

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



September 5, 2023

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

*Present via Zoom.

PUBLIC HEARING

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

A motion to defer to the October 3, 2023 meeting 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.

2. Ordinance No. 1466, Annexation Ordinance, Howkinson Farm

- a. **Review of Legals** - Mr. Austgen stated the legals were in order. They were published in the newspapers August 5th and August 16th.
- b. **Reading of Ordinance No. 1466** – Council Member Foreman read by title only.
- c. **Reading of Resolution No. 1336** – Council Member Foreman read by title only. Mr. Austgen reported this is an 80-acre parcel that is surrounded on three sides by Town municipal boundary property. Mr. Carnahan asked if the location was on Parrish Avenue. Mr. Austgen stated it is approximately the 14500 block.
- d. **Remonstrators** – Richard Thiel, 11363 W. 135th Place, asked how they can have any remonstrators if no one has a packet. He stated the packet was not out. He stated there is an agenda only. He voiced concerns with the lack of packet. Mr. Salatas stated the agenda was made public and most municipalities only post the agenda. Here, there is an overabundance of transparency. It was made public before the meeting. Mr. Thiel stated it was still not available. Mr. Salatas stated it should be available, he was informed by his Administrative Assistant before the meeting started. Mr. Thiel continued to voice concerns. Mr. Recupito stated it was not available. He stated he checked earlier and only the agenda not the packet. Discussion continued on the matter. Mr. Austgen stated this will come back for adoptive reading consideration of the ordinance. He stated the resolution is for the fiscal plan of the parcel.
- e. **Town Council Discussion**
- f. **Town Council Decision on Resolution No. 1336**

A motion to approve Resolution No. 1366 was made by John Foreman. Audience members stated that Resolution was not listed on the agenda. It was determined the agendas were not correct. Mr. Austgen stated there is no hurry on the item. It can come back to another public meeting. Mr. Foreman removed his motion. A motion to defer and continue the public hearing 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.

PUBLIC COMMENT

Mary Joan Dickson, 8711 W. 132nd Place, asked about Item 11 under New Business. She stated they are considering \$20,000 for the Taylor Ice Fest. She discussed the two-day fest. She asked what the money would be spent on. She asked if there was a budget proposed. She discussed revenue for the fest. She asked if there is a profit made, where will that profit go.

Kevin Toth, 9725 B W 129th Place, discussed Resolution No. 1337, transfer of funds from wastewater treatment to the lake dredging, he voiced concerns with taking \$4.4 million dollars from the wastewater utility. He voiced concerns with pending expansion costs at the plant. He commented on the economic development appointment. He asked that they consider appointing someone from the business community.

Mr. Salatas stated the Parks Superintendent is coming up with a budget for the Taylor Ice Fest. This is a planning number for a new event and to supplement the Parks initiative. Mr. Carnahan stated there is a possibility of appointing a business person. Mr. Salatas stated that is correct. Mr.

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Foreman stated there is a gentlemen named Dave DeJong, as well as Ed Giordano, and Janelle Spindler from Centier Bank.

CONSENT AGENDA

- 1. Minutes: August 1, 2023**
- 2. Claims: All Town Funds: \$217,490.61; Wastewater Operating: \$658,658.77; Water Utility: \$84,112.59; Storm Water: \$12,570.72; and Payroll: 8/17, 8/31, and 9/1/2023 - \$547,089.49**

A motion to accept and waive the reading of the minutes and accept the consent agenda as listed was made by Julie Rivera with second by Ralph Miller. Mr. Carnahan stated he noticed several different places on the claims where it said toaster. He asked if they were buying a toaster and voiced concerns about seeing it repeatedly. Clerk-Treasurer Sandberg stated multiple departments make purchases monthly at True Value and the system only allows so many characters for a description. That is why it shows the description repeatedly. She stated she could pull the invoice for him tomorrow. Mr. Carnahan voiced concerns with the Parks Department utilizing a printing service in Lowell. He stated he thinks they need to use Hoosier Postal Service in Town. He stated they pay taxes. Ms. Sandberg stated that is a conversation for him to have with the Parks Superintendent. She stated it is not her place to tell her where she needs to purchase from. Mr. Carnahan stated that goes for anything. He encouraged keeping business in Town. Ms. Sandberg stated that is a conversation he can have with all the department heads. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

ORDINANCES & RESOLUTIONS

- 1. Ordinance No. 1437 – Flume Annexation Adoption**

Council Member Foreman read Ordinance No. 1437 by title only. Mr. Foreman stated this is off of 165th on Morse. The State grants special permission to annex land that is not contiguous under these types of circumstances connected to utilities. Mr. Austgen stated it is the adoptive reading.

A motion to adopt Ordinance No. 1437 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. Mr. Austgen stated there would be a publication in the newspaper of the adopted ordinance.

- 2. Ordinance No. 1458 – Ordinance Designating Economic Development Target Areas**

Council Member Foreman read Ordinance No. 1458 by title only. Mr. Salatas stated this is the ordinance that designates economic development target areas. This will then morph into and establish the residential housing TIF. Mr. Faccenda stated under Indiana Statute, in order to include condominiums and townhomes in the real property upon which TIF is collected, you have to declare the area an economic development target area. Mr. Carnahan asked Mr. Salatas to explain the districts. Mr. Salatas stated they are looking to establish seven residential housing areas. Two are in the northwest, four in the southeast, and one in the southwest. He stated they are otherwise known as Oakbrook, Monastery Woods North, Founders Creek, Lakeside, Lakeside South, Bay Bridge, and Red Cedars. Mr. Recupito asked what binding effects the ordinance would have moving forward. Mr. Faccenda stated by designating it under Indiana Statute, then you can collect. If there are condominiums and townhomes built as part of the project within the TIF area, they will be able to collect on those properties. Mr. Recupito asked if that gives them the option to do that. Mr. Faccenda stated it is not an option if they declare it, it will collect TIF. He stated if regular residential housing is developed within an area declared as residential housing, they will collect TIF on it. If they do not make the designation, anything that is classified as a condominium or a townhome, they will not be able to collect TIF. Mr. Carnahan added part of collecting the money will give them the ability to fix some of the roads in the community.

A motion to approve the first reading of Ordinance No. 1458 was made by Julie Rivera with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Abstain, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 0; 1 – Abstain.

- 3. Ordinance No. 1469 – Job Description Amendment, Administrative Assistant for the PD**

Chief Fisher stated this is an update to the job description for his Administrative Assistant. In review of some of the job descriptions, they found the administrative assistant was required to have a CDL. The administrative assistant is now in charge of the

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civilian employees. A brief discussion continued. Council Member Foreman read Ordinance No. 1469 by title only.

A motion to approve Ordinance No. 1469 was made by John Foreman with second by Robert Carnahan. 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 Robert Carnahan with second by John Foreman. 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. 1469 by title only.

A motion to adopt Ordinance No. 1469 was made by Robert Carnahan with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

4. Ordinance No. 1470 – Amending Ordinance No. 1114 – DARE Special Non-Reverting Fund

Chief Fisher reported a few meetings ago they discussed moving from DARE to the Geminus program, Too Good for Drugs. He stated this program is more locally based. They realized that the original ordinance was written specifically for DARE. Discussion occurred on updating the terminology. He stated Too Good for Drugs is nearly identical to DARE. He stated the biggest upside to it is that it is able to be adjusted if they are having different problems regionally. They can adapt and build a program to fit the education needed in the area. They are looking to update from DARE to Drug Education Programs. Mr. Carnahan asked about Crown Point having a different set up. Chief Fisher stated the City of Crown Point will teach at MacArthur this year. He stated the school has a strict policy on teaching identical programs across the school district. A brief discussion continued. Council Member Foreman read Ordinance No. 1470 by title only.

A motion to approve Ordinance No. 1470 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.

A motion to suspend the rules and allow for a second reading was made by Ralph Miller with second by John Foreman. 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. 1470 by title only.

A motion to adopt Ordinance No. 1470 was made by Robert Carnahan with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

5. Ordinance No. 1471 – Creating the East Side Water Improvements Special Non-Reverting Fund

Mr. Salatas reported this is an ordinance to create a special non-reverting fund for the \$650,000 that Lake County has earmarked for the Town after signing a Joint Interlocal Agreement with the Town. The funds are anticipated to arrive in the next couple of weeks. The funds will be kept separate and tracked for reporting purposes. A brief discussion continued on the funds and their specific use for east side water utility related infrastructure. Council Member Foreman read Ordinance No. 1471 by title only. Mr. Recupito asked when they can expect the funds. Ms. Sandberg stated they anticipated anytime within the next two to four weeks.

A motion to approve Ordinance No. 1471 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.

A motion to suspend the rules and allow for a second reading 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.

Council Member Foreman read Ordinance No. 1471 by title only.

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A motion to adopt Ordinance No. 1471 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.

6. Resolution No. 1337 – Lake Ecosystem Restoration Pledged Funds Transfer Resolution

Mr. Austgen stated this is the transfer that is proposed to be made of wastewater funds to the project funds so that they are in a segregated account for use on the eco-system restoration project. This is necessary to fulfill the commitment with the contractor to whom they awarded the bid. This is necessary for payment of that contract price. Council Member Foreman read Resolution No. 1337 by title only. Mr. Austgen added this has been vetted by the Town's Utility Accounting Specialist and has received check off from her and staff.

A motion to approve Resolution No. 1337 was made by John Foreman with second by Julie Rivera. Roll Call: Carnahan – No, Rivera – Yes, Recupito – No, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 5 – 2.

BZA/PLAN

1. Conversion of Performance Letter of Credit to Maintenance – Birchwood Farms, Phases 1-3 & 5, in the amount of \$395,168.95

Mr. Salatas reported this item is a letter of credit from First Source Bank. The letter from the Town engineer is attached to their packet.

A motion to approve 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.

2. Replacement Performance Letter of Credit – Birchwood Farms, Phase 4, in the amount of \$217,722.79

Mr. Salatas reported this item is also from First Source Bank. The letter from the Town engineer is attached to their packet.

A motion to approve was made by Julie Rivera 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. Extension Performance Letter of Credit – Centennial Villas, Phase 3, in the amount of \$174,896.05

Mr. Salatas reported this letter of credit is from Centier. The letter from the Town engineer is attached to their packet.

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

4. Extension Performance Letter of Credit – Rose Garden Estates, Unit 3, in the amount of \$1,913,079.85

Mr. Salatas reported this letter of credit is from Peoples Bank. The letter from the Town engineer is attached to their packet.

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

5. Extension Performance Letter of Credit – MacArthur Elementary School in the amount of \$312,289.00

Mr. Salatas reported this letter of credit is with First Merchants Bank. The letter from the Town engineer is attached to their packet.

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

OLD BUSINESS

1. Veridus Owner's Representative Services Proposal – Town Hall

Mr. Salatas stated there is a representative from Veridus Group present. The proposal has changed since last presented and is now a not to exceed \$5,000 a month until the project is closed out. Rick with Veridus was present. He stated they would serve as Owner's

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Representative. Mr. Carnahan asked for an explanation of services. Rick stated they are a group of owner's representatives. He has a professional background as an architect but they also have contractors and other professionals. Their job is to make sure they understand what the contract is and hold the other vendors to stay on schedule and on budget. He stated they are both supplemental and expertise over a broad spectrum. They will look over the contracts and drawings and make sure everything is representative of what the Town is asking for. They will make sure that everything is scoped appropriately. Mr. Carnahan asked what happens if they fall behind. What would Veridus do? Rick stated they are the ones aware of the contract and would keep conversations going and make sure the schedule is followed. Rick stated they also review all documents. Discussion continued on the services provided. Mr. Recupito asked when do they start billing the Town for services. Rick stated not until after they have a signed proposal. Mr. Recupito asked about the original proposal. Rick stated the director wrote the original proposal and he did not have that in front of him. He only had the updated proposal. As discussed, it was changed from a lump sum fee to a not to exceed in order to make sure it is minimal to the needs of the Town. Mr. Recupito asked how long they expect the contract to last. Rick stated through construction documents. He stated he did not recall when exactly that is. Mr. Austgen stated April 2024. Mr. Austgen inquired about the dates and amount of time. He stated it was originally contemplated in August and there should be some adjustment. Mr. Recupito added he has a meeting scheduled September 19th to go through Town Hall with Cliff. He stated he would be voting no until he can determine that a new Town Hall is warranted.

A motion to approve was made by John Foreman with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – No, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 1. Mr. Austgen stated so they are clear, they need to require the vendor to give an updated proposal with dates current.

2. Acceptance of the Founders Creek Well Site – Deed and License Agreement for Access

Mr. Salatas reported this is a license agreement for access and a deed for property. The deed is for a potential well site that the developer drilled. It has been vetted by the Barnes & Thornburg handling the proposals going through Plan Commission, Joe Calderon. It would be the intent of the Town to use some of the earmarked Lake County money, the \$650,000, to develop the well for municipal use. Mr. Carnahan asked what the benefit of it is. Mr. Salatas stated according to the hydrologist, for bedrock well, that could produce approximately 1,000 gallons of water per minute supply to the municipal system on the east side. Mr. Carnahan asked if it would help the water tower in Krystal Oaks. Mr. Salatas stated it would supply more than enough water to the water tower in Krystal Oaks, especially given that the tower is only a 250,000-gallon tank. If the well is developed and performs as expected per the report, should be able to fill it up quickly. That will supply enough water capacity and ideally, water pressure to be able to fight fire on the east side. This will supply the water into the lines being run. Mr. Carnahan asked if it would help when the Fire Department flushes hydrants. He stated MacArthur School sees total rust in their bathrooms after flushing. Mr. Kubiak stated that is part of maintaining the system with well water. He stated it will not stop happening. The reason for flushing is to get that stuff out and inspect the system. He stated it is a curse of well water. He added the Water Department flushes the hydrants. Mr. Salatas stated it would supply enough capacity within the system to be able to allow uninterrupted flushing of the system. Right now, they only operate from the Robin's Nest well. There would be several backup wells when this one is made a municipal well. Mr. Recupito asked if there will be next steps in development before an actual well is drilled and used by the Town. Mr. Salatas stated absolutely. Under New Business, there is consideration for a proposal from Peerless Midwest for Founders Creek. They have to permit through IDEM first before they can drill any wells. They have to go through the permitting process and that business item will get them to that process before any well drilling. Mr. Recupito asked what kind of vetting IDEM does. Mr. Salatas stated that is a question for IDEM and the hydrologist that will be dealing with the permit.

A motion to approve acceptance of the Founders Creek Well Site was made by John Foreman with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

NEW BUSINESS

1. Philip J Faccenda Agreements – Economic Development

- a. Revenue Bonds 2023A – J3/LBL Development Project
- b. Revenue Bonds 2023B – Schilling Development Project

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Mr. Salatas reported these were emailed and are consideration for services. Mr. Faccenda stated these are engagement letters related to the J3/LBL and Schilling projects. Mr. Austgen stated they are the pro forma. They are what he needs in order to be able to do the work. Mr. Recupito asked what sort of work would be done. Mr. Faccenda stated this is for the TIF work for the various areas discussed and any economic development agreement as well as any bonds issued. A brief discussion continued. Mr. Austgen added that bond counsel is specialty counsel. Financing of this nature and type in Indiana Code requires specialty counsel because of the nature of the opinions they render. Mr. Faccenda and his firm have done it before for the Town. Mr. Carnahan asked about the rate. Mr. Faccenda stated these are going to be fixed fee arrangements. It will be provided to the Town as soon as they get further down the road. It will not be billed out as hourly. Mr. Carnahan asked if it would be a lump sum and what that would be. Mr. Faccenda stated it would be a lump sum but they do not have a number yet because they do not know enough about what they are doing. It will be provided as soon as they do. Mr. Carnahan stated he does have confidence in their firm. Mr. Faccenda stated they would provide a supplemental fixed fee as soon as they know more.

A motion to approve was made by Julie Rivera with second by Ralph Miller. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – No, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 1.

- 2. Appointment of members to the Economic Development Commission**
 - a. Council President's appointment
 - b. Councilmembers' appointment

Mr. Sharpe reported that the Lake County Council appointed Dave DeJong. Mr. Sharpe stated his appointment is Janelle Spindler, Branch Manager of Centier Bank in Cedar Lake. The Councilmembers' appointment is Ed Giordano.

A motion to approve the appointments 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.

- 3. MOU for Accident Reconstruction Team – Chief Bill Fisher**

Chief Fisher reported this is an MOU between multiple departments for an Accident Reconstruction Team. Cedar Lake is the last department to get approval. In January 2022, they received notification from Lake County that due to their crashes, they would be unable to respond as often. Chief Fisher stated he worked with the Chief from St. John to come together to share resources. The team would allow officers working the roads to get back on the roads as they take over the scene of serious crashes. They selected a commander, Officer David Shafer. Officer Shafer has been a reconstructionist for twenty-one years. They decided to put a team together to combine resources. The MOU is for the \$500 a year for the Active911 system. The team would be activated similar to the SWAT Team. Discussion continued on the Accident Reconstruction Team and the communities involved.

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

- 4. Disbursement Request No. 5 for 2022A Project Trustee Fund No 1001031163 for the Police Station Project in the amount of \$431,368.68**

Mr. Salatas stated these are for two payments, one to GM Development and the other to Veridus Group for the progress of the project. Sue has verified the expenses.

A motion to approve 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.

- 5. Disbursement Request No. 4 for 2022B Project Trustee Fund No 1001031164 for the Fire Station Project in the amount of \$735,809.54**

Mr. Sharpe clarified the disbursement request was number 4. Mr. Salatas stated it is same as the last item but for the Fire Department.

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.

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6. VS Engineering Pay Request for the Cline Avenue-Town Hall Sidewalk in the amount of \$30,375.00

Mr. Salatas reported this is for the east side sidewalk project from Cline Avenue to the Town Hall. This is for survey work done so far. Mr. Carnahan stated he did not think they were starting until 2025. Mr. Salatas stated that is construction. They have to do all of the preliminary engineering, survey work, and right of way acquisition. Mr. Carnahan asked if they are getting any funds. Mr. Salatas stated it would be submitted to NIRPC for reimbursement.

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

7. Consider Peerless Midwest Contract for Founders Creek

Mr. Salatas stated this contract is for the hydrologist and well drilling company. This is to get the new well site surveyed and permitted. This is the permitting before they can get approval to drill a well. This is for a not to exceed amount of \$11,850. This would be paid for out of the non-reverting fund established for the Lake County money received.

A motion to approve was made by John Foreman with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – No, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 6 – 1.

8. Approve Peerless Midwest Additional Cost for Kretz Property Well in the amount of \$2870

Mr. Salatas stated this was originally approved for a not to exceed amount of \$5,800. They went over that by \$2,870. They are seeking additional funds to cover the costs. This is for a test well drilled on what is now the Henn property. The north side of the Railside development. Mr. Carnahan asked if they bought the property. Mr. Salatas stated no. They need appraisals first. A brief discussion continued.

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

9. CBEL Pay Request 3 for the Stage 2 Dredging in the amount of \$1,103,594.31

Mr. Salatas stated this is pay request 3. It is for work conducted dredging the lake to date. Mr. Carnahan asked if it was going to Christopher Burke. It was stated no, it is for payment to Dredge America. Clerk-Treasurer Sandberg stated they always get a cover letter for review by Christopher Burke. A brief discussion on occurred on work completed to date.

A motion to approve was made by Colleen Schieben with second by Ralph Miller. Mr. Carnahan asked where the money is coming from. Ms. Sandberg responded from the construction account for the eco-system bond. Mr. Carnahan asked if it was coming from sewer money. Ms. Sandberg stated they still have construction funds left. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

10. Approval for use of Park Impact Fees for the beautification and sidewalk improvements along the lakefront area of Park of the Red Cedars in an amount not to exceed \$35,000

Mr. Salatas explained they received a grant to do the public art piece on the beach. They would like a not to exceed amount of \$35,000 from Park Impact Fees to get them through the project. They have received 75% of the grant amount already. The last 25% will be reimbursed after the project is completed. The initial project did not include sidewalks connecting to the museum or the connection to the pavilion. When done, the area will be walkable and ADA accessible. Mr. Carnahan clarified it is not a park but the Town Grounds. Mr. Foreman asked if they can get a fire truck in there. Mr. Mager stated no. Mr. Salatas stated they are working on it. The Chief was made aware before they started the project. They have been talking with him to work on alternatives. Mr. Recupito asked if they always have to vote to approve the use of the Park Impact Fees. Mr. Austgen stated that is always the practice in Cedar Lake. Park Impact Fees are used for capital projects and improvements. That money is released by action of the legislative body.

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

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11. Consider approving a request to use \$20,000 from the Professional Consulting Fund to help fund the Taylor Ice Fest

Mr. Salatas reported this is a new festival being started. If approved, whatever amount would be seed money for the event to get it up and running. He stated he believes the Parks Department also plans on utilizing some of their funds as well. The funds are available within Professional Consulting.

A motion to approve was made by John Foreman with second by Colleen Schieben. Mrs. Rivera asked what the professional consulting fund used for. Ms. Sandberg stated she believes fund may be a typo as professional consulting is a line item within the Town Council budget. Professional consulting is for anything they engage such as Veridus Group, financial consultants, and anyone providing professional services. It is part of the General Fund and the department is Town Council. Mr. Carnahan asked who the consultant is they are using. Mr. Salatas stated this would not necessarily be for one consultant. As they get a budget, they would submit to Council for appropriateness. There may be a transfer that needs to be done for supplies. He stated there has been discussion on purchasing tents, heaters, and supplies or services such as bands and choirs. Mr. Carnahan asked what if there is a snow storm and they have to cancel. Mr. Salatas stated they are preparing for any and all weather. Roll Call: Carnahan – No, Rivera – Yes, Recupito – No, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 5 – 2.

REPORTS

- 1. Town Council** – Mr. Carnahan stated Nick Recupito asked him to make an announcement. September 9, 2023, will be household hazardous waste collection at Lowell Middle School. They no longer take paint. Mr. Foreman congratulated Colleen on the Labor Day Fest. A brief discussion on the event continued.
- 2. Town Attorney** - No report.
- 3. Clerk-Treasurer** – No report.
- 4. Town Manager** – Mr. Salatas reported Morse Street will be closed starting tomorrow and Thursday as they will be paving the area. They will start closing out that project. There are local detours. An information meeting was held for the Shades Road Project. One half of the first phase will be done this year and the second half will be done next year. There will be some local road closures as a box culvert will be installed on 141st Avenue. They will be installing storm drains into that area as well. Mr. Carnahan stated he keeps getting complaints on 131st. He asked if they have plans for that. Mr. Salatas stated they are aware of the road status. He stated they need funds. It is on the hot list of projects to be done but they have a backlog of road paving. A brief discussion continued.
- 5. Director of Operations** – No report.
- 6. Police Department** – No report.
- 7. Fire Department** – Deputy Chief Mager stated it was pretty busy during the holiday. They had 42 calls. He stated they have been down an engine due to some repairs.

WRITTEN COMMUNICATION

None

PUBLIC COMMENT

Mary Joan Dickson asked if the income from vendors would be deposited to the Parks or who would be handling it. She asked where will any income go. Mrs. Schieben stated she does not believe there will be any profit made. She stated if there is it will be put back into the Parks if that is the right thing for them. Mrs. Dickson asked about the vendors being charged to set up and who is charging them and where will it go.

Terry Broadhurst, 14513 Morse, stated he would like to follow up on Bob's question on item 11. He discussed having an insurance policy in place for a festival unable to be attended by patrons. He discussed the possibility of catastrophic coverage. He asked if the \$20,000 would be paid back before any profits.

Greg Parker, 14823 Morse Street, stated he wanted to give them a preview. He asked what the current status is of the Lighthouse Well for east side water and what the current supply is.

Barb Orze, 10290 W. 138th Place, discussed safety and the Smart 911 system. She stated last week they had a boil advisory. She stated she went to the library and they had no idea of the advisory. She inquired about how businesses are notified. She voiced concerns with folks being unaware of Smart 911. She stated there should be a policy on administering Smart 911 and getting the community to sign up for it and use it. She stated the policy should note who is in charge. She asked if there is a policy and who is in charge. She continued to discuss the benefits of information via the alert system.

Lester C. Kaper, 8602 Lake Shore Drive, asked about the appointments to the Economic Development Commission and if they are resident of Cedar Lake.

Meg Jehle, 14819 Morse Street, stated she knows there was a notice put in the paper and certified letters were received by residents from Lotton Development for a public hearing on rezoning. She asked why was the Plan Commission not involved and why was a public hearing scheduled.

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

Kevin Toth, 9725 B W. 129th Place, discussed Resolution No. 1337. He asked the five who voted for the resolution to cite any meeting they approved the \$4.4 million dollars of wastewater funds for the project. He questioned the transparency.

Gayle Brannon, 7019 W. 139th Place, asked when the corrected agenda and packet would be available.

Brenda Roberts, 15008 Morse Street, stated they are looking forward to the meeting tomorrow night. She stated the people are against the PUD. She voiced concerns with the certified letter received. She voiced concerns with wildlife in the area. She suggested the Town and/or County put up signage regarding the speed limit. She discussed dropping the speed limit.

Mr. Salatas stated the Cedar Lake Farmers Market is handling the vendors. That does not involve the Town. If there is a profit it could go into the Parks Non-Reverting Fund. Mr. Salatas stated the Town carries multiple insurance policies. He would leave it to the attorney to decide and classify what is catastrophic weather. Mrs. Rivera discussed the possibility of a rain date due to inclement weather. Mr. Salatas stated that is something the Parks Department could look at moving forward. If it does make a profit, it would get put into the Parks Non-Reverting Fund. Mr. Salatas stated he would have to talk with the attorney regarding the security surrounding water sources and what can be released. That will be discussed. He stated he would need to check and make sure the library is signed up for the RAVE notification. He stated he believes there is a policy. It is Lake County authorized software that is used. They have their own policies. Department Heads handle their own individual department notifications. It is a requirement that economic development commission members are residents of the community. The public hearing would have to be discussed with the attorney as well as the Planning Director. Mr. Salatas stated in regards to Resolution No. 1337 it was pretty straight forward. Mr. Austgen stated the resolution approved covers that. Mr. Salatas stated they will get the corrected agenda and packet out as soon as possible, ideally, tomorrow. He deferred to Mr. Austgen regarding the speed limit concerns of Mrs. Roberts and if it falls under local ordinance. Mr. Austgen stated it could and it depends on how the County Highway Department feels. He asked the Police Chief to take a look at that. Discussion occurred on the location in question and signage.

ADJOURNMENT President Sharpe called the meeting to adjournment at approximately 9:10 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.
- (5) Any additional information required under section 3.5 or 3.6 of this chapter or any other statute that authorizes a governing body to conduct a meeting using an electronic means of communication.