

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



December 19, 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	Ward 1	Present	John Foreman	At Large
	Council Member			Council Member	
Present	Julie Rivera	Ward 2	Present	Richard Sharpe	At Large
	Council Member			Council Member	
Present	Nick Recupito	Ward 3	Absent*	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	

*\*Margo Nagy, Chief Deputy Clerk, was present.*

**PRESENTATION**

Mr. Kubiak recognized Dave Martens and John Freeman for their service to the Town of Cedar Lake. Between the two employees, they have served the Town for over 50 years. Mr. Martens will retire with 27 years of service to the Town. Mr. Freeman has served for 25 years. Congratulations were shared by all.

**PUBLIC HEARING** \*Delayed until Petitioner present.

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

- a. **Review of Legals** – Mr. Austgen stated this is a long continued public hearing and the legals were in order. He stated he spoke with Attorney Wieser and believed they would be present. Mr. Foreman stated it could be he thought it was a 7PM meeting. It was suggested to push the item to the end of the meeting.

Mr. Kubiak asked if he could say one thing on the item. Mr. Sharpe allowed him to. Mr. Kubiak stated he left a copy of the Rago property for them. He wanted them to all be aware of the active utility easement in the walking path. It goes from the north end of the conference grounds and all the way through to 139<sup>th</sup>. Mr. Recupito asked if anything was vacated to the north. It was mentioned in previous meetings. Mr. Kubiak stated there is nothing vacated. There is one piece of property near the conference grounds that shows on the GIS that it is something. They got the information from the County that shows it is an easement and is still there. The concern is that without the last piece of property you cannot get through to 139<sup>th</sup>. He stated they are acquiring other property for walking paths. He discussed the picture and the path. He stated there is nothing to the lakeside. The path has protected the lake shore. He discussed the electrical being in the way and also discussed if it is vacated, it should be replaced or somehow continued to 139<sup>th</sup> for future plans. Discussion continued on the location of the pathway from north to south as well as public versus private areas.

- b. **Opening Remarks** – Attorney Wieser stated when they were last here it was his understanding that the Council was considering the adoption of the ordinance but there was concern expressed by Council members to consider the ramifications of liability. He stated as he left the meeting it was continued or deferred for that reason. He stated he worked with Mr. Austgen to negotiate an indemnity agreement. It has been signed by his clients. He stated there have been many attempts at this with many hearings. He stated they have presented as much as they can. He asked to present the agreement to them as they consider the ordinance. Mr. Austgen commented on the term negotiate. He stated discussions were had but he had no authority to negotiate. Mr. Wieser stated they talked about it.
- c. **Reading of Ordinance No. 1456** – Mr. Foreman read by title only.
- d. **Remonstrators** - Michael Dolder, 8421 W. 139<sup>th</sup> Avenue, stated he is the neighbor to the south and had his walkway easement vacated back in 2010. He stated he is here to support him. He stated he is the subdivision association President and submitted a letter to them in May. He stated NIPSCO came in in October and did work on the poles in the area. They accessed it through the subdivision association property. He encouraged them to approve this item.

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- e. **Town Council Discussion** – Mr. Recupito asked about the indemnity agreement and if there was anything in the document that protects the Town in the event that service is permanently disrupted for the neighbors to the north. Mr. Austgen stated he did not think so. It is one of the weaknesses of the document. The agreement is for the benefit of the Rago's and the Town only and not other parcels. Discussion continued on the matter. Mr. Miller asked Mr. Salatas to weigh in on the matter. Mr. Salatas stated his opinion is the same as Mr. Kubiak's. It does not seem to make sense at this time as proposed. Mr. Miller stated they had started the meeting at 6:30PM and had discussion beforehand. He discussed what Mr. Kubiak showed them the walking path and the lakefront. He stated he does not want to give up the lakefront. He does not think they should take that from the rest of the citizens. He stated when they applied for their permit, a deck was not asked for. He likened it to being snuck in. Mr. Wieser stated he does not believe that was accurate. Mr. Miller stated it was his opinion. Mr. Wieser stated they started a public hearing illegally. He stated they were all told it started at 7PM. He stated they showed up for the 7PM meeting and they allowed testimony before they were present to hear and respond. Mr. Wieser continued to voice concerns with the actions that occurred and Mr. Miller's statement. Mr. Wieser stated the ten-foot walkway is next to their house not the lakefront. He stated what they are asking for has been done for a number of properties along the easement. He stated he did Mr. Dolder's who lives next door. Mr. Wieser stated no one has been asked to indemnify the neighbors from something that might happen. He continued to voice concerns with the public hearing starting at 6:30PM and testimony being allowed. He pointed out the agenda taken from the Town's website. A lengthy discussion continued on the matter. Mr. Sharpe asked Mr. Austgen if it was a legal public hearing. Mr. Austgen stated it is legal. In the public comment there were some comments that were presented. The petitioner was not present but the item has been carried forward on the agenda. Discussion continued.

f. **Town Council Decision**

A motion to approve Ordinance No. 1456 and accept into the record the indemnification agreement that was received was made by John Foreman with a second by Colleen Schieben. Mr. Miller stated he cannot see giving up property for a walkway. Roll Call: Rivera – Yes, Recupito – No, Miller – No, Schieben – Yes, Foreman – Yes, Sharpe – No. Vote 3 - 3. No action. Mr. Wieser asked how no action is handled. Mr. Austgen stated it will go to the next agenda. Mr. Foreman stated this has been debated in the past. He discussed previous walk paths that have been vacated. He stated they have been beating this for two years. He does not believe the Rago's did anything wrong. He spoke at length about future plans. He stated he does not see them as a group wanting to do something with people owning land on both sides. He stated he would like to make a motion to approve it and see if it passes a second time. Mr. Sharpe asked Mr. Kubiak about the walking path. Mr. Kubiak stated his issue with it is that it is an active utility easement as well as a walking path that could be relocated. The utilities could be relocated. He stated he is concerned even though NIPSCO gave them a letter saying they could build a deck under that height of the power line. He stated as the Building Commissioner he has an issue with issuing a permit for a deck under the power line. He stated it is not a good practice. Mr. Kubiak continued to voice his concerns. Mr. Miller stated he does not believe John should be able to make that motion. Mr. Wieser stated he appreciated what Mr. Foreman was trying to do but the vote was made. He agreed with Ralph that he could not make that motion under the circumstance. He stated they will be back in January. Mr. Foreman stated he will remove his motion from the floor. Mr. Austgen stated the motion would have had to be accepted by the Chair.

**PUBLIC COMMENT**

Jack Slager, Schilling Development, thanked all the outgoing Town Council members for their service. Stated they have Ordinance No. 1474 for Lakeside South. He stated in early 2021, before purchasing the property, they met with Town representatives to discuss annexation and utilities for the property. He stated they were told at that time it was well received. He stated they have had countless meetings with Town staff and boards, conducted public hearings, produced engineering and wetland studies as well as traffic studies. He stated they have begun construction on a \$1.5 million-dollar sanitary sewer interceptor for the east side. They have designed and would like to construct a \$1 million dollar water main project that will complete the Town's east side water system. He stated they received a favorable recommendation from the Plan Commission at their September 20<sup>th</sup> meeting. He stated if zoning is favorable, they will have three months of engineering and six months of development. They would be lucky to break ground on any buildings in late 2024. Further delays may push the project into 2025 or it may not

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happen at all. He stated this will be one of the nicest developments in Cedar Lake with high quality homes. He respectfully requested they pass Ordinance No. 1474 to rezone the property. Jerry Wilkening, 10826 W. 131<sup>st</sup> Avenue, he stated this is in regards to Item 1, the Rago property. He stated they have been doing this for three years. He asked about the indemnification document he mentioned months ago and if it was complete. Mr. Austgen stated it is. Mr. Wilkening asked if it protects the property owners to the north with access to their utilities. Mr. Austgen stated it does not. Mr. Wilkening stated so there are holes in this again. Mr. Austgen stated there are no holes. It is an indemnification agreement that is given for the benefit of someone who does not have consideration. Mr. Wilkening stated the document is protecting the Town from the Rago's. Mr. Austgen stated in part. Mr. Wilkening asked if there was a document from the HOA regarding granting of access. Mr. Austgen stated there is not. Mr. Wilkening asked if there was anything to protect the Steiningers' or Collins' from the liability for shutting this off. Mr. Austgen stated there is not. Mr. Wilkening stated it seems as if they are back to square one.

**CONSENT AGENDA**

1. **Claims:** All Town Funds: \$1,055,412.85; Wastewater Operating: \$214,796.98; Water Utility: \$17,927.44; Storm Water: \$24,211.13; Payroll: 12/07 & 12/14/23 - \$426,115.21; and November Remittances \$198,443.35
2. **Manual Journal Entries:** November 1, 2023 – November 30, 2023
3. **Donations:** For the PD K9 Program, \$100 from Tammy Bilgri and Family; and PD Squad Light Upgrade Sponsorship, \$1500 from Lake Shore True Value

A motion to accept the consent agenda as listed was made by John Foreman with second by Ralph Miller. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote 6 - 0.

**ORDINANCES & RESOLUTIONS**

1. **Ordinance No. 1473 – Pine Crest Rezone from Resort to a Planned Unit Development** *\*Delayed until Petitioner present.*

Mr. Sharpe asked Mr. Foreman to read Ordinance No. 1473 by title only. Mrs. Nagy reported Mrs. Abernathy stated there was not a hard copy in the packet. Mr. Recupito stated there was nothing in the packet. Mr. Foreman asked Chris if he had access. Mr. Salatas stated no. He believes Mr. Austgen said it was sent at 3:00PM today. By that time, there is no time to upload it. Mr. Austgen stated he does not have a hard copy as it was not in his packet. Mr. Foreman asked where they are at with this project. This has been since September. Multiple conversations overlapped. Mr. Austgen stated he spoke with Attorney Vis and they were planning to be in attendance.

Mr. Sharpe stated they do not have a copy of the ordinance. Mr. Vis stated they should have one. It was passed favorably at the September 20<sup>th</sup> Plan Commission meeting. He had gone back and forth with Dave on a proposed final ordinance as well as a development agreement as well as a design set of standards that was all reviewed and approved at the Plan Commission. Mr. Salatas asked when he sent that over. Mr. Vis stated he sent Dave a redlined version on late Thursday/Friday with minor tweaks. He stated he redlined the document and sent it to Ashley this morning, the final proposed version. Mr. Salatas stated that is why they do not have it. Mr. Vis stated this was sent and approved back in October. That is when his office sent it back. Mr. Recupito stated unfortunately he has not read any of this. It seems like it missed the deadline for tonight's meeting. Mr. Vis asked about missing a deadline. Mr. Salatas stated Friday is the cutoff to make items to the agenda, definitely the packet. The packet is 500 pages. Sending it today, this morning, does not give enough time to put it up there. Mr. Vis stated he was flabbergasted on behalf of his client. He stated this was sent on behalf of his client following the September 20<sup>th</sup> Plan Commission in proposed fashion in early October for review. The changes that were sent back to his office were de minimis. Mrs. Rivera stated she understands his frustration but they have an ordinance to read. Mr. Sharpe asked Chris if it should not have been on the agenda. Mr. Salatas stated it is on the agenda because it was deferred from a previous meeting. It is not part of the packet because the office only received it this morning. Mr. Austgen stated there has been a protracted amount of time taken on this. He stated there were several exchanges. The last items are simply a proofread. He stated he did not know it was an agenda item in terms of the ordinance itself. He stated the review is important for the project. A lengthy discussion continued on the document.

A motion to defer was made by Julie Rivera with second by Colleen Schieben. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote 6 - 0.

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

Mr. Foreman read Ordinance No. 1474 by title only. Mr. Austgen stated this matter was certified by the Plan Commission favorably in September. Mr. Slager and his team presented their plan and project, including all items of detail. The reason it was differed originally was due to the change in initiative by the Town of financing and participation in a TIF Residential Allocation Area. What is before them is what was certified favorably in September. The project as presented, still stands. The recommendation is still good. Mr. Recupito stated this was given a favorable recommendation when Residential TIF was still being considered. Mr. Austgen stated it was one of the reasons for Residential TIF. It was one of the projects identified. Mr. Recupito asked if there was something missing. Mr. Austgen stated nothing is missing. It is still in good form and content. The change could be the lack of having the revenue generated by the Residential TIF Allocation Area. That could change what the developer is willing to do or not do as well as what the Town may be willing to do or not do. Mr. Foreman asked if the PUD could be renegotiated down the road to utilize TIF funds. Mr. Austgen stated it could result in an amendment of the ordinance with the development agreement and specifications identified. Mr. Slager stated the idea of the Residential TIF was brought mid-year to them. It was not part of the original planning for the development. They were excited about it and talked with the Town about what that could mean and what it could generate for the Town. There was not necessarily a huge benefit to them as the developer but the majority of the TIF would go to the Town to pay for whatever needs they felt they had. Since that has gone away, they are still dedicated to developing the subdivision as they have every other development. They have agreed to put in the sewer line, the water main, improve their side of 141<sup>st</sup> Avenue, and put in a walking path. The benefit to the Town is \$8 million plus in permit revenue and a portion of the \$30 million in tax revenue. The loss of the TIF was unfortunate but it does not change what they plan to do there. Mr. Austgen stated it needs to be noted the development agreement here was based upon premise of revenue that was to be generated and participation by the Town and the plans presented now are based upon that. Discussion continued on the development, plan presented, and working with the incoming group. Mr. Recupito stated it is a well-known fact there is no capacity on the east side for the project and asked what the plan is moving forward. Mr. Slager stated they do have the water capacity for the project. It is there. The development would be completing the system. The Town has the supply on one side and the tank on the other. The development will complete the missing link. That is the water line between the wells and tank. Mr. Recupito stated the engineer said they only had enough for 300 something permits. With 91 immediately, 370 if done in blocks. Mr. Slager stated that may have been without the water line. Mr. Slager stated this is at least a ten-year project. He estimated first occupancy for 2026 of maybe 25 homes.

A motion to approve Ordinance No. 1474 was made by John Foreman on condition the development agreement is worked on with the Building Department in accordance with laws. A second was made by Colleen Schieben. Mr. Austgen asked for clarification of the motion in terms of the development agreement. Mr. Foreman stated in the event there are items that are tied directly to the TIF, if the new folks come in and do not want anything to do with it, it is to be worked out. Mr. Austgen stated if in fact this is approved as motioned, that is the plan the developer has to do. All the infrastructure cooperation and coordination. Discussion continued at length on the motion. Mr. Recupito asked if there was any reason it could not be deferred. He stated it was clear as mud right now. Mr. Foreman stated this has been worked on for years. The Plan Commission approved it. He stood by his motion. Roll Call: Rivera – Yes, Recupito – No, Miller – No, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote 4 - 2.

**3. Ordinance No. 1481 – 2024 Salary Ordinance**

Mr. Foreman read Ordinance No. 1481 by title only. Mr. Sharpe stated this is the second reading. The first reading passed 5 to 1 on December 5<sup>th</sup>. Mr. Salatas stated there is one amendment that was left out of the original draft and first reading. Under the Public Works Department, there is a Pesticide Applicator Category 8 added. It is in addition to the hourly pay if they have the certification. It is an extra \$0.75 per hour.

A motion to adopt Ordinance No. 1481 was made by Ralph Miller with second by Julie Rivera. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote 6 - 0.

**4. Resolution No. 1344 – ADA Transition Plan and Title VI Implementation Plan**

Mr. Sharpe stated updates are required every two years to qualify for CCMG and other grants. Mr. Salatas reported the larger of the updates is the community profile, which has changed since the last census as well as the staff. It needed to be updated for that. Mr. Foreman read Resolution No. 1344 by title only. Mr. Austgen recommended that any motion made include subject to legal review.

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A motion to approve Resolution No. 1344 subject to legal review was made by Colleen Schieben with second by Ralph Miller. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote 6 - 0.

**5. Resolution No. 1345 – A Transfer Resolution**

Mr. Foreman read Resolution No. 1345. For the General Fund #101, total transfers of \$85,000 within the following categories:

Parks & Recreation 006 Total Transfers \$85,000		
\$ 31,000.00	From: 111 – Parks Superintendent	To: 446 – Vehicles & Trailers
\$ 4,000.00	From: 111 – Parks Superintendent	To: 449 – Capital Outlay
\$ 9,000.00	From: 222 – Operating Supplies	To: 449 – Capital Outlay
\$ 20,000.00	From: 312 – Engineering	To: 449 – Capital Outlay
\$ 21,000.00	From: 313 – Prof Services	To: 449 – Capital Outlay

Mrs. Nagy stated the Parks Department wanted to move some excess into Capital Outlay and Vehicles & Trailers for equipment and picnic tables. Mr. Recupito asked if it is all staying for Parks. Mrs. Nagy stated yes. Mr. Salatas stated they can find Mindi’s memo on the second pages which outlines what those funds will be used for. Mr. Salatas stated this would likely be encumbered from this year to next year. Mr. Recupito asked if the Parks has money left over does its rollover to next year. Mrs. Nagy stated no. It has to be encumbered. Mr. Salatas stated it has to be encumbered through invoices. Mr. Foreman discussed the Parks and plowing. Mr. Kubiak stated they do have plows on their trucks and will be plowing the parks and Clubhouse.

A motion to approve Resolution No. 1345 was made by Colleen Schieben with second by Julie Rivera. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote 6 - 0.

**BZA/PLAN COMMISSION**

**1. Performance Letter of Credit Extension and Bank Change - Rose Garden Estates Unit 2 in the amount of \$1,685,193.13**

Mr. Salatas reported it is extended to December 9, 2024. The letter of credit is in the same amount.

A motion to approve was made by John Foreman with second by Julie Rivera. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote 6 - 0.

**2. Performance Letter of Credit Extension – Summer Winds, Unit 2 in the amount of \$279,817.13**

Mr. Sharpe stated this is also extended for one year. A motion to approve was made by Colleen Schieben with second by Ralph Miller. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote 6 - 0.

**3. Performance Letter of Credit Extension – Summer Winds, Unit 3 in the amount of \$14,575.48**

Mr. Salatas reported this is for unit 3 with only a couple lots remaining.

A motion to approve was made by Ralph Miller with second by Colleen Schieben. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote 6 - 0.

**4. Nyby Use Commitment**

Mr. Austgen stated this is a condition of approval. The final item of the land use approval for the Nyby project on west 133<sup>rd</sup> Avenue. He stated it is in good shape and he has been in contact and worked through this with Attorney Vis. He stated there is an additional consideration he has received tonight but it has nothing to do with the use commitment itself. Mr. Vis stated he is unaware of what the additional request is. This was also passed at the September hearing. This is four variances that were granted for his client to build an auto repair at the proposed location. There were a variety of use commitments and concerns of the Plan Commission and BZA. He stated his client consented to them as they made sense to the cleanliness of the area as well as his operations. Mr. Austgen stated at 5:00PM this evening he received a letter request from Nathan concerning the matter. It is in regards to the use commitment and dialogue with a bank officer seeking confirmation of the terms listed.

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A motion to approve was made by John Foreman with second by Ralph Miller. Mr. Salatas reported it is extended to December 9, 2024. The letter of credit is in the same amount.

A motion to approve was made by John Foreman with second by Julie Rivera. Roll Call: Rivera – Yes, Recupito – No, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote 5 - 1.

**OLD BUSINESS**

**1. Acceptance of the Sustainability Plan Update**

Corby Thompson with Krohn and Associates stated he was available for any questions. He stated it was presented and he has not heard anything. If there are no updates, he asked they approve it. Mr. Recupito asked how binding is the document. Mr. Sharpe stated it is not binding at all. Mr. Austgen stated it is just a budget document. Mr. Thompson stated it is purely designed as a long-term planning tool. It can be updated however they like. It is a living document. There is nothing they are held to by approving it. Mr. Recupito asked if it could be revisited at any time and modified. Mr. Thompson stated that was correct. It is meant to be a tool primarily for making sure they have sustainable operation. Mr. Recupito stated he does have some concerns but if it is not binding, he will not waste any time.

A motion to approve was made by Julie Rivera with second by Colleen Schieben. Roll Call: Rivera – Yes, Recupito – No, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote 5 - 1.

**NEW BUSINESS**

**1. CBBEL Pay Request No. 1 payable to Gatlin Plumbing and Heating, Inc. in the amount of \$220,500 for the Morse Water Main Extension Project**

Mr. Salatas reported this pay request is for materials purchased, water line only.

A motion to approve was made by Colleen Schieben with second by Ralph Miller. Mr. Recupito asked about just the purchase of material and if it something they do. He asked about labor and it being stored offsite. Mr. Salatas stated until they can get a NOI from IDEM to install the water line, that is why there is no labor. Gatlin did take out an additional insurance policy on the pipe because it is being stored on their site. Mr. Salatas stated it was recommended by Christopher B. Burke. A brief discussion continued. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote 6 - 0.

**2. CBBEL Change Order No. 1, with a cost decrease in the amount of \$5,725.00 for a revised total of \$1,829,771.37 for the Shades Subdivision Improvements, Phase 1A, Project**

Mr. Salatas reported this change order is a decrease due to material not needed.

A motion to approve was made by Colleen Schieben with second by Julie Rivera. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote 6 - 0.

**3. CBBEL Pay Request 3 payable to Milestone Inc. in the amount of \$142,630.79 for the Shades Subdivision Improvements Project, Phase 1A**

Mr. Salatas reported this is for work completed until December 13<sup>th</sup>. They have closed down for the year. They will start back up in the spring. The box culvert and guard rail has been installed.

A motion to approve was made by John Foreman with second by Ralph Miller. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote 6 - 0.

**4. Disbursement Request No. 8 from the 2022A Construction Fund No. 1001031163 for the Police Department Project in the amount of \$417,457.86**

Mr. Salatas stated this is for the ongoing project. The progress being made can be seen. It has gone through Veridus, GM Development, and Sue. Mrs. Haase stated she has reviewed this one and the next.

A motion to approve was made by Colleen Schieben with second by Ralph Miller. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote 6 - 0.

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**5. Disbursement Request No. 7 from the 2022B Construction Fund No. 1001031164 for the Fire Department Project in the amount of \$953,329.60**

Mrs. Haase reported she has reviewed this one too. Mr. Foreman asked the Chief's if they are getting excited. Chief Fisher reported he is walking up there once a week. It is exciting.

A motion to approve was made by Colleen Schieben with second by Julie Rivera. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote 6 - 0.

**6. 2024 Hanover Township Fire Services Agreement**

Mr. Austgen stated he, Chief Wilkening, and Trustee Toth met to complete a review of the document and information in it. It has been sent over with a recommendation to consider. Mr. Recupito asked for someone to let the public know the changes in the service territory. Chief Wilkening stated it has been advertised. Everything north of 109<sup>th</sup> will now be part of the St. John Fire Territory, not Cedar Lake. Emerald Crossing is now part of St. John. The contract amount stayed the same. Mr. Toth stated it is a win-win for everyone. They kept the contract amount the same. A brief discussion continued.

A motion to approve was made by Nick Recupito with second by John Foreman. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote 6 - 0.

**7. Moto on Ice Agreement**

Tim Jenkins with Moto on Ice stated they would like to continue with the agreement they have had for the previous two years. He believes Mr. Austgen has the contract they have used. Mr. Austgen stated that is accurate and they have checked off on the insurance provisions. No major changes other than dates. Chief Wilkening asked for a copy of the agreement.

A motion to approve was made by John Foreman with second by Colleen Schieben. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote 6 - 0.

**8. Sewer Elimination Agreement for 7105 W 139<sup>th</sup> Place**

Mr. Salatas reported the property owner has requested the sewer tap be eliminated. Mr. Kubiak stated this was previously demolished and sewer was never inspected. They have been receiving a sewer bill. They dug it up and had it inspected. Mr. Recupito discussed the agreement and the condition of a sewer tap fee if reconnection takes place. He asked if there was a development fee too. Mr. Austgen stated no. Mr. Recupito stated he thought there was a tap fee and a development fee. Mr. Kubiak stated the way he understood to do it is if there is no continuation of the sewer bill, it will cost \$4,000 if they rebuild. He stated most folks pay the monthly bill instead of capping it. A brief discussion continued.

A motion to approve was made by Colleen Schieben with second by Ralph Miller. Roll Call: Rivera – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Sharpe – Yes. Vote 6 - 0.

**REPORTS**

- 1. Town Council** – None
- 2. Town Attorney** – None
- 3. Clerk-Treasurer** – None
- 4. Town Manager** – None
- 5. Director of Operations** – Mr. Kubiak thanked the Council Members that are leaving. He said they have worked well together and they will be missed.
- 6. Police Department** – Chief Fisher reported on the monthly calls report. He echoed Mr. Kubiak sentiments and stated it has been a pleasure working with them the last four years and wished them the best.
- 7. Fire Department** – Chief Wilkening reported on the monthly calls report. He stated they are at 1,992 calls. He stated it was a pleasure working with them and wished them the best.

**WRITTEN COMMUNICATION**

- 1. Building Department Report** – Mr. Salatas stated the month of November saw 14 new building permits for a total of 148 to date.
- 2. Christopher B. Burke Report** - No update.
- 3. Veridus** – No update.

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**PUBLIC COMMENT**

Cheryl Parker, 7227 W. 136<sup>th</sup> Court, stated she looked at the Moto on Ice agreement and asked why they have this extending into March when the DNR allows bubbling as of March 1<sup>st</sup>. Mr. Austgen stated they have had ice on March 1<sup>st</sup>. It is a parameter. She voiced concerns with safety. Chief Wilkening stated bubbling will not interfere. They have vetted it many times.

Brenda Roberts, 15008 Morse Street, commented that one has to do their due diligence. She stated she would not even come to a meeting unless she looked online. It says 7:00 on the paper, but she stated she would like to defend the Council. She discussed the meeting start time of 6:30PM being on the schedule.

Richard Otterman, 8603 W. 131<sup>st</sup> Avenue, he stated he lives in Meyer Manor on the horseshoe. He proposed a mirror be placed to help with traffic. He stated there is no good area to get out of the neighborhood. He stated he has seen mirrors in other places in town. Chief Fisher discussed the traffic issue. He stated he thinks it is a great idea. A brief conversation continued.

Randy Niemeyer, 12610 Ivy Street, asked about the Utopia project and stated he was not sure if it was closed yet. He wanted it to be on the record that busted curbs in the front and on the side yard from the excavator. He congratulated the four members that will be leaving. He stated there is a combined 40 years of experience walking out of the room tonight. He stated he was able to serve with all of them during a good portion of that time. He stated he appreciated the opportunity to be a part of the team. He congratulated each individual for their years served and stated they have done a great job.

Mr. Foreman discussed growing up in the community and stated it has been a sincere honor representing the taxpayers. He stated he has given it his all. He stated it was all worth it. He discussed working on infrastructure. He stated he hopes the new Council finds the new residential TIF as an advantage. He thanked all the Department Heads and the past folks he has worked with. He thanked the dedication of the first responders. He discussed all he has learned and thanked everyone.

Mrs. Rivera stated they all have been family to her. They are five different people with different backgrounds and are at different levels of their lives. She stated they have a chemistry that cannot be replicated. She stated she is glad she was part of it for nine years and is glad she has had the years with all of them. She stated it was awesome and they have been supportive and encouraging.

Mr. Sharpe stated it has been an honor and privilege to serve the citizens of Cedar Lake for the last eight years. He thanked all of the staff and stated they are lucky to have them.

Mrs. Schieben stated they have been lucky with Chris and everyone else. She stated she has had a blast. They have done a lot of good things.

Mr. Miller thanked everyone for his twelve years. He stated he learned a lot over the years. He stated he has had a lot of compliments. He stated the compliments come from the people over there. He thanked them for their hard work. He thanked them for their work and the opportunity. He wished the new Council luck.

**SPECIAL PRESENTATION**

Mr. Salatas stated it was hard to top that. He presented the four outgoing Council Members with Plaques for their service to the Town of Cedar Lake. He stated he enjoyed working with them. He appreciates the opportunity to have served with them and move forward with some very historic projects. He stated it has been a fabulous time and the staff here is awesome. The town has a lot of good times ahead of it. He thanked everyone and wished everyone a Merry Christmas.

**ADJOURNMENT** President Sharpe called the meeting to adjournment at approximately 8:30 PM.



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

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

Robert Carnahan, Ward 1

Julie Rivera, Ward 2

Nick Recupito, Ward 3

Chuck Becker, Ward 4

Greg Parker, Ward 5

Mary Joan Dickson, At-Large

ATTEST:

Richard C Thiel Jr., At-Large

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.