

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



November 21, 2023

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

Absent	Robert H. Carnahan Council Member	Ward 1	Present	John Foreman Vice-President	At Large
Present	Julie Rivera Council Member	Ward 2	Absent	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	
Absent	Colleen Schieben Council Member	Ward 5	Present	David Austgen Town Attorney	

PRESENTATION

Mike Aylesworth, House Representative for District 11, presented certificates of appreciation to John Foreman, Richard Sharpe, Ralph Miller, and Colleen Schieben.

OATH OF OFFICE

Clerk-Treasurer Jennifer Sandberg gave the Oath of Office to Firefighter/Paramedic Zachary Bailey.

PRESENTATION

Corby Thompson, CPA, O.W. Krohn & Associates, presented the 2023 update to the Sustainability Plan. The Sustainability Plan is a comprehensive look at the Town finances and projections for the next five years. *A copy can be found on the Town's website at [https://cedarlakein.org/Documents/TownDocuments/Budget/2023 Preliminary Sustainability Plan.pdf](https://cedarlakein.org/Documents/TownDocuments/Budget/2023_Preliminary_Sustainability_Plan.pdf)*

PUBLIC HEARING

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

A motion to defer to the December 19th meeting was made by Nick Recupito with second by Julie Rivera. Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes. Vote: 4 – 0.

PUBLIC COMMENT

A member of the public asked who Mr. Corby Thompson was. Mr. Foreman explained he was one of the Town's financial consultants with O.W. Krohn & Associates.

CONSENT AGENDA

- 1. Minutes: October 3 and October 17, 2023**
- 2. Claims: All Town Funds: \$1,626,701.41; Wastewater Operating: \$206,279.53; Water Utility: \$183,570.37; Storm Water: \$30,653.63; Payroll: 10/26, 11/01, and 11/09/23 - \$659,104.50; and October Remittances \$190,640.97**
- 3. Manual Journal Entries: October 1, 2023 – October 31, 2023**

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. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes. Vote: 4 – 0.

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1474 – Lakeside South Rezone from R-1 and Agriculture to a Planned Unit Development

A motion to defer to the December 19th meeting was made by Nick Recupito with second by Julie Rivera. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes. Vote: 4 – 0.

2. Ordinance No. 1480 - 2023 Salary Ordinance Amendment

Clerk-Treasurer Sandberg explained this came from the Park Board. It is to add on-call pay for their scheduled full-time and part-time employees. It is the same as Public Works which is \$50. Mr. Recupito asked how often that was paid out. Ms. Sandberg stated it is \$50 per week. The superintendent has a schedule of personnel that she follows. It will be one full-time and one part-time Parks employee that will be on the on-call schedule each week. Council Member Rivera read Ordinance No. 1480 by title.

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A motion to approve Ordinance No. 1480 was made by Ralph Miller with second by Julie Rivera. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes. Vote: 4 – 0.

A motion to suspend the rules and allow for a second reading was made by Ralph Miller with second by Julie Rivera. Roll Call: Rivera - Yes, Recupito – Yes, Miller – Yes, Foreman – Yes. Vote: 4 – 0.

Council Member Rivera read Ordinance No. 1480 by title only.

A motion to adopt Ordinance No. 1480 was made by Ralph Miller with second by Julie Rivera. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes. Vote: 4 – 0.

BZA/PLAN COMMISSION

1. Ratify Acceptance of a Maintenance Letter of Credit for Beacon Pointe East, Unit 3, in the amount of \$42,226.69

A motion to accept was made by Nick Recupito with second by Ralph Miller. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes. Vote: 4 – 0.

2. Acceptance of a Performance Letter of Credit for Lakeside Unit 2, Block 1, in the amount of \$1,335,094.04

A motion to approve was made by Julie Rivera with second by Ralph Miller. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes. Vote: 4 – 0.

3. Acceptance of Maintenance Letter of Credit for Centennial Villas in the amount of \$93,460.79

A motion to approve was made by Julie Rivera with second by Ralph Miller. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes. Vote: 4 – 0.

4. Acceptance of Revised Private Performance Letter of Credit for Cedar Lake Storage to increase the surety by \$20,000 for a new total in the amount of \$133,181.48

Mr. Salatas explained this was an issue that came before the Plan Commission. The property owners were using a portion of the property that was not asphalted. The Plan Commission requested a larger surety be granted in the case the Town needed to come in and asphalt the property. The \$20,000 is an approximate cost of what it would take to remove the equipment and have a contractor asphalt the property. Mr. Recupito stated there was a letter from Ashley stating this item did not have an engineer letter but it was vetted by Mr. Oliphant at that meeting. Mr. Salatas noted the letter of credit was with Peoples Bank. A motion to accept was made by Nick Recupito with second by Ralph Miller. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes. Vote: 4 – 0.

NEW BUSINESS

1. Bid Award – Lynnsway Sidewalk Project

Mr. Salatas reported this is the Community Development Block Grant (CDBG) project. The monies come from Lake County. It is used for a variety of different reasons. The Town has historically used it for transitioning sidewalk ramps at intersections to be ADA/handicap compliant. They have been doing the sidewalks in Lynnsway. This is continuing with that improvement project. Three bids were received. The lowest bid was from H3 Concrete in the amount of \$78,345. That is the recommendation from Christopher B. Burke Engineering for award. A brief discussion continued.

A motion to award the bid to H3 Concrete was made by Nick Recupito with second by Julie Rivera. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes. Vote: 4 – 0.

2. Ratification of funding sources for the 2023-1 CCMG Shades Subdivision Improvements Project

Mr. Salatas stated this is very similar to Jen's explanation at the last meeting on the Morse Street Water Main. This is going through and ratifying, showing the cost breakdown and the associated funds for the project. The project is currently underway. The first phase of the project is finishing up for the year. Mr. Salatas stated this would be a ratification based off of the State Board of Accounts auditors and what they would like to see. Ms. Sandberg explained this is to have better documentation. She will work with Sue to continue tracking project related costs. She stated the project is slightly different since it is a CCMG project. The CCMG monies can only be allocated to specific roadway costs. The other remaining costs are split among the other funds. She stated they want to

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use the last of the Rose Garden Infrastructure Fund, Casino Fund, Cedit Fund, Motor Vehicle Highway Restricted Fund, Sewer, and Storm Water.

A motion to approve the ratification of funding sources for the Shades Subdivision Improvement Project was made by Nick Recupito with second by Ralph Miller. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes. Vote: 4 – 0.

3. Ratification of funding sources for the Morse Street Water Main Project

Ms. Sandberg explained she has this item before them as the Town Council because TIF money is involved. This is to show in the event of an audit that the appropriate boards and commissions have approved project funding sources. She stated it would also be on the Redevelopment Commission's next agenda. Mr. Foreman noted the total project is \$962,747.75. Mr. Austgen noted that it is established that all capital financing begins and ends with the legislative body.

A motion to approve the ratification of the Morse Street Water Main Project was made by Nick Recupito with second by Ralph Miller. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes. Vote: 4 – 0.

4. Authorize Chris Salatas, Town Manager, to sign the Agreement for the 2023-2 CCMG Grant

Mr. Salatas explained this is for the second round of CCMG. The first round was applied for and that was awarded for the Shades project. The second round is for crack sealing. The Town has been awarded \$87,200 for approximately 7.74 miles throughout the Town. There are various streets that were selected by the engineer, Mr. Kubiak, and staff. These are roads that need crack sealing to help extend the road life. Mr. Foreman asked why they are only receiving \$87,000. Mr. Salatas explained the Town was close to maxing out. This is what the Town had to match for the 50/50 project. Mr. Recupito asked if the projects have already been approved in some fashion by the Town. Mr. Salatas stated by the board or INDOT. Mr. Salatas stated they could decide not to move forward with the project/grant. Mr. Foreman stated every year they try to have various shovel ready projects. They have Christopher B. Burke Engineering submit them to be possible candidates for the funds. You must have the matching funds. A brief discussion continued on shovel ready projects. Mr. Salatas added that Christopher B. Burke Engineering has prepared the Pavement Asset Management Plan. That must be done every year and submitted to the State to make sure the Town is capable of receiving funding. It goes through and rates all the roads based on engineering and rates them on a scale of 1 – 10. That is available on the website and a map is available at Town Hall. Mr. Recupito asked if that is a guide for resurfacing or reconstruction. Mr. Salatas stated that was correct. INDOT also has prescribed fixes for roads based upon the Paser rating. For example, a road that is a one would need a complete reconstruction. A road that is a seven would maybe just need crack sealing.

A motion to authorize was made by Julie Rivera with second by Ralph Miller. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes. Vote: 4 – 0.

5. Consider donating two decommissioned CLPD Vehicles to Hanover Central HS Shop Class: 2011 Dodge Charger and 2009 Dodge Charger

Chief Fisher stated he had a conversation with the SRO officer who had a conversation with the automotive instructor at Hanover Central. The instructor stated they were struggling to have the classes due to a lack of automobiles to work on. He asked if they had any decommissioned vehicles. Chief Fisher stated they had two sitting at the Town garage. The vehicles do not run, they have motor issues, or other problems. A letter was received requesting the donation of vehicles. Chief Fisher further explained the various issues with the cars. They are no longer insured as they don't run. He stated he is asking the Council to approve donation of the two vehicles to the Hanover Central Automotive shop. He will have them towed to the facility. Mr. Austgen recommended that any motion include the finding that the vehicles are no longer needed or able to be used. A brief discussion continued.

A motion to donate the two decommissioned Cedar Lake Police Department vehicles to Hanover Central High School shop class with the finding that both vehicles are no longer needed or able to be used was made by Nick Recupito. A second was made by Ralph Miller. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes. Vote: 4 – 0.

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- 6. Consider disposal of the decommissioned Robins Nest Generator through GovDeals**
Mr. Kubiak reported they have recently updated the generator at Robin's Nest to the exterior of the building. They are working on a value for the old generator but it was mounted inside and has no cabinet. It is a small generator that has no other use.

A motion to approve the disposal of the decommissioned Robin's Nest Generator through GovDeals with the finding the generator is no longer needed or able to be used was made by Nick Recupito with second by Ralph Miller. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes. Vote: 4 – 0.

- 7. Approve posting a Notice to accept applications for 2024 Board and Commission appointments**

Mr. Foreman stated around this time each year they post a notice accepting applications for openings on the various boards and commissions. Mr. Salatas stated the deadline to apply is December 21, 2023.

A motion to approve was made by Ralph Miller with second by Julie Rivera. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes. Vote: 4 – 0.

- 8. CBBEL Pay Request No. 6 payable to Dredge America Inc. in the amount of \$492,972.97 for the Lake Ecosystem Restoration Dredge Project, Stage 2**

Mr. Salatas stated this is for dredging up and until October 31, 2023. They have ceased dredging and dredged approximately 270,000 cubic yards of material out of the lake this dredge season. Mr. Foreman stated the pipe will be lowered to the bottom of the lake. It is still out in area 12. They will be removing the barge soon. The barge that will stay out will be marked with flags. Mr. Recupito asked if they are going to mark along the line. Mr. Foreman stated the boat crossings will still have markers. Mr. Salatas stated the entirety of it will be sunk to the bottom of the lake. A brief discussion continued.

A motion to approve was made by Ralph Miller with second by Julie Rivera. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes. Vote: 4 – 0.

- 9. Consider CBBEL Professional Services Proposal for the 133rd Avenue Reconstruction Project**

Mr. Salatas stated they received a NIRPC grant to raise the road on 133rd Avenue. This is in the area near Lemon Lake and Robin's Nest where the road dips. NIRPC funded the road construction of the project for 2025. Culverts will be replaced into box culverts and the road will be raised approximately two feet. This proposal is to do the environmental documents that are required for NIRPC projects that are federally funded. This is also for the design work for the road raising. An option included in the proposal is to design a water line for the area. This proposal will be paid for out of CEDIT funds. The project itself will be an 80/20 project for construction. The water line will have to be bid separately from construction as it is not part of the grant. Mr. Foreman asked if the boardwalk was included. Mr. Salatas stated that is not part of this project. Discussion continued on future projects.

A motion to approve and include the water main design for a total cost of \$131,650 was made by Ralph Miller with second by Nick Recupito. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes. Vote: 4 – 0.

- 10. Fire Department Reimbursement Agreement with Zachary Bailey**

Chief Wilkening stated this was a standard reimbursement for training and equipment. Mr. Austgen stated it is a condition of employment.

A motion to approve was made by Julie Rivera with second by Ralph Miller. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes. Vote: 4 – 0.

- 11. Disbursement Request No. 7 from the 2022A Construction Fund No. 1001031163 for the Police Department Project in the amount of \$329,930.66**

Sue Haase, Utility Accounting Specialist, reported that this is the disbursement request from GM Development for payment for progress to date. She stated she has reviewed the request. She stated they have the Veridus invoice matter taken care of. GM Development is tracking it in their costs and the Town will not process it. A reconciliation was completed to ensure the proper number of payments made were stated. Mr. Recupito asked Sue about the line item in A and B for the overhead and profit. He asked what it was. She stated it is like when the Town does a cost for a tap fee. They are allowed to include an overhead. Not profit in the case of the Town. This is part of what is allowed through the BOT agreement and the guaranteed maximum price.

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A motion to approve was made by Ralph Miller with second by Nick Recupito. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes. Vote: 4 – 0.

12. Disbursement Request No. 6 from the 2022B Construction Fund No. 1001031164 for the Fire Department Project in the amount of \$570,884.51

Sue Haase, Utility Accounting Specialist, reported it was similar to the last item. The reason they carry different request numbers is because they started drawing from the trustee fee for the Police Station the month before the Fire Station.

A motion to approve was made by Nick Recupito with second by Ralph Miller. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Foreman – Yes. Vote: 4 – 0.

REPORTS

1. **Town Council** – Mrs. Rivera reported the Taylor Ice Fest will be December 1st and 2nd on the Town Grounds. It will be similar to the Farmers Market. It will be from 3PM to 9PM. There will be a tree lighting ceremony on December 1st at 5PM.
2. **Town Attorney** – No report.
3. **Clerk-Treasurer** – No report.
4. **Town Manager** – No report.
5. **Director of Operations** – No report.
6. **Police Department** – Chief Fisher reported on the monthly calls report.
7. **Fire Department** – Chief Wilkening reported on the monthly calls report. He stated he met with Dave and Trustee Toth this morning to discuss the contract for the township. He stated they will put something together for the meeting in December. The ladder truck has been gone for a month. It is getting a complete engine rebuild.

WRITTEN COMMUNICATION

1. **Building Department Report** - The month of October had 41 new building permits. This brings the total year to date to 134. This is the highest October on record.
2. **Christopher B. Burke Report** – Previously reported.
3. **Veridus** – No report.

PUBLIC COMMENT

Gale LaTulip, 13152 Schubert Street, commended the Chief of Police. She stated he is good. She stated she understands the trash has to be picked up. She asked why do the people that deliver the beer between the Eagles and American Legion have to use her road. She voiced concerns with the delivery trucks not utilizing Lake Shore Drive. Mr. Foreman stated he would be happy to relay the concerns to both organizations. Mrs. LaTulip continued to voice concerns. She voiced concerns with the trash and broken bottles along the side of the road. Mr. Foreman stated the street sweeper is slated to be replaced because it is not working. Discussion continued on the matter.

Mary Joan Dickson, 8711 W. 132nd Place, asked about the salary ordinance amendment and if there was money in the budget to cover the additional pay for on-call. Ms. Sandberg stated yes. Terry Broadhurst, 14513 Morse, asked about the Morse Street Water Main Project. He asked about the amount stated by Mr. Foreman. Mr. Foreman stated \$962,747.75. He stated he was in the room when the original contract was awarded. He stated he believed it was around \$912,000. He voiced concerns with the difference. Mr. Foreman stated \$28,968.75 had already been paid from the Water Development Fund. Mr. Salatas stated construction observation was included in the amount. That is outside of the Morse Street project itself. There were two different contracts considered in the ratification. Mr. Foreman read the costs into the record. Project Costs for Gatlin Plumbing & Heating, Inc. including construction contingency in the amount of \$900,000. Appraisals, Easements, and Engineering costs in the amount of \$28,968.75. Construction Observation costs in the amount of \$33,779. Mr. Foreman again stated the total costs combined are \$962,747.75. Mr. Broadhurst continued to voice concerns. Mr. Recupito explained the board approved the contract with Gatlin at \$900,000. That was that single motion. Mr. Broadhurst stated this is the combination of a few other contracts.

ADJOURNMENT Vice-President Foreman called the meeting to adjournment at approximately 9:05 PM.

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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.
- (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.