design cost sharing agreement and other background decisions that the Council must address.

The project team meetings are temporarily on hold as the Council and Project team continue to evaluate the project approach and funding scenarios.

2) MS4 Coordination

No change from prior report. CBBEL has prepared a Fact Sheet for the local construction sector that summarizes the regulations and practices related to the management and handling of spoils and fill associated with land disturbance activities. The Fact Sheet was forwarded to Town staff today.

CBBEL is still waiting for consecutive days without precipitation to complete outfall

screening in accordance with the Town's NPDES Phase II Stormwater/MS4 Permit.

3) 133rd Avenue Phase 2 – Construction Services

No change from prior report. There has been no substantive change in the INDOT response since July 2019. We are still waiting on material certification reviews from INDOT.

4) High Grove Subdivision Improvements

CBBEL is coordinating with Grimmer to close-out restoration/vegetation related items. Vegetation establishment is the only remaining item prior to close-out of the project.

5) 129th Avenue (Parrish Avenue to US-41) Improvements

CBBEL and the Town Administrator were on a conference call with INDOT personnel and their design consultant on April 23rd to discuss the US-41 widening project. The right-turn lane at 129th Avenue and US-41 was discussed. INDOT agreed to include the turn lane in their project. The Town will still acquire the necessary right-of-way along the northern edge of pavement. The legal description and exhibit associated with the easement has been provided to the Town.

CBBEL is finishing the construction plans and contract documents for the modified reconstruction of this corridor. These should be completed within the next two weeks. There has been some discussion about including this project in the second Community Crossing Grant period of 2020.

6) NIRPC/State Legislature/INDOT/IDNR Updates

The NIRPC TPC Transportation Improvement Program Continuous Working Group has been working on a revised equitable application for a Fall 2020 Notice of Funding Availability (NOFA) call. We will update this when additional information is provided.

NIRPC issued notice of funds available through the U.S Economic Development Administration. These funds are related to the Public Works and Economic Adjustment Assistance Programs. These are revolving programs that don't have closing dates and are typically 50/50 matching between \$100,000 and \$3,000,000. The NIRPC summary sheet is attached to this letter. These programs have been partially funded when Congress appropriated \$1.5 billion via the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

7) Other Funding Opportunities

- **Community Crossing Matching Grant, INDOT:** The Town was notified on April 7,

2020 that they were awarded \$671,489.32 in funding under the CCMG program for the Hot-In-Place (HIP) asphalt recycling project. This represents a 50/50 match for the overall project cost. The project will resurface portions of Lake Shore Drive, Morse Street, 145th Avenue, 147th Avenue, and Lauerman Street. CBBEL is currently finishing design plans and contract documents to complete this project this summer.

The second CCMG call for funding should be announced in July.

- **Indiana Volkswagen Environmental Mitigation Trust Program:** This program is for clean air projects that will significantly reduce diesel emissions across Indiana. The project will award grants from \$50,000 to \$2 million of the \$9.83 million allotted to this round. Eligible projects include replacement and repowering of existing diesel vehicles or equipment with cleaner alternatives serving the same purpose. Program match levels depend on vehicle type. The application deadline has been moved back to May 31, 2020.

8) Highland Subdivision (High Grove, Phase 2)

No change from prior report. CBBEL provided a letter with lighting specifications and locations to NIPSCO on February 7th. DVG has prepared two drainage easement documents for the project. These easements were provided to the Town Administrator for review by the Town Attorney in November. We are waiting on NIPSCO procurement of easements.

9) Town Road Committee

CBBEL received site survey of the Noble Oaks subdivision from DVG. We have begun conceptual design of this subdivision. DVG is currently completing survey tasks for the Shades subdivision. CBBEL will begin concept-level design of Sections 3-7 after completing 20% design plans for Noble Oaks and Shades subdivisions. It is our expectation that the Subdivision Roadway Plan will be submitted as one complete document.

10) Redevelopment Commission

CBBEL is completing the following projects for the Redevelopment Commission:

- 133rd Avenue/King Drive Intersection Safety Improvements (DES No. 2000023): CBBEL is continuing design of this intersection safety improvement. We will be providing a Stage 1 submittal to INDOT for an informal review next week. We will also be scheduling our first field check with INDOT personnel in early June. The letting of this project has been revised to February 2021 with anticipated construction still in Summer 2021.
- Midway Gardens: Three conceptual alternatives and cost estimates for the relocation of Lake Shore Drive were provided to the RDC on August 19th. It is our understanding

this information is currently being evaluated. **No Change.**

- Lake Shore Drive Retaining Wall: The RDC has re-visited an evaluation completed by CBBEL in 2013 regarding the railroad tie retaining wall located along Lake Shore Drive adjacent to Bartlett-Wahlberg Park. CBBEL recommend a slope-stability analysis be completed prior to any repairs being considered. This wall is also most likely located on private property. **No Change.**

11) Plan Commission

CBBEL has been completing civil review and coordination activities for the following proposed developments:

- Beacon Pointe West/Centennial Villas: This project was granted contingent approval at the March public meeting pending the Applicant addresses engineering comments noted in a February 18th letter.
- Henn (former King Medical Building along Broadway): CBBEL provided a comment letter to the Applicant on March 26th. **No Change.**
- Papiese 1-Lot Subdivision (North Cove): CBBEL provided a comment letter to the Applicant on April 1st.
- Summer Winds Plaza: CBBEL is completing a review of the final plat and letter of credit values for this development. A letter will be provided prior to the next meeting.
- Monastery Woods, South Letter of Credit Project: CBBEL was instructed on May 15th to obtain quotes for this project.
- Development Standards Manual Update: CBBEL has begun updates to the DSM. This work will continue throughout the summer. **No Change.**

12) Stormwater Management Board

Oaks/Shades Wilson Ditch: CBBEL has completed engineering plans and contract documents for this project. We are awaiting easement acquisition. CBBEL and Town staff met with the affected homeowners on February 5th. As a result of this meeting, CBBEL completed a site visit to evaluate upstream drainage issues related to Havenwood Subdivision. The larger upstream drainage issue may be addressed with a future project. CBBEL has also completed plans for a minor roadway improvement to correct drainage issues at Wrightwood St. and 128th Pl. This will be presented to the Storm Board at the next meeting.

13437 Bluebird Lane, Robin's Nest: This is a rear yard drainage issue likely caused by a downstream property owner raising grades within a designated public utility and drainage easement. Town staff was directed to get a legal opinion on the removal of fences within easements to gain access to the area. **Update: It is our understanding that Town staff is contacting the homeowner to discuss the requirements for a permanent easement to**

Bluebird Lane. *No Change.*

Woods of Cedar Creek: CBBEL presented a proposed grading plan to Storm Board members for Lots 4 and 5. CBBEL is also preparing revised temporary easement documents for the new disturbance limits. **Update: It is our understanding that all temporary easements have been procured and that the project will be added to the Public Works Department schedule. It is likely this project will be completed in Spring 2020.** *No Change.*

12805 Cline Avenue (Wheeler): CBBEL is preparing easement information for placement of a storm sewer pipe and inlet to alleviate a small low-lying area in front of two residents. **It is our understanding that the front yards of these two properties has not improved with the spring rains. It is our assumption that an easement will now be obtained to construct the recommended drainage improvements.**

13225 Colfax Street (Dust): CBBEL will present the preferred alternative to the Storm Board at the next meeting. This project will require easements on two parcels. Upon approval from the Storm Board, easement language will be prepared and submitted for legal review.

Stormwater Master Plan: CBBEL is preparing a proposal for the completion of a Town-wide Stormwater Master Plan. This plan would include mapping of the Town's entire storm sewer network, identification of system problem areas, hydrologic/hydraulic modeling of specific areas, public participation meetings, and a final plan report detailing future projects and cost estimates. **This proposal will be presented to the Town in the summer.**

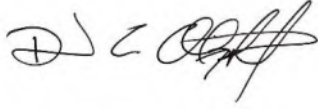
13) Building Department

CBBEL completed as-built reviews for 17 lots in April 2020. CBBEL has also been completing on-going development reviews in the following subdivisions/projects: Summer Winds, Summer Winds Plaza, Birchwood, Rose Garden Estates, Ledgestone, Centennial, Beacon Pointe, Lakeside, and Offshore Estates.

Zoning Map: CBBEL has completed the new zoning map for Town use. We are also finalizing a method to interactively view the zoning map on ESRI ArcReader software at Town Hall or even embedding a link on the Town's website for public viewing (if desirable). The ESRI ArcReader software is free and not licensed. This information has been conveyed to Town staff for a decision. **No Change.**

Thank you for allowing us to provide you with these Town's engineering services. If you have any questions or concerns, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. C. Oliphant', with a stylized flourish at the end.

Donald C. Oliphant, PE, CFM, CPESC, CPMSM
Civil Engineer

L060015 Council Report 051520.docx

CC: Director of Operations
 Building Administrator
 Town Attorney

Attachments: EDA Funding Programs Summary
 Project Status Report
 All Projects Schedule



Economic Development Administration Funding Programs & Project Development

EDA works directly with local officials and targets competitive, merit-based investments to:

- Assist economically-distressed regions to create higher paying, sustainable jobs
- Support regional economic development initiatives
- Serve as strategic, catalytic seed investments
- Attract and leverage private capital investment
- Emphasize innovation, entrepreneurship, and regional competitiveness

EDA Program Funding Opportunities

PUBLIC WORKS

Revitalize, expand, and upgrade physical infrastructure to attract new industry, encourage business expansion, diversify local economies, and generate or retain long-term, private sector jobs and investment in distressed communities.

- Construction of infrastructure and facilities, often associated with industrial and manufacturing developments that benefit multiple companies
- Range from \$200,000 to \$3,000,000 with some flexibility depending on special need and project impact

Projects include:

- Road, water, sewer, rail, and port infrastructure
 - Often tied to industrial park development
 - Usually benefits multiple companies
- Construction of incubators, accelerators, and workforce development facilities (incubators require a feasibility study)

ECONOMIC ADJUSTMENT ASSISTANCE

Assist in designing and implementing strategies to adjust or bring about change to an economy, focusing on areas that have experienced or are under threat of serious structural damage to the underlying economic base.

- To assist regions suffering from chronic unemployment, loss of major employer or natural disaster
- Strategy or Implementation projects
- Includes Revolving Loan Fund Program
- Includes Disaster Supplemental and Assistance to Coal Communities funding

Projects include:

- Road, water, sewer, rail, and port infrastructure
 - Often tied to industrial park development
 - Usually benefits multiple companies
- Construction of facilities and specialized equipment associated with incubators, & planning, feasibility studies

SHORT-TERM PLANNING AND LOCAL TECHNICAL ASSISTANCE

Helps fill the knowledge and information gaps that may prevent leaders in the public and nonprofit sectors in distressed areas from making optimal decisions on local economic development issues.

Examples: Economic Cluster Research, Supply Chain Analysis, Feasibility Studies, Manufacturing Strategies, Skillshed Analysis, Gap Analysis, Economic Impact Studies, update and maintain a Comprehensive Economic Development Strategy (CEDS)

- Range from \$50,000 to \$300,000

Note: Distress criteria not required

Eligibility & Application Information

EDA evaluates all project applications to determine:

- Alignment with EDA's investment priorities site:
www.eda.gov/about/investment-priorities/
- Effectiveness in addressing the creation and/or retention of high-quality jobs and private investment
- Documentation that the applicant will
 - leverage public and private resources
 - utilize funds quickly and effectively
 - provide a clear scope of work that includes a description of specific, measurable project outputs

Eligible Applicants

- Units of Government
- Institutions of higher education
- Non Profit organizations
- Indian Tribe

Area Eligibility

- High Unemployment
 - 24 month unemployment rate for the region must be greater than 1% of the National Average (Bureau of Labor Statistics)
- Low Per Capita Income

- The PCI for the region must be less than 80% of the National Average. (5-year American Community Survey Data)
- Special Need
 - Sudden and severe unemployment event or natural disaster, Opportunity Zones, Economic Disruption
- *Check eligibility at [StatsAmerica.org/distress](https://statsamerica.org/distress)*

Cost Sharing and Matching Funds

EDA awards generally may not exceed 50% of the total project cost. The applicant must document that the matching share is:

- Committed to the project for the period of performance,
- Available as needed, and
- Not conditioned or encumbered in any way that may preclude its use consistent with the requirements of EDA investment assistance

What Makes A Competitive Application?

- Return on Investment: Job Creation and Private Sector Investment
- Confirmed Match: Cash vs. In-Kind Contributions
- Economic Distress: Unemployment, Per Capita Income, Special Need
- Geographic Distribution
- Regional Partnerships and Regional Impact
- Project is part of a Regional Strategy or CEDS
- Project meets EDA Investment Priorities

***Information to keep in mind and begin collecting for Initial Project Development:**

- EDA Grant Amount
- Match Amount
- Source of Match
- Total Project Cost
- Job Creation
- Private Investment
- EDA program targeted
- Applicant Eligibility
- Distress Eligibility
- Project Partners
- Project Site Control
- CEDS consistency [NIRPC CEDS](#)

Town of Cedar Lake – Project Status Report

Christopher B. Burke Engineering, LLC

updated 05/15/20

Job No.	Description	Budget	Deliverable(s)	Status	Deadline(s)
060015.00001	Town Council	n/a	Town Council Report for 05/19/20 meeting	Completed	05/15/20
060015.00002	Plan Commission	n/a	Plan Reviews & LOC Inspections	Plan Commission Meetings and Review of Plan Applications. See letter for details.	ongoing
060015.00003	Stormwater Management Board	n/a	Review and reporting concerning agenda action items	Reviewing items as requested and reporting status to Storm Board. See letter for details.	ongoing, as requested
060015.00006	Stormwater Cost of Services Study	n/a	ERU calculation review	Ongoing review of ERU calculations for parcels requested by Town.	ongoing, as requested
060015.00012	206 - Ecosystem Restoration	n/a	Re-Draft Final Feasibility Study Report	<p><i>No change from last report.</i> The project team has continued to respond to questions related to phasing of Town funding of the local share the project costs. The project team's effort is made in support of the Town Council's anticipated action on the design cost sharing agreement and other background decisions that the Council must address.</p> <p>The project team meetings are temporarily on hold as the Council and Project team continue to evaluate the project approach and funding scenarios. – see 05/15/20 Council Report for details.</p>	ongoing
090043	MS4 Coordination	\$19,400	MS4 Coordination Services & Development SESC/Rule 5 Inspections	<p><i>No change from last report.</i> CBBEL has prepared a Fact Sheet for the local construction sector that summarizes the regulations and practices related to the management and handling of spoils and fill associated with land disturbance activities. The Fact Sheet was forwarded to Town staff today.</p> <p>CBBEL is still waiting for consecutive days without precipitation and above freezing temperatures to complete outfall screening in accordance with the Town's NPDES Phase II Stormwater/MS4 Permit. – see 05/15/20 Council Report for details</p>	ongoing
1300022.00000 (INDOT) & 1300022.00002 (Local)	133 rd Avenue (Phase 2) – Construction Services	\$359,869 & \$54,923	Construction Activities (To Substantial Completion)	<p><i>No change from last report.</i> There has been no substantive change in the INDOT response since July 2019. We are still waiting on material certification reviews from INDOT. – see 05/15/20 Council Report for details</p>	ongoing

170332	High Grove Subdivision Improvements	\$261,000	Construction Observation	<p>CBBEL is coordinating with Grimmer to close-out restoration/vegetation related items. Vegetation establishment is the only remaining item prior to close-out of the project.</p> <p>– see 05/15/20 Council Report for details</p>	ongoing
190104	Highland Subdivision Design	\$59,950	Design Services, Permitting, Bidding Services	<p><i>No change from last report.</i> CBBEL provided a letter with lighting specifications and locations to NIPSCO on February 7th. DVG has prepared two drainage easement documents for the project. These easements were provided to the Town Administrator for review by the Town Attorney in November. We are waiting on NIPSCO procurement of easements.</p> <p>– see 05/15/20 Council Report for details</p>	ongoing

PERMITS NEW & ALTERATIONS **January-April 2020**

MONTH	Occupancy	NEW	RES. VALUE/COMM. VALUE	ALT.	VALUE
January	24	7	\$1,091,595	31	\$454,313
February	17	9	\$1,351,076	33	\$389,522
March	10	33	\$7,698,207	26	\$536,069
April	16	12	\$2,805,220	27	\$475,162
Total	67	61	\$12,946,098	117	\$1,855,066

05/09/2020

1071 Olivia Ct.

Chesterton, IN. 46304

Jill Murr

Town Administrator- Cedar Lake

7408 Constitution

Cedar Lake, IN. 46303

Jill,

I read in the May 2020 Lakeside Bulletin that your hard work helped secure a matching grant for road projects around town. Thank you for your hard work. I would like to offer a comment and request to the Lauerman St. portion of the project. I own the home at 14221 Lauerman.

Several years ago, the town resurfaced Lauerman St. with asphalt. This resulted in raising the road several inches. This was just enough elevation increase to result in runoff during a heavy rain directly into my walk out basement there. This flooding of my basement happened just last week again. I had 3 inches of water in my basement in sections. While I plan to check all gutters and roof runoff, I request that this Lauerman resurfacing project not raise the road any further, and possibly bring the elevation down a couple of inches to where it used to be, if possible.

Additionally, Lauerman St. at the location where the common drive I share with Tom Kasza's driveway to his home at 14210 Soper, is actually low due to settling. This low localized asphalt area results in pooling water that helps wash out/settle our common gravel drive at its entry to our common drive. This has also resulted in some spirited conversation at Thanksgiving dinners as Tom is my father in law.

Please give this elevation review on Lauerman at 142nd some consideration when roadwork is planned and implemented on Lauerman St., and pass this letter along to town engineers and officials.

Additionally, as a side note, please give consideration to resurfacing 131st Place, between Morse Street and Edison in future budgeting and planning. I have owned property in this area for many years, and this street has been in disrepair for a long time.

Thank You

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