



September 19, 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 Council Member	Ward 1	Present	John Foreman Vice-President	At Large
Present	Julie Rivera Council Member	Ward 2	Present	Richard Sharpe President	At Large
Present	Nick Recupito Council Member	Ward 3	Present	Jennifer N. Sandberg, IAMC, CMC, CPFIM Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	Chris Salatas Town Manager	
Present	Colleen Schieben Council Member	Ward 5	Absent	David Austgen Town Attorney	

PUBLIC HEARING

1. Ordinance No. 1466, Annexation Ordinance – Howkinson Farm

- a. Review of Legals** – Legals were stated to be in order.
- 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.
- d. Remonstrators** - None
- e. Town Council Discussion**

Mr. Salatas explained this is an annexation proceeding. It is the fiscal resolution, which was read by title only. This was a holdover from the last meeting as the document was not uploaded to the website in time. The fiscal resolution is prepared by Dave and is form based. It is substantially similar to most of the other fiscal resolutions that are done. Given that the fiscal resolution is a holdover from last meeting, the proceeding should undertake the approval of the fiscal resolution and then a second, adoptive reading of the ordinance. Mr. Carnahan asked Mr. Salatas to explain where it is located. Mr. Salatas stated it is at the corner of Parrish Avenue and 141st Avenue. Immediately east of Rose Garden Estates. It is approximately 80-acres and is being annexed in as agricultural.

f. Town Council Decision on Resolution No. 1336

A motion to approve Resolution No. 1336 was made by Julie Rivera with second by Colleen Schieben. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

g. Reading of Ordinance No. 1466 - Council Member Foreman read by title only.

h. Town Council Decision on Ordinance No. 1466

A motion to adopt Ordinance No. 1466 was made by Ralph Miller with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

PUBLIC COMMENT

None

CONSENT AGENDA

- 1. Minutes:** August 15, 2023
- 2. Claims:** All Town Funds: \$627,546.52; Wastewater Operating: \$204,103.68; Sewage Works Ref Rev Bond: \$15,350.00; Water Utility: \$61,167.96; Storm Water: \$7,379.93; Payroll: 9/14/23 - \$385,732.21; and August Remittances \$323,907.21
- 3. Manual Journal Entries:** August 1, 2023 – August 31, 2023
- 4. Donations: Public Works:** In-Kind Donation of Bulk Motor Oil Dispenser & ½” Drill Press (estimated value of \$1,250), Larry Nagy (Nagy’s Automotive). **K-9 Donations: \$100:** Mary Jo & Dennis Kish; and Alternative Healing Works. **\$50:** Sara Topper; and Rick Kouder. **In-kind Donations:** Custom stainless steel dog bowl and dog treats, Michele Hovbath; and Bite Suit, estimated value of \$2,000, Jason Jansma. **PD Donation:** In-kind donation of blankets for Police Cars, Amy Gorman.

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 John Foreman. Mr. Carnahan commented on the bite suit donated. Chief Fisher discussed it being a training tool. A brief discussion continued on the suit. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

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

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1467 Corrected – Corrections include amended Exhibit “A” Fees and adds Exhibit “B” Rules and Regulations with the appropriate language changes for same in the Ordinance

Mr. Salatas explained the amendment is to take out the 2023 charges since they decided not to do that. They also needed a clarification on the rules and regulations to make sure they were adopted. Dave prepared this document to make those changes. Council Member Foreman read Ordinance No. 1467 by title only. Mr. Carnahan discussed the \$60.00 annual charge. He stated there are a lot of people who did not know they need to get a dog license with the Town. He asked Ms. Sandberg if the fee was now \$15 per license. Ms. Sandberg stated January through March it is a \$10 fee and after goes up to \$15. That is per calendar year. She stated she made the call, since there seem to be so many who did not know there was an ordinance or requirement, to charge \$10 since they are just now getting into the system. Since it is based on a calendar year, they will have to come back in January and pay \$10 for 2024. Mr. Carnahan asked if she is giving it to them for \$10. Ms. Sandberg stated yes. Mr. Foreman asked if they could put the fees into the next quarterly newsletter. Ms. Sandberg stated the next newsletter is already finished as it is getting ready to go out with the next billing. She stated they always put it in the newsletter at the beginning of the year as well as on the bottom of the utility bill for the first two months of the year.

A motion to approve Ordinance No. 1467 was made by Colleen Schieben with second by Ralph Miller. Mr. Foreman congratulated staff for their work on the dog park. Mr. Carnahan commented on the grand opening held by the Park Department. 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. 1467 by title only.

A motion to adopt Ordinance No. 1467 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. Ordinance No. 1472 – 2023 Salary Ordinance Amendment – Parks Crew Workers Uniform Allowance

This item received a favorable recommendation from the Park Board on 9/7/2023. Council Member Foreman read Ordinance No. 1472 by title only. Mr. Salatas explained this was to amend the salary ordinance to give the Parks Full-Time Crew Workers a \$350 clothing allowance. This is payable the last pay of September. This is directly reflective of what the Public Works staff receives. A brief discussion occurred on the position noted. Mr. Foreman asked if they are uniform across departments. Ms. Sandberg stated Parks and Public Works are the same as Public Safety is different. Mr. Foreman asked if higher or lower. Ms. Sandberg stated she did not have that number in front of her. Chief Fisher stated Police is \$1,500. Mr. Foreman asked if Fire was the same. It was stated no. Chief Fisher stated it was \$300 or \$250. Ms. Sandberg stated it might be the \$350. She knows it is not less. Mr. Foreman stated he did not realize it was different across the board. Chief Fisher stated theirs was \$750 back in the nineties. He stated it has gone up because of the price of their equipment. A holster is \$250. A brief discussion continued on the cost of equipment and gear.

A motion to approve Ordinance No. 1472 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.

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

Council Member Foreman read Ordinance No. 1472 by title only.

A motion to adopt Ordinance No. 1472 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.

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

BZA/PLAN COMMISSION

1. BZA 2023-21 Tiller Variance of Use to allow for the addition of an In-law suite in an R-2 Zoning District at 7611 W 140th Avenue

The BZA made a favorable recommendation at the September 14, 2023 meeting by a unanimous vote. Planning Director Ashley Abernathy reported stated the petitioner is building a garage addition on their property with an in-law suite built above the addition. It has the following contingencies: no renting of the in-law suite unit, contingent upon the purchase of the property, and contingent on approval of a two-lot subdivision by the Plan Commission. Mr. Carnahan noted it was approved by a vote of 4 – 0.

A motion to approve including the findings of fact by the BZA as well as the contingencies 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.

2. BZA 2023-23 Fasano Variance of Use to allow the Petitioner to operate a hair salon in an R-2 Zoning District at 6544 W 130th Avenue

The BZA made a favorable recommendation at the September 14, 2023 meeting by a unanimous vote. Mr. Sharpe asked if the vote was 4 – 0. Ms. Abernathy reported it was. Mr. Carnahan noted Ms. Fasano was present. A brief discussion continued. Ms. Abernathy stated the following contingencies: no signage, a maximum of five work days, two late nights available, standard hours of operation will be 9AM to 3PM, and 9AM to 8PM for the late nights. There can only be a maximum of two clients at a times and no on street parking.

A motion to approve including the findings of fact by the BZA as well as the contingencies was made by Robert Carnahan with second by Ralph Miller. Mr. Recupito asked if everything has been going well with these types of operations in residential areas. Ms. Abernathy stated there have been no calls or concerns made to the Building Department with any of the hair salons approved. Roll Call: Carnahan – Yes, Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 7 – 0.

NEW BUSINESS

1. Consider approving a 3-year Service Agreement with NearMap in the amount of \$24,000

Mr. Salatas stated he would let Ashley speak to the service but this was budgeted for in this year's budget. Ms. Abernathy reported that NearMap is a web-based browser that allows for more up to date aerials. The Lake County GIS has aerials from 2022. This company does an update three times a year. The agreement includes a geodata link and AI incorporation. She spoke of the benefits to each department in Town including, Building and Planning as well as Public Works. The company is also including a public display license and she stated the plan is to work with the Town engineer to incorporate various maps to have made available to the public for viewing. She stated they looked at a one-year contract but it did not include as many features and was quoted at \$9,000 per year. With the three-year contract, it is a total of \$24,000 and includes the features discussed. As previously stated, it was budgeted for and this is what they would like to move forward with. Mr. Recupito stated he appreciated Ashley's explanation and he is all for them having more tools but he voiced concerns regarding looking at people's property. Ms. Abernathy stated it will not really be used for that. She stated for example if someone has a fence permit and the expiration date is coming up but the person never called in their final, they can use the software to look and see if the fence was installed and if it was installed where it was supposed to be. Discussion continued on the benefits of the software as well as utilization. Mr. Foreman asked where the money will come from. Ms. Abernathy reported from the IT line item within the PZB budget. Mr. Foreman asked how long they can go back. Ms. Abernathy stated 2017 is how far back they can get aerials for. Mr. Wroe added the imagery is already available. As soon as the contract is signed, they are just getting access. Mr. Salatas reiterated they are already flying over Cedar Lake getting photos, they are just getting access to it.

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.

2. Acknowledge and Accept the Howkinson Access and Indemnity Agreement

Mr. Salatas reported this is an access and indemnity agreement drafted by Olthof Homes. Mr. Austgen has reviewed and amendments suggested to be made were completed. It is his understanding that Mr. Austgen is satisfied with the changes made. There is a potential well site that the Town would like to test drill on this property. This access

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agreement gives them access to that site. If approved, there will be a proposal on the next Utility Board agenda for well drilling and hydrologist services. Mr. Carnahan asked about the gallons per minute. Mr. Salatas stated it should be in line with the Railside test well that was drilled but they will not know until they drill. Mr. Recupito asked if there was anything monetary or it was just for access. Mr. Salatas stated that is correct. He believes there is a clause in there that if they have to access the site during crop season, they are liable for crop damage.

A motion to approve was made by Colleen Schieben with second by John Foreman. 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 asked Chief Fisher to explain what happened at the Chamber parking lot. Mr. Carnahan stated he saw that a vehicle went through the parking lot, around the building, almost hit a picnic table, flipped on the side. Chief Fisher stated that sounds pretty accurate. It was a drunk driver. Mr. Carnahan asked if anyone was hurt. Chief Fisher stated no. Mr. Recupito discussed the petition on the Parks that was submitted. He asked if they were doing anything with that. Mr. Salatas reported it has been forwarded on to the attorney for his review.

Mr. Foreman stated he would like to make a motion to amend the agenda for a personnel issue. A second was made by Colleen Schieben. Mr. Recupito asked about having discussion first. Ms. Sandberg stated this would be a motion to amend the agenda for the item. A brief discussion continued. Roll Call: Carnahan – No, Rivera – Yes, Recupito – No, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 5 – 2.

Personnel Item

Mr. Foreman explained the item for consideration is to remove Heather Dessauer from the Plan Commission and appoint David Abshire to the Plan Commission effective immediately. The motion was made by John Foreman. Mr. Recupito asked what this was about. Mr. Foreman stated he spoke to Heather a few times and if you look back at the record, there are a lot of missed meetings with the Plan Commission. Mr. Recupito stated this is out of control. He voiced concerns with this move. Mr. Carnahan stated he agreed. Discussion continued between Mr. Recupito and Mr. Foreman. Mr. Foreman asked about the track record of Mrs. Dessauer. Ms. Abernathy stated she was absent the last two meetings. She zoomed at the August work session, she was at the July public meeting, and she missed the July and June work and public meetings. Mr. Foreman discussed the absences. Ms. Abernathy again stated she was on zoom for the August work session and present at the July public meeting. She stated she did not recall her presence at the June public meeting, the July work session, and she was not at the August public meeting, or the most recent work session. Mr. Recupito voiced concerns with such action with the topic on the Plan Commission agenda tomorrow night. He continued to voice his concerns. A second to the motion was made by Julie Rivera. Multiple voices from the audience overlapped. Roll Call: Carnahan – No, Rivera – Yes, Recupito – No, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote: 5 – 2.

2. **Town Attorney** - No report.
3. **Clerk-Treasurer** – Clerk-Treasurer Sandberg reported the State Board of Accounts audit still continues. They are working on wrapping up the 2024 budget. They will hold a special work session meeting regarding the budget. Corby Thompson will give a presentation. The work session will be held on Friday, September 29, 2023.
4. **Town Manager** – Mr. Salatas stated the Shades Phase I road construction will soon begin. There will be a closure of 141st Avenue starting this Thursday and going through November. There is a storm sewer improvement, a box culvert that needs to be installed. A meeting was held for the residents directly affected by the construction. A closure will occur on Constitution Avenue immediately off of Morse Street. That is for a sanitary sewer tie in. That is anticipated to begin October 2, 2023. The road will be closed for approximately 4 to 5 days. Discussion continued. Mr. Salatas stated Dredge America has requested that duck hunters keep blinds at least 500 feet from the dredge barge and booster. The dredge project as of last week has dredged out approximately 179,000 cubic yard of material out of the expected 500,000 cubic yards of material. Now they will start dredging less often as the SDF site is full of water. They are monitoring the outflows of the site for the suspended solids to make sure they are within their IDEM permit. They will no longer be operating the dredge barge on Sundays. They will shut down more often to give the sediment dewatering facility more time to let the outflow water be manageable. He stated for the Building Department Report, there were 14 new permits

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bring them to a total of 79 new construction permits for the year. Veridus did not supply a report. No change as they are working on the public safety buildings and Town Hall concept plan.

5. **Director of Operations** – Mr. Kubiak stated they received their Indiana Art Grant going. They have to do some paving and grass planting still. He stated it is a sundial. A brief discussion continued.
6. **Police Department** – Chief Fisher reported on the monthly calls report. He also reported they received a \$5,000 grant from NIPSCO for the firearms program.
7. **Fire Department** – Chief Wilkening stated their clothing allowance is \$300. He reported on the monthly calls report. He discussed receiving a simulator for treating canine dogs. He stated one of their employees is trained for this type of treatment. He discussed the training being undertaken with the simulator. He stated all the paramedics are being trained.

WRITTEN COMMUNICATION

Mr. Salatas read a formal notice into the record. A copy can be found at the end of the minutes.

PUBLIC COMMENT

Mary Joan Dickson, 8711 W. 132nd Place, scolded three Council Members for the action taken regarding the removal of a Plan Commission member. She voiced concerns with State Statute not being followed properly. She voiced concerns with prior removals of boards and legal consequences.

Mark Stenger, 13925 Wicker Avenue, discussed the board creating a new ordinance for special events. He stated Cedar Lake Softball was unaware of it. He is the vice-president of the league. He stated he spoke with Cedar Lake Baseball yesterday and they received a letter stating they would have to have a permit to have fall ball. He stated they have provided a facility, park, and softball for the kids for the last 50 years. He stated he has been working on the fields his entire life and so has a lot of the community. The only way the park survives is with the tournaments and those have been ongoing since 1994. He discussed some of the past complaints made. He stated they work hard to work with the neighbors. He stated they try to make sure the Police and Fire Departments have schedules for the tournaments. He admitted they may have failed to do so. He stated they were unaware of the \$25 permit fee. He stated fall ball is going on now as well as leagues. He stated they need the tournaments to survive. He continued to voice concerns with the fee and ordinance. He asked them to rethink or reconsider the ordinance.

Rob Burnett, 13466 Drummond Street, discussed Kiwanis Park and the dog park. He discussed public parks funded by taxpayers as well as the fees associated for the use of the dog park as well as registering a dog with the Town.

Kevin Toth, 9725 B W 129th Place, stated he was asked to present an item. He shared photos with the Council. He asked about the rules for the Town Grounds. He asked if there were set rules as far as when used for a picnic, Summerfest, Labor Day Fest, etc. He stated the rules are very strict on Summerfest. They have to have a beer garden that is double fenced. There is an entrance in and out that has a police officer checking ids. He stated the pictures given to him of Labor Day Fest show a ten-foot beer garden, no fenced in area to drink in, and people were carrying beer around. He asked if the rules are the same for everyone as it does not seem that they are.

Jerry Wilkening, 10826 W. 131st Avenue, asked Mr. Salatas about the attendance requirements for elected officials.

Gayle Brannon, 7014 W. 139th Place, stated she would like to see the Plan Commission defer everything until appropriate legal counsel is available for the Plan Commission. She stated she was at the last meeting and one attorney buzzed in for a couple different items on the agenda before logging out. She continued to voice concerns.

Meg Jehle, 14819 Morse Street, scolded some members of the Council. She stated not only did they do the Heather thing this evening but they have a reporter in the room that has been barred from covering meetings. She stated she was appalled.

Larry Nagy, 9065 W. 129th Place, made comments towards Mr. Foreman. He stated he is embarrassed by what has been done.

Terry Broadhurst, 14513 Morse Street, voiced concerns with the removal of the Plan Commission member. He voiced concerns with the lack of formality and with the action made appearing to be in regards to the upcoming Plan Commission vote. He voiced concerns for the person that was removed. He stated he would hope they would make motions at the Plan Commission to table items until the new board is staffed. Mr. Broadhurst continued to voice concerns.

Jim Dashed, 14321 Lake Shore Drive, asked why are the builders in Town and the people selling land given breaks and not responsible for what they do. He voiced concerns with the road work on Morse and 140th being not completed properly. He voiced concerns with the lack of monitoring. He voiced concerns with the trees removed at the golf course. He stated no one is making them maintain that property. He stated a letter was sent to rezone. He stated Surprise Park is one of them. He voiced concerns with Surprise Park and the HOA property being part of the rezone. He continued to voice concerns with the letter received and the implications made in said letter.

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Mr. Salatas responded to public comments made. He stated in regards to Mr. Stenger's comments, the fee amount can be amended down if that is an issue. He stated the intent of it is to get cooperation from organizations and groups that have special events that impact public services and infrastructure. They took their ordinance almost verbatim from St. John's ordinance. He stated he does not believe they have yet received a tournament schedule. In regards to the dog park fee, all of them throughout Lake County have an associated fee. Mrs. Rivera stated it is not just the park itself. There are fobs, extra upkeep, dogs running around that tear up the property, bags, and public works doing extra work. She stated you need a license for the dog to show proof of rabies vaccination. She stated you can take a dog there that is vaccinated. Every town has fees. Mr. Salatas stated it is his understanding the park was built with Park Impact Fees which are not tax based. It is a fee on each new home construction permit. Ms. Sandberg stated over the last two years all of the improvements made at Kiwanis Park have been done with Park Impact Fees. Mr. Recupito asked about direction to be given to Mr. Stenger. Mr. Recupito did not think the ordinance would be for organizations such as them. He thought it would be for one off deals. Mr. Salatas stated they would not be fined for not getting a permit in for Friday. The intent is to get this to provide information to Police and Fire to make sure they are working with the community to be as least impactful as possible. For amending the fee down, that would be a Council decided fee amendment. Depending on the direction of Council, Dave could prepare the amendment. A brief discussion continued. Mr. Salatas stated the rules are the same for the Town Grounds. The Labor Day Fest layout was submitted and approved. If that is something Summerfest would like to replicate, that could be considered. Chief Fisher stated it cannot be replicated. That is through Excise and Summerfest is completely different. Council Member Schieben worked with Excise and got that approved because it was maintained in one specific area. The difference between that and Summerfest is because there are little kids roaming around and it is not closed off. Chief Fisher stated that was allowed by Indiana State Excise. He stated they found out from Excise that it was allowed to be a single fence because it was one in and one out location. Mrs. Schieben stated Bugaboo's was carding every single person and utilizing wristbands. An officer was located at the one entrance. Everything was closed off and fenced in and approve by Excise. Mr. Salatas stated he is not aware of any attendance requirements for elected officials. There is a voting requirement for attendance based on the virtual meeting policy. That is outlined in that policy and is almost verbatim of the State law. He stated the 141st restoration was delayed due to getting contractors out to do the repairs to valves. Mr. Kubiak stated there were unforeseen conflicts with sewers that had to be redone and valves that had to be relocated. He stated they had to get the line tested and filled prior to patching the road. Discussion continued on the water line work. Mr. Foreman addressed the removal of the Plan Commission member. He stated he spoke with that member prior. Mr. Recupito voiced his concerns with what occurred this evening. Multiple voices overlapped.

ADJOURNMENT President Sharpe called the meeting to adjournment at approximately 8:36 PM.

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA
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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.

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

SENDAK • STAMPER • KACMARIK
AN ASSOCIATION OF INDEPENDENT LAW PRACTICES
209 SOUTH MAIN STREET
CROWN POINT, INDIANA 46307
TELEPHONE: (219) 663-0015
FACSIMILE: (219) 663-4960

TIMOTHY R. SENDAK
PEGGY JO STAMPER
DAVID M. KACMARIK

ANNA SUE ROMINGER (ret'd)
THEODORE L. SENDAK (dec'd)

September 19, 2023

Town of Cedar Lake, Indiana
Plan Commission
Town of Cedar Lake Municipal Complex
7408 Constitution Ave
Cedar Lake, Indiana 46303

FORMAL NOTICE

Honorable Members of the Plan Commission:

On behalf of our client, Industrial Drive Properties, LLC, as represented by its member, Richard Thiel, Jr., please accept this formal notice to inform the Plan Commission of the circumstances involving an attempt to extend the industrial park.

Pursuant to Indiana Code §5-14-1.5-2[d][1] this Plan Commission is enabled to receive information as a part of its Official Actions.

During the years of 2020-2021, the members of Industrial Drive Properties, LLC, learned of the possible extension of the industrial park where it is an owner. Mr. Thiel approached the developer in order to discuss the necessary access if such an extension was approved as that would impact its property. Multiple conversations took place between the developer and Industrial Drive Properties in order to reach an agreement. However, no agreement was reached.

After these conversations came to end, Industrial Drive received a letter from the attorney for the Town informing it that the Town wanted to acquire a portion of Industrial Properties in order to extend the industrial park. Industrial Drive Properties was presented with an offer it deemed too low. The Town indicated it was prepared to go to court and pursue eminent domain to advance its purposes of economic development. Industrial Drive Properties obtained an appraisal, forwarded it to the town and countered the Town's offer. According to the member's conversations with the Town, the Town could not justify the paying the amount of its counteroffer. Industrial Drive Properties was prepared to fight any eminent domain proceedings in court as it felt the grounds for pursuing such an action were weak. The member indicated to the Town that the main person benefitting was the developer at the expense of the taxpayers, of which he was one.

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Plan Commission
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Shortly thereafter no further communications were received from the Town.

At the May 3rd and August 2nd, 2023, Plan Commission work sessions the above facts were misrepresented in the meeting. The comments made are available to be viewed on the Town of Cedar Lake Youtube Plan Commission meeting posting at the 47:53 minute mark for the May 3, 2023, meeting and at the 37:26 minute mark for the August 2, 2023, meeting.

This Formal Notice is intended for the purposes of correcting the misinformation presented at the above Plan Commission work sessions.

Respectfully submitted,


Peggy Jo Stamper, Attorney
SENDAK • STAMPER • KACMARIK
209 South Main Street
Crown Point, Indiana 46307
[219]663-0015
pjstamperpc@gmail.com

cc: Client