April 27, 2023



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

Roll Call:					
Present	Robert H. Carnahan	Ward 1	Present	John Foreman	At Large
	Council Member			Vice-President	
Present	Julie Rivera	Ward 2	Present	Richard Sharpe	At Large
	Council Member			President	-
Present	Nick Recupito	Ward 3	Present	Jennifer N. Sandberg, I	AMC, CMC, CPFIM
	Council Member			Clerk-Treasurer	
Present	Ralph Miller	Ward 4	Present	Chris Salatas	
	Council Member			Town Manager	
Present	Colleen Schieben	Ward 5	Present	David Austgen	
	Council Member			Town Attorney	

OATH OF OFFICE

Clerk-Treasurer Sandberg gave the Oath of Office to Patrolman Nicholas Enyeart. Clerk-Treasurer Sandberg gave the Oath of Office to Firefighter/EMT Frederick Seniw.

PROCLAMATION

Council Member read a proclamation for St. Michael The Archangel National Catholic Church celebrating their 120th Anniversary.

PUBLIC HEARINGS:

1. Ordinance No. 1456, Public Way Vacation – Rago

- a. **Review of Legals** Mr. Austgen stated the legals were in order.
 - b. Opening Remarks Jim Wieser spoke on behalf of the Rago's. Mr. Wieser stated the Rago's previously came before the Town Council. At that time a concern was presented regarding the old public walkway seeking to be vacated. Mr. Kubiak expressed concern regarding the NIPSCO lines located there. As a result, the previous request was denied. Mr. Wieser stated they have contacted NIPSCO and according to their rules and regulations, clearance requires the line be at least 18 feet over the structure. This particular line is closer to 30 feet. NIPSCO issued a letter in June 2021 stating they do have facilities in that general easement but they do not object to the proposed utilization. Mr. Wieser stated NIPSCO determined it was in compliance and met their requirements. The Rago's have been waiting to construct their deck. Mr. Wieser stated he has vacated part of the walkway for a prior resident and it was approved. There are other homes that extend out into that walkway. He stated they are seeking to get the public walkway vacated on their side to get the building completed. Mr. Kubiak stated he has an email from Ben Anderson at NIPSCO. He read from the email. Mr. Kubiak stated he doesn't believe there is an issue with clearance but the fact it is an active utility easement. By vacating the easement, there is no longer an easement for the utility lines. He voiced concerns with it being an active utility easement. He stated this is the same problem that existed during the prior request made. NIPSCO doesn't have a problem with a deck being built under the lines because it meets the clearance. The Town's standards do not allow a deck to be constructed in an easement. Mr. Foreman asked if the deck will cover the entirety of the easement. Mr. Rago stated yes. Mr. Foreman asked if there has been a vacation in the area where the lines go. Mr. Salatas stated that would be a question for Mr. Kubiak, but likely not. It would not be suggested to vacate an easement where utilities are located. Mr. Kubiak stated he heard from Mr. Wieser that they are not in favor of vacating an easement. Mr. Recupito asked what Mr. Wieser called the area. Mr. Wieser stated it is a public walkway, a right of way. Mr. Rago stated it was abandoned. Mr. Recupito stated he was on GIS and he asked if there was any other access for the public other than this property. Mr. Rago stated there is 30 feet from the lake to his property that runs the length of the subdivision. You can walk along the lake shore. There is a beach that is 50 feet wide. It extends the whole length of the subdivision. It is narrow on the north end. Mr. Recupito stated the concerns brought up are concerns of his and the fact that they would landlock the public walking path. Mr. Wieser stated they've already done that. They did one immediately south of Mr. Rago a number of years ago. A brief discussion continued on vacations in the area and concerns.
 - **c.** Reading of Ordinance No. 1456 Council Member Foreman read Ordinance No. 1456 by title only.

- d. Remonstrators Jerry Wilkening, 10826 W. 131st Avenue, stated he keeps hearing the word easement. It is not an easement it is a walking path. He stated NIPSCO took some liberties many years ago. He stated the Rago's have a nice house and he'd like to see them put a deck there. He stated he previously asked them to go out and take a look at the area. The problem is no one will commit to it. The lines need to be moved. There is a solution here. Vacations were done on the west side of the property. He has no problem with the deck but those lines don't feed Mr. Rago's house but the neighbors. Nothing has changed since the last time this request was before them. Mr. Wieser stated it is a former public right of way. It is not a utility easement. He stated that's why the letter before them states they don't have an objection. That is why they brought the letter to their attention to support the request to vacate the public walkway. They are not asking for a vacation of a public or private easement. Mr. Austgen stated this is the third time they have been here. The only difference this time is the additional communication from NIPSCO provided. Nothing has changed about the lay of the land.
- e. Town Council Discussion Mrs. Schieben asked if they have looked into having the lines moved. Mr. Wieser stated no they haven't. The lines don't service the Rago's house. They service the neighbors. They are in compliance. He stated he had a conversation with a representative of NIPSCO at one time and he asked if those lines could be moved. The gentlemen indicted that wasn't something that was looked into. Generally, yes, lines can be moved but there is a cost. Mrs. Schieben stated there is a cost to it as she did so with her own property and maybe that could be a solution. Mr. Kubiak stated they could bring a letter back from NIPSCO stating it is okay to vacate the easement. A lengthy discussion occurred on the matter.

Mr. Wieser stated in light of the information presented by Mr. Kubiak and the possibility presented by Mrs. Schieben, he asked the Council to consider a brief deferment so that they may make the inquiry to NIPSCO. A brief discussion occurred on the length of the deferment.

A motion to defer the item for 60 days was made by Julie Rivera with second by John Foreman. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 - 0.

2. Ordinance No. 1457, Public Way Vacation – Davis

- a. **Review of Legals** Mr. Austgen stated the legals were in order.
- b. Opening Remarks Alexis Davis and Thomas Davis spoke on their request. They are requesting to vacate a platted road on property. They are trying to purchase land. The current property owner owns the land on both sides of the platted road. They went to the Plan Commission and discussion occurred on the feasible options other than putting a road in. They know they would need to put an extension on Sherman from where it currently ends to the property line. They were told they would have to put a cul de sac on the property because a dead end is not allowed. She stated they just wish to vacate it. Mrs. Schieben asked where the cul de sac came from. Mr. Salatas stated it was suggested by the Town Engineer because it would meet the subdivision control standards. It allows for emergency vehicle turnaround as well as garbage trucks and other type vehicles. Mrs. Davis stated the street is about twelve feet wide and you can barely drive down it. Mr. Davis stated it is landlocked with telephone poles and it is very narrow. Mrs. Davis stated she understands the idea of a cul de sac but she voiced concerns about the Town standards and the size of the street currently. Mr. Foreman stated tonight is about the vacation request. When it comes time to building their house and the street, that would be at the Plan Commission and that would be the time to discuss a way to extend or not extend. He stated he didn't want to get there hopes up or down. Mrs. Davis asked when the request regarding the cul de sac is heard. Mr. Salatas stated the waiver for that requirement would have to come from the Plan Commission. Mr. Davis stated they haven't purchased the property yet because it is contingent on all of this. Discussion continued on the matter and next steps regarding the property and plans for it.
- **c.** Reading of Ordinance No. 1457 Council Member Foreman read Ordinance No. 1457 by title only.
- **d. Remonstrators** Myra Harris, McColly Real Estate, she stated she is representing the seller, Tammy Fisher. She stated Tammy lives at the north end of Sherman Street. There is a tree in the center of where the road should be. Vacating a road isn't hard. There is no reason for a road to go to nowhere. A driveway should be sufficient in this case.

- e. Town Council Discussion Mr. Recupito asked if they confirmed there were no utilities in the area. It was stated there are none.
- **Town Council Decision** f.

A motion to approve was made by John Foreman with second by Colleen Schieben. Roll Call: Carnahan - No, Rivera - Yes, Recupito - No, Miller - Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 5 – 2. Mr. Austgen stated this is a two-reading ordinance and needs to be on the next agenda.

PUBLIC COMMENT

None

CONSENT AGENDA

- **1. Minutes:** March 21, 2023
- 2. Claims: All Town Funds: \$356,806.77; Wastewater Operating: \$344,669.79; Water Utility: \$85,061.60; Storm Water: \$2,061.28; Payroll: 4/14/2023- \$353,729.13; and March Remittances \$312,468.25
- 3. Manual Journal Entries: March 1, 2023 March 31, 2023
- 4. Tag Day Request: Hanover Central Middle School Cheer, 9/16/23 with 9/23/23 rain date
- 5. Donations: Donation of \$2,710 to the Police Department for Ballistic Shields by Cedar Lake Summerfest, Dare Donation of \$1,000 by Douglas MacArthur PTO.

A motion to accept and waive the reading of the minutes and accept the consent agenda as listed was made by Colleen Schieben with second by Julie Rivera. Mr. Carnahan asked about the \$1,848.38 from Lake County Animal Control and if it was a quarterly payment. Ms. Sandberg stated yes, when they do bill for the quarter. That is per the JICA with Lake County Animal Control. Mr. Carnahan asked if that is so the citizens can use the facility. Ms. Sandberg stated yes, they have to get a waiver from the Police Department and then they can take the animal to Lake County. Mr. Carnahan asked about the claim of \$302.60 for Smith Animal Clinic. He asked if that was for the K9 and if it would eventually be paid for out of the donations. Ms. Sandberg stated she couldn't speak directly to what that bill is for but there was something with the new K9. Right now, it comes out of the Police Department General budget. As the other fund builds up it will be used for items related to the K9. Mr. Carnahan asked about a claim for mosquito spray. He asked Mr. Kubiak if they have started spraying yet. Mr. Kubiak stated they have not. Mr. Carnahan discussed the claim from Midwest Electric for the repair to the stoplight at 145th and Morse for \$15,875.31. He stated a vehicle hit that pole and asked if they would be reimbursed by insurance. Ms. Sandberg stated she is hopeful. They have already sent of the invoice to insurance. That was the last one they were waiting on as it took quite some time for the control panel to come in. Mr. Carnahan stated they pay a monthly service to Phil and Son. He asked what it was. Ms. Sandberg stated that is for the BRIVO system. That is the building fob system. Mr. Carnahan asked what they do for that and if they came in monthly. Ms. Sandberg stated they don't come in and service anything. Mr. Brittingham stated it is a web-based service. Mr. Carnahan asked when the manual journals were sent out. Ms. Sandberg stated earlier today with the cash and expenditure reports. Mr. Carnahan stated he didn't get a chance to look at them. Ms. Sandberg asked if he had a specific question. Mr. Carnahan stated he didn't get the documents printed. Ms. Sandberg stated the monthly journal entries show the payroll transactions between the various funds. Roll Call: Carnahan - No, Rivera - Yes, Recupito -No, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 5 - 2.

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1451 - Railside Rezone from Agriculture and R-2 to PUD

Mr. Salatas reported this is an item that has made its way from the Plan Commission with a favorable recommendation. It is approximately 55.5 acres and they are rezoning it to a commercial PUD with 28 lots and three outlots. The front third that is on 141st Avenue will have B-3 commercial zoning and the back two thirds will have an industrial zoning. It will connect to the existing Lakeview Business Park. Mr. Foreman stated it is across from the Hanover Junior High School. Mr. Foreman read Ordinance No. 1451 by title only. Mr. Austgen stated it was in good order. It's in complete fashion with all exhibits attached and ready for recordation upon their adoption.

A motion to adopt Ordinance No. 1451 was made by John Foreman with second by Colleen Schieben. Roll Call: Carnahan - No, Rivera - Yes, Recupito - No, Miller - Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 5 - 2.

2. Ordinance No. 1453 – 2023 Salary Ordinance Amendment

Council Member Foreman read Ordinance No. 1453 by title only. Mr. Salatas reported this is to clarify the Parks and Recreation. The current salary ordinance has Park Director. The title is to be Parks & Recreation Superintendent. They are also adding in the Park Board. Similar to the other boards and commissions, they receive a per meeting stipend Minutes of April 27, 2023 Page 3 of 11

of \$111. That is consistent with every other board. Payouts are in June and December. Mr. Recupito asked if there are compensation changes. Mr. Salatas stated there are no compensation changes for the Parks & Recreation Superintendent. The Park Board is consistent with the other boards and commissions. Mr. Carnahan asked what the superintendent's wages were. Mr. Salatas stated the salary ordinance has it at a not to exceed amount of \$85,000.

A motion to approve Ordinance No. 1453 was made by Nick Recupito with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7-0.

A motion to suspend the rules and allow for a second reading was made by John Foreman with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

Council Member Foreman read Ordinance No. 1453 by title only.

A motion to adopt Ordinance No. 1453 was made by Nick Recupito with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7-0.

3. Ordinance No. 1459 – Establishing a K9 Non-Reverting Fund

Council Member Foreman read Ordinance No. 1459 by title only. Mr. Austgen stated this is for the funding of the K9 program by way of donations, gifts, and grants. They go in this fund and the fund doesn't close at the end of the year.

A motion to approve Ordinance No. 1459 was made by Robert Carnahan with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

A motion to suspend the rules and allow for a second reading was made by John Foreman with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

Council Member Foreman read Ordinance No. 1459 by title only.

A motion to adopt Ordinance No. 1459 was made by Robert Carnahan with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7-0.

BZA/PLAN COMMISSION

1. Acceptance of Performance Letter of Credit Extension for Beacon Pointe East, Unit 1 in the amount of \$341,736.80

Mr. Salatas stated this is from Peoples Bank. Mr. Foreman added it is for a performance letter of credit extension. This is very huge because there are a lot of folks in Beacon Pointe East on a creek that doesn't drain. Chris is working with Don Oliphant and the developer to come to a resolution. He stated so long as it is in a performance bond, that means they don't get any of their money back. When it switches to a maintenance bond, that is when they can reduce the amount of money tied up in a letter of credit.

A motion to approve was made by Robert Carnahan with second by Nick Recupito. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7-0.

NEW BUSINESS

1. Police Department Reimbursement Agreement with Nicholas Enyeart

Mr. Salatas stated this is the standard reimbursement agreement signed this evening. It is a condition of employment.

A motion to approve was made by Ralph Miller with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7-0.

2. Fire Department Reimbursement Agreement with Frederick Sinew Mr. Salatas stated this is also a standard reimbursement agreement.

A motion to approve was made by Nick Recupito with second by John Foreman. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7-0.

3. CBBEL Professional Services Agreement for Construction Observation of the Lake Dredging Project in an estimated amount of \$71,620

Mr. Salatas reported this is a proposal by Christopher B. Burke to do construction observation for the dredge project, phase two. This is for the actual dredging. This will get them through public informational meetings, pre-construction conferences, project report fillings, daily reports from the dredgers on quantities of sediment removed as well as data from the dredging level they are on. This also includes testing for IDEM testing requirements. It will go through the submittal review process and any pay requests from the contractor will be reviewed by the engineer for appropriateness. There will be a public informational meeting at Town Hall on May 8, 2023 at 6PM. They will have the engineer on hand to answer questions about the project. They will discuss public safety aspects of the project that will be useful to the boating public. Mr. Sharpe stated their letter indicates an amount of \$71,620. Mr. Salatas stated that is correct and not to exceed.

A motion to approve was made by Colleen Schieben with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7-0.

4. CBBEL Change Order No. 1 – Lake Dredging Stage 2 for a Work Schedule Modification

This allows the project to start earlier in the year and to run on holidays and weekends for boater safety.

Mr. Salatas explained this allows for a start date of April 17th for this year, April 15th for next year, and April 18th for the following year. That has been cleared through DNR as well as the engineering firm. It was requested by the dredging company specifically within the first year there is the greatest capacity in the sediment dewatering facility. It currently holds zero sediment right now. The greatest amount of time that they can get in within the first year, helps them fill as much material as they can which will then settle during the winter. The change order is requested for them to be able to work on Sundays. They plan to work seven days a week for twelve-hour days until Thanksgiving. They would also like to work holidays, specifically those with high boater traffic. They have found it to be safer. They had a pre-construction meeting and the dredgers made a case that it is better for them to be out on the water during high traffic times. They will operate the dredge barge and keep the material within the pipeline. The pipeline will be sunk underwater and as long as they have material flowing, it will stay sunk. They don't want to leave for an extended weekend and have that pipeline float. They found it is beneficial for them to be out on the water at the times the boaters are because they can better police their own jobsite and direct the boaters. They also discussed creating information signs to have at the public boat launches so the boating public can understand the buoy system. Information flyers will be handed out as well as being put on the Town's website. Mr. Recupito asked if they have the ability to modify this going forward if an unusual situation arises. Mr. Salatas stated yes through the change order process. Mr. Carnahan stated they are going to start on the north end and as they finish, they will remove pipe. Mr. Salatas stated that is correct and will be explained at the informational meeting. The dredgers have been fusing pipe since the beginning of April. The pipe will stretch from Pine Crest Marina, where there will be a booster pump, and it will continue to the dredge site. They plan on dropping the dredge barge in the water mid-May. They plan on having a public open house at Pine Crest. The public will be invited to see the equipment and meet the people working on the project.

A motion to approve was made by Ralph Miller with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7-0.

5. 2023 Police Vehicle Financing

Clerk-Treasurer Sandberg reported at their last meeting they approved the purchase of four new police vehicles that were contemplated in this year's budget. They also approved for her to move forward with financing. She stated she sent requests for quotes out to Demotte State Bank, Peoples Bank, Tax-Exempt Leasing Corp., and Republic First National. Responses were received from Demotte State Bank, Tax-Exempt Leasing Corp., and Republic First National. She stated she requested a three-year term with annual payments and first payment in arrears. The total cost to be financed is \$218,194. That is for the four (4) Dodge Durango Pursuit Vehicles, the equipment packages, and the radar units. Tax-Exempt Leasing Corp. came back with an interest rate of 5.26%, Demotte State Bank was 4.60%, and Republic First National was 4.33%. She recommended they enter into an agreement with Republic First National.

A motion to approve to finance through Republic First National was made by Robert Carnahan with second by Nick Recupito. Roll Call: Carnahan – Yes, Rivera – Yes,

Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

REPORTS

- 1. Town Council Mr. Carnahan reported ten years ago Strack and Van Til opened their new grocery store in Cedar Lake. He stated it was a challenge not having a grocery store. Mr. Carnahan shared that the old concrete from Wilco was torn up and used for the floor in Stracks. Mrs. Rivera stated she has been hearing from folks in the softball and baseball fields. They would like the speed bumps to be put back in. Vehicles continue to speed in the neighborhood. Mr. Kubiak stated there are three sections for each speed bump. When they were taken out last year a lot were ripped and torn. They had eight pieces left. You need three to completely cross the road. Mr. Kubiak stated he would see if he could get some more. He stated they will get them there as soon as they can. Mr. Foreman asked Mr. Salatas if he has had any communication with Tri-Creek regarding their used ambulance. Mr. Salatas stated no. Chief Wilkening has been in communication with them. Mr. Foreman asked if the emergency hire for Fire has been discussed. Mr. Salatas stated yes, they have been in communication. Chief Wilkening stated they have advertised for that. They just received the maintenance records for the used ambulance. Mr. Recupito stated his daughter is back home and he thanked everyone for their support and prayers. He stated he has spoken with residents about Summer Winds and the walking path. He's hearing rumors about it not getting paved. He asked if it could be put to rest. Mr. Salatas stated if the subdivision was approved with a paved walking path that is what they will be held to. Since they have not yet hit the 80% mark for the build out of the subdivision, they still hold the performance letter of credit. If it does not get constructed there is always the collateral of the letter of credit that they can pull on to get it done. Mr. Recupito stated there is a check list of stuff that needs to be done. Mr. Salatas stated Mr. Oliphant is overly thorough.
- 2. Town Attorney No report.
- **3.** Clerk-Treasurer Clerk-Treasurer Sandberg reported she submitted the TIF Management Report prior to April 15th.
- 4. Town Manager Mr. Salatas stated they have received a notification from INDOT that they have funded the grant request to the tune of \$831,600 for the roads in the Shades Subdivision. That will be Phase I to the north of 141st Avenue. That includes Edison, Marys, Rocklin, Sherman, Wheeler, Berkley, and portions of 141st. They received two funded grants from NIRPC. The first is the 133rd culvert replacement and road raising. This is in the section of 133rd on the east side of the lake by Lemon Lake. They will be replacing the culvert in the area and raising the road approximately two feet which will keep it from flooding. The next phase, not funded by the grant, would run sidewalk in order to add connectivity throughout the community. Mr. Carnahan stated the price was \$454,504. Mr. Salatas stated the second grant received from NIPRC is for \$1,495,115 and that is for the Founders Creek Multi-Use Trail. It will start at approximately Lemon Lake where he believes a parking lot will be constructed on the County's side of the property. It will run adjacent to Robin's Nest and snake it's way through to Morse Street. It will be approximately 150 feet north of the northwest corner of the Town Grounds. That will connect in with the other NIRPC project, which was previously funded and will be constructed in a few years. That is the sidewalks that will be constructed from the roundabout at Cline down to the southeast corner of Morse and Constitution. He stated over the next five plus years they will be building out a walking corridor loop on the east side of the Town. All together with those three grants, they have gotten \$2.781 million dollars. Mr. Foreman congratulated Mr. Salatas and his team. Mr. Carnahan stated he was told at the NIRPC meeting that Chris and Don Oliphant did an excellent job preparing for this.
- 5. Director of Operations No report.
- 6. Police Department Deputy Chief Brittingham added to Mrs. Rivera's comments on the softball fields. They have had extra patrols in the neighborhood. They have made numerous traffic stops. Both speed signs are up in the area. He was told this weekend kicks off a tournament in the fields. He has asked the department to do as much as they can over the weekend to be as visible as possible in the area. He stated last month they made 632 traffic stops, 731 warnings, and 207 citations. A brief discussion continued.

Mrs. Rivera stated after the last meeting she had emailed Chris and Tim about setting aside some seats for handicapped individuals. She asked if they could buy some signs or print them to have a few seats appropriately marked. He stated he believes Margaret set out a sign at the table where Commander Kidd is currently seated.

7. Fire Department – No report.

WRITTEN COMMUNICATION

1. Building Department Report – Mr. Salatas reported for the month of March there were thirteen new home permits bringing the total year to date up to twenty-five. There were forty-six other permits for the month of March.

- 2. Christopher B. Burke Report Mr. Salatas reported they have been heavy on the Lake Dredge project as previously reported. They continue work on the Morse Street water line. They are still working on the local road safety plan with the Planning Director. The engineer is exploring an additional funding opportunity with the class action lawsuit against Monsanto for PCBs made in the past. They have to do with regulated waters. They will be applying to a pool of money to try and get additional funding for the Lake Eco-System project.
- **3.** Veridus Most work is Parks centered. The Parks Superintendent has been hired and they are waiting for her to get settled.

Mr. Recupito stated they have spoken with a gentleman named Bob in Beacon East. He asked if they are working on the issue over there. Mr. Salatas stated Don is working on that. It is an item that is covered under the letter of credit. The developer will be responsible for putting it into satisfactory condition before the Town accepts it. Mr. Carnahan asked for an explanation. Mr. Salatas stated there seems to be stormwater or retention pond work that needs to be resolved over in Beacon East. Discussion continued on the matter.

PUBLIC COMMENT

Mary Joan Dickson, 8711 W. 132nd Place, asked Mr. Salatas about the percentage of the grants received. Mr. Salatas stated CCMG is 50/50 and the NIRPC grants are 80/20.

Carol Kerr, 9900 W. 129th Place, asked Mr. Salatas if he said there are PCBs in Cedar Lake. Mr. Salatas stated he did not. She asked if it has been tested for PCBs. Mr. Salatas stated he is not aware. Mrs. Kerr said maybe it should be. Mr. Salatas stated he will ask the engineers if it has. Mrs. Kerr asked if Cedar Lake somehow got water from any of the Great Lakes. Mr. Salatas shook his head no. Mrs. Kerr discussed an article in the Times that stated there are PCBs in all of the Great Lakes. She stated it comes from fire retardant foam and it can cause cancer and thyroid disease. She stated she called the Chicago water department and talked to people down there and they said it is in the water. She discussed an issue with fish and PCBs. She stated it is in every Great Lake. She asked Mr. Salatas what he had been talking about. Mr. Salatas stated it was a class action lawsuit not from the federal government. Mrs. Kerr asked about what. Mr. Salatas stated he would abide by the President's original comments and if she would give them to him, he will take them and answer them all at the end. Mrs. Kerr stated she is concerned about that and people fishing. She stated the EPA is stocking Lake Michigan with salmon. She asked why would they stock the lake with fish that is contaminated. She continued to voice concerns. Mr. Carnahan stated they can't get Lake Michigan water because they drain to the Kankakee. Mrs. Kerr continued to voice concerns about the fish.

David Gardner, 14025 Deoder Street, discussed Beacon Pointe East and the issue with the retention pond. He referenced Mr. Salatas's comments regarding the retention pond and the bond. He asked if they are going to wait that long. Mr. Sharpe stated they are trying not to go back and forth. All questions will be answered at the end of public comment. Mr. Gardner asked if something would be done before they finish it up and do a final punch list. He shared a picture of before any homes moved in. He said the city allowed them to develop the lots very close to the water. He said he doesn't know what the ordinance is in regards to the water. In sixteen months, the water has risen and eroded the easement. He stated there as eighteen feet and now it is down to 8.5 feet. He stated if they wait for the bond, Cedar Lake will have to tear the road out and pay for. He stated someone needs to get on Schilling about it. He voiced concerns about his home sliding down.

Kelly Wynkoop, 9010 W. 141st Avenue, Beacon Pointe East, discussed the development and the plan approval process. She stated she worked with them and deeded her property to the Town to do the water loop. The agreement was signed July 24th and the dig date was August 12th. She stated they dug into her property and was told it is a civil issue. When addressed with the Town, she was told it was a civil issue. She stated the subdivision wasn't even approved until they had an agreement. She stated she feels like she is being thrown under the bus with them saying it is a civil issue. She stated they have issues and it is a bond issue. She addressed Mr. Foreman and stated she has called him multiple times regarding the ditch. She stated it never drains and she is infested with gnats and muskrats. She stated the pond in the agreement and in the Town minutes on June 17, 2020, say ponds have to be aerated. She considers it a pond as it has never drained. She discussed attending Plan Commission meetings and they said they are fine. She stated three lawnmowers have gone into the water because of the elevation and what they dug into. Rosebud has been in twice and they have once. She stated it isn't safe and someone is going to get hurt. She stated she believes Rosebud told one of the people in Beacon Point in the back that they are refusing to mow due to the unsafe issues. She stated when she came to the Plan Commission, she was told the elevations are fine. She shared a photo regarding the pitch. She continued to voice her concerns with the standing water and critters. She stated something needs to be done and they need to hold the developer responsible for it and show that it does matter what they do. Mr. Recupito clarified his earlier comments. He stated they talked about the bond but for the folks in Beacon Point East, there is work being done before those bonds get checked off on with the engineer and the developer and builder. He stated when he talked to Christopher Burke they are

trying to come up with a solution. They aren't pushing it off. He stated he just found out about this. Mrs. Wynkoop stated she was told it was a civil issue between her and the developer. Mr. Recupito stated he just wanted to clarify that they aren't waiting. He stated Mrs. Wynkoop's issue is something he was just made aware of today but for the other folks, that is something the engineer is currently working on.

Brenda Roberts, 15008 Morse St, stated last time she was here she informed them of the Lake County Parks property and the eagle nest that had been abandoned. She discussed the historical property and stated the interesting part was the eagle's abandoned their nest around the same time Mr. Lotton began work on the golf course in November 2022. She stated she doesn't believe in coincidence. She stated the eagles had moved their nest a little further south, still on the Lake County Parks property. She stated they have now abandoned that one too. She stated they are looking at causes. She stated the property is a wildlife sanctuary for all. She discussed being taught photography and stated she is photographing for the Lake County Parks. She stated she understands they don't know what Mr. Lotton is doing with the property yet but it is their responsibility to keep this portion of Cedar Lake sacred. She stated if they destroy it, they will go down in history. She stated she noticed at the last meeting that people felt they were not being told the truth of what is going on. She stated she has a bit of insight with what happened to her land. She stated she has 10.5 acres that has become a buffer zone between any development and the wildlife sanctuary. She stated she had a lot of potential buyers for her property. In May 2021, she claimed the Town of Cedar Lake advised that a residential developer would need to install a community well for fire hydrants and another for domestic water service for any development. She stated it is ridiculous. She claimed the Town engineer at that time said to her buyer that he shouldn't even buy the property. She stated she was attacked last time she was here. She said her proposal there would have been a beautiful area. She stated about four months later she received an offer from Mr. John Lotton to buy her property. She stated she told him no. She decided to keep it to preserve it. She stated she was granted no hunting on the property. She stated they have to look at the area and try to keep it historical and a wildlife sanctuary.

Barb Orze, 10290 W. 138th Place, said thank you for getting a text alert out for the fake bomb threat at the schools. She stated she got that through the Smart911. She stated for those who don't know you sign up to get text alerts. She stated it kept her out of that area. She stated she doesn't know if anyone is in charge of the alerts but she wanted to encourage them to do as much as they can with it. She stated it is important in terms of public safety for people to know in a timely fashion.

Greg Parker, 14823 Morse Street, stated he wanted to address comments made at the last meeting about the Brunt Farm and the apartment buildings. He asked if they stood by those statements. He stated he has reviewed the plan since the last meeting. Mrs. Rivera stated that the Brunt Farm has possible zoning for multiple uses, apartments included. Mr. Parker stated the Brunt Farm can only be developed as it was platted and zoned in 2008. Mr. Parker stated if that plat is correct, that wasn't before some of the people on this Council. He stated that argument isn't going to wash with him. He stated he would appreciate not being gaslighted. He stated he would like to hear from the Clerk-Treasurer about a \$15,000 campaign donation. He stated he doesn't believe Jennifer set it up. He thinks someone set it up for her and that someone should admit it.

Kevin Toth, 9725 B w. 129th Place, asked if they could get an update on what is going on with the water situation and the sewer tap situation with the Lowell plant. He stated he understands the plant is up for some upgrades but that may take a few years. He was wondering if they could update them with how many taps are available and what the future holds for that project as far as what it is going to cost and what that means for current residents.

Terry Broadhurst, 14513 Morse, stated there are a few things he wishes to clean up from previous meetings. He stated they previously talked about density. He said a comment was made by John Foreman in the last meeting regarding demand. He stated his question is whose demand is that. He stated everyone he has spoken to so far has not said they want more density. He stated he wonders where is the demand. He stated you can find people to buy. He asked if they did R1 on the golf course, is there nobody to buy those homes as single family. He voiced concerns with the arguments made for multi-family housing. He stated his opinion that the developer is the only one making that demand. He discussed the residual effects of something like that. He discussed previously asking for their opinion on density. He stated he heard two votes. It is a simple yes or no how they feel about density. Mr. Broadhurst asked to those who may vote yes, does their reputation mean anything to them. He stated they will have to live with it. Only the seven of them make the final decision on density or zoning. He stated the other board can only make a recommendation. He discussed increasing the population and at a quick rate. He stated they haven't built a single road. He said they aren't making the developers build the roads outside of the subdivisions. He stated he could go on about his experience. He briefly referenced rumors and reputations.

Mr. Sharpe closed public comment and the Council began to address the comments.

Mrs. Rivera stated regarding Mr. Gardner's comments on Beacon Point East and his loss of the easement, it was previously addressed by Nick. Mr. Recupito apologized if they made it seem like they were just going to wait until the project is done. There are things in the works with the Town

engineer to try and correct that situation. He stated the issue doesn't look good to him. He agreed with them and said they are working on a solution but they don't have a timeframe. Mr. Foreman addressed Mrs. Wynkoop's concerns. He stated he has been out there and met with them. He discussed the land they sold to the developer. Mrs. Wynkoop clarified that on the west side they gained twelve extra feet. They sold them the east side. Mr. Foreman asked Mr. Austgen for the legal that occurred last year. Mr. Austgen stated there was a reconfiguration of their lots and deeds for the developers needs. That was a private deal. The Town was not part of that until they knew they had certain land ownership. Mrs. Wynkoop said they had to make an agreement with them. Mr. Austgen stated they made an agreement and that agreement put the developer in a position where they could meet the development standards. Mrs. Wynkoop discussed the timeline of the agreement and stated when the excavated the area they came all the way up to the twelve feet that were given. That is what caused the elevation issues and lawnmowers to fall in the water. Mr. Austgen stated that is why consistently they have talked about that being the private deal portion of that. Mrs. Wynkoop stated so she has to sue him. Mr. Austgen stated that isn't what he said. It sounds like the engineer's are looking at this. Mrs. Wynkoop stated she came to a Plan Commission meeting with the engineer and was told it was fine. She stated John told her it was a civil issue. Mr. Foreman stated yes, on the west side. Mr. Austgen stated he is right. He thinks they agree. The west side they acquired and it is theirs. The west side is the problem and that is what the engineers are looking at. Discussion continued on the matter. Mr. Recupito stated he doesn't have a time table. He said he found out about the issue on Facebook. He reached out to Bob and went out there to check it out. He talked to Chris and the engineer and they told him exactly what he is telling them. He stated he will continue to bug them about the issue. There are talks ongoing to try and resolve the matter. Mr. Kubiak stated he thinks a part of the fiasco on the west side of the property is because Beacon East started without the Wynkoop's property. It was all approved prior to them acquiring the property. They had a road going out to 141st. They didn't have the lots on the side. They added that extra property after they negotiated a deal. The whole detention pond was all the way up to the line originally, then they made a deal with the Wynkoop's and he doesn't think anyone updated the plans. He stated he thinks that the twelve feet was probably always included in the plans but they traded and no one ever shifted anything. Mrs. Wynkoop stated it sounds like miscommunication on their part. Mr. Kubiak didn't disagree with her. He discussed that being the boundary of the original development. Mr. Sharpe asked Mr. Brittingham to discuss the alerts and Smart911. Mr. Brittingham stated there are various people throughout the Town who have access to send out communications, he is one of them. The Chief is another one. It really depends on whose department it affects. If it is a police related issue it will come from Chief, him, or Sarah. They also don't want to abuse it. They want to keep it for emergency notifications. He knows the Town uses it for water main breaks or road closures. That usually comes from the Town Manager's office. They are utilizing it as much as they feel they should be. They don't want to overdue it. They have had people complain about the alerts. Chief Wilkening stated people can go in and chose the type of alerts they receive. Mr. Brittingham stated it is the only thing they use in a public notification situation outside of social media. Social media isn't an official platform. Mrs. Orze discussed the importance. She stated she thinks a lot of people still don't know about it. A brief discussion continued. Mrs. Rivera asked Mr. Salatas if he had the information in regards to the Brunt Farm and what it is currently zoned for. Mr. Foreman stated he has it. The whole Plan Commission was sent it last week. Along Morse it is zoned B2. Behind that is RM and quite a bit of RT. It is all R1 back towards the east along what would be the trail. Mr. Foreman stated that was from pre-2008 but he thinks they approved it in 2008. He was asked the question in the last meeting and could not remember. The Planning Director sent it out to the Plan Commission and Mr. Foreman forwarded it to the Council. Mr. Salatas stated the zoning classifications can be found within the zoning ordinance no. 1402. RM zoning does allow for apartments. Mr. Parker stated that is not what it was platted for. Mr. Salatas stated he is just stating what the zoning classification is for. A gentleman in the audience began to speak out. Mr. Salatas apologized and stated public comment was closed. The audience member stated others are speaking out. Mr. Salatas stated he understands that. Mrs. Rivera asked about Bay Bridge. Mr. Salatas stated Bay Bridge has also been sent out. He believes it has several pods of RM, RT, and R2 but he thinks Nick may have it. Nick stated it is just the zoning map. It has multiple zones of RM, R2, and R1. R1 would be the least dense, R2 the second to least, and RM would be multi-family. He stated he didn't have a breakdown for how many rooftops. Mr. Foreman addressed Mr. Broadhurst's comments. He stated if a rezone request is made in front of the Plan Commission, it would be important for him to be there on the record. He stated he knows he is new to the community and he stated that his past hasn't been RT and RM and he doesn't foresee it changing. He discussed Lennar Homes development having some RT and RM and he wasn't too happy with it. He stated he voted against it and he isn't afraid to say it. He stated good development in the community will make the community strong for the next twenty-five to fifty years. He stated he wanted to let Mr. Terry know that it is important for him to be there if and when something comes before the Plan Commission. Mrs. Rivera discussed the last meeting going off the rails. She asked Mr. Salatas if he could help explain when there is a zoning change requested. She asked him to walk through the process. Mrs. Rivera commented on when Terry asked people about how they would vote if something was going to change from R1. She stated she felt that she couldn't say that in a public meeting for a plan she didn't see, she would have to

recuse herself from voting in the future on that. She doesn't want to not have a vote because she would appear biased. She stated to her it seems like something she would have to recuse herself from in the future. Mr. Broadhurst stated the question wasn't on changing it was on density. It wasn't on how they were going to vote. Mr. Salatas stated public comment is closed. Mr. Broadhurst said not to change his words. Mr. Salatas stated if a petitioner comes to staff, either himself or the Planning Director, for their property or a piece of property they are going to purchase. They have one such example with the Davis vacation. They came before the Town and met with staff and the engineers. They gave a conceptual proposal. Feedback is given based off the subdivision control standards, the zoning district, utilities in the area, utilities that need to be expanded, and things of that nature. When they comeback with a concept plan that meets the Town zoning ordinance or is at a point where they feel comfortable asking for waivers and/or BZA variances, they make formal application to the Town. Depending on what path that petition needs to go through either a rezone, primary plat, BZA variances, waivers from subdivision control standards, much like what was discussed in this meeting previously, the Sherman Street vacation. There was a discussion on waivers they would need from the subdivision control standard i.e., the cul de sac. If it is a rezone, they have to advertise a public hearing. Mr. Austgen's office assists with the public hearing to make sure it is done by State Statute which requires it to be noticed in the newspapers at least ten days before the public hearing is held. All adjacent property owners have to be noticed through certified mail. The County Auditor's Office prepares that list because the Town does not have a township assessor. A public hearing is then held by the Plan Commission. A recommendation is made to the Town Council. Similar to what occurred with Railside today. You vetted through the Plan Commission the Railside PUD. It went through multiple revisions, changes, and Dave and him spent countless hours on the phone going through the legal aspects of the project. When ready it goes before the Town Council for review and consideration. If other projects require BZA action, variances of use, there will be public hearings held by the same State Statute that are required. Mr. Austgen's office helps with that public hearing notice. As seen on the agenda, also reviews the notices for appropriateness to make sure everything is compliant with state law. That is the process. He stated as far as the density considerations, projects are supposed to be vetted against the Comprehensive Plan. It is available on the Town's website. That is where those come from. He addressed Mr. Toth's comment. He stated he can try to get him the information as far as taps and connections. That is of concern to the Town and he just doesn't have the information readily available. Mr. Foreman addressed Mrs. Roberts and stated anyone who doesn't like American eagles and wildlife is inhumane. He stated he agreed with her comments and appreciated them. Ms. Sandberg asked the President if she could speak. Mr. Parker spoke out. Multiple voices overlapped. Ms. Sandberg stated she doesn't believe this to be the appropriate venue to discuss campaign finances. She addressed Mr. Parker and stated she wishes he would have called her to discuss but out of respect for him she would address the matter. She stated she did receive a \$15,000 donation and receipted and reported it appropriately as she is required to. Mr. Parker stated he has the utmost respect for her and believes she does a good job. Mr. Parker began to speak and Mr. Sharpe stated public comment was closed and rapped the gavel.

ADJOURNMENT President Sharpe called the meeting to adjournment at approximately 9:45 PM.

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

Richard Sharpe, President	John Foreman, Vice President
Robert H. Carnahan	Julie Rivera
Nicholas Recupito	Ralph Miller
ATTEST:	Colleen Schieben

Jennifer N. Sandberg, IAMC, CMC, CPFIM Clerk-Treasurer

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

(b) As the meeting progresses, the following *memoranda* shall be kept:

(1) The date, time and place of the meeting.

(2) The members of the governing body recorded as either present or absent.

(3) The general substance of all matters proposed, discussed, or decided.

(4) A record of all votes taken, by individual members if there is a roll call.