**February 6, 2024** 

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	Mary Joan Dickson At Large
	Council Member			Council Member
Present	Julie Rivera	Ward 2	Present	Richard C. Thiel Jr. At Large
	Council Member			Council Member
Present	Nick Recupito	Ward 3	Present	Jennifer N. Sandberg, IAMC, CMC, CPFIM
	Council Member			Clerk-Treasurer
Present	Chuck Becker	Ward 4	Present	Jeff Bunge
	Council Member			Town Manager
Present	Greg Parker	Ward 5	Present	David Austgen
	Council Member			Town Attorney

#### **OATHS OF OFFICE**

Clerk-Treasurer Sandberg gave the Oath of Office to Firefighter/EMT's Jose Bugarin Delgado and Collin Turner.

#### **PRESENTATION**

David Rainey and Lance Snedeker with Veridus Group, gave an update on the new Police and Fire Station projects. Mr. Rainey explained how they have been owners' representative since the very beginning of the project, all the way from visioning to inception, design, and construction. They will follow it through warranty. Mr. Snedeker discussed where they are at currently with each building as well as a utility easement.

#### **PUBLIC HEARINGS**

- 1. Ordinance No. 1456, Public Way Vacation Continued Public Hearing Rago A motion to defer to March 5<sup>th</sup> was made by Greg Parker with second by Julie Rivera. Roll Call: Carnahan Yes, Rivera Yes, Becker- Yes, Dickson Yes, Thiel Yes, Parker Yes, Recupito Yes. Vote 7 0.
- 2. Ordinance No. 1484, Public Way Vacation Owner: Porter, Petitioner: Nathan Vis
  - **a.** Review of Legals Mr. Austgen stated the legals were in order.
  - b. Opening Remarks Attorney Nathan Vis was present for the petitioner. He explained they are requesting a public way vacation at 6425 W. 141st Avenue. His clients have purchased six and a half acres and are in the process of cleaning up. They are looking to build. On the southern half of the property is Louise Drive. The bottom twenty feet of Louise Drive was vacated back in 2006, when Deerview Subdivision was put in. His clients are seeking a vacation to clean up the platted roadway. Mr. Recupito asked if there were utilities in that area. Mr. Vis stated nothing he is aware of. Mr. Austgen asked if his clients own both sides of the proposed parcel to be vacated. Mr. Vis stated no, the southern side is Deerview Subdivision and they vacated to the center of the platted roadway. Mr. Recupito asked if Plan Commission members had anything else to add. Mr. Parker stated not for this item.
  - c. Reading of Ordinance No. 1484 Mr. Parker read by title only.
  - d. Remonstrators Jerry Wilkening, via Zoom, asked how big the piece of property is. Mr. Vis stated the entirety is over six acres but the area to be vacated is 20 feet by 300 feet. Discussion continued on the size of the area. Mr. Wilkening asked what the property was allegedly designed for that created the sliver. Mr. Vis stated it used to be two different lots, lots 8 and 9, for a total of approximately ten acres. To the east side there is approximately three and a half acres that was parceled off many years ago. His clients now own the remaining approximate six acres. He stated Louise Drive was platted all the way through and intersected with proposed Berkley Place. That is located to the west side of his client's property that is all wooded. Louise Drive has been vacated in various spots. Mr. Wilkening stated he wanted to make sure everyone was aware regarding this property being needed for any future master plan. Mr. Vis stated discussion did occur on possibly vacating Berkley Place as well but after speaking with Ms. Abernathy, there is a slight possibility of those lots being developed some day so they agreed to clean up just the southern half.
  - **e.** Town Council Discussion Mr. Carnahan discussed the parceled acres.
  - f. Town Council Decision

A motion to approve the first reading of Ordinance No. 1484 was made by Mary Joan Dickson with second by Richard Thiel. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7-0.

A motion to suspend the rules and allow for a second reading was made by Greg Parker with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

Mr. Parker read Ordinance No. 1484 by title only.

A motion to adopt Ordinance No. 1484 was made Mary Joan Dickson with second by Richard Thiel. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

#### PUBLIC COMMENT

Cheryl Parker, 7227 W. 136<sup>th</sup> Court, discussed the Veridus proposal. She stated it seems like it is leaning heavily towards projects or ideas that the prior Council wanted to go into. She asked if it would be under discussion and not a definite sign as is. She asked if it would be revised. Mr. Recupito stated it is an agenda item to discuss it, defer it, or deny it. It will be the pleasure of the board which direction they would like to go.

Jennifer Prunsky, 14617 Blaine Street, asked if there was a sewer tap for the fire department building. She stated on the power point they talked about the water and a permit with IDEM. She asked if there is a tap available for the building. Mr. Recupito stated according to how things have been done over the years, stuff that has already gotten approval, has already gone through the engineering process to determine that. Ms. Prunsky asked where the water is coming from and if there was a well. Mr. Recupito stated they are still trying to determine that. Mr. Carnahan stated they indicated that Christopher B. Burke has stated working on getting the IDEM to resolve the water problem. Mr. Rainey stated the additional testing that is being done need to be done so that Christopher Burke can complete their water modeling. That must be done and given to IDEM. That information is needed in order to release permits to move the water project forward. Ms. Prunsky asked if there was a test well. Mr. Recupito stated it is supposed to be connected to the east side water utility. Mr. Carnahan stated they bought the Lighthouse Well and that is supposed to be the supply. Mr. Rainey stated once IDEM has the information, they will release the permit, which will allow the work of the water line to come north and provide domestic water for the buildings. A brief discussion continued.

Kevin Toth, 9725 B W. 129th Place, discussed the contract for the use of the Town Grounds. He stated in the past it seems like they have been a little willy, nilly on the contracts. He stated there was no mention of electricity or security in the contract being discussed this evening. He thinks that is something that should be addressed for all who use the facilities. He also discussed the fees. He stated the Town should benefit from this stuff. If there is a financial windfall, the Town should benefit from it. He stated that is what the taxpayers deserve. He asked if anyone knows what the Town benefitted from the contract last year. Mrs. Rivera stated the Town and residents benefit greatly from the Summerfest and Farmers Market. She does not believe anyone is getting rich off of it. She stated this is something the townspeople enjoy and departments could not put on the events without these entities. Mr. Toth continued to voice concerns with taxpayers paying for events and facilities. He stated he believe the taxpayers should get a fair shake. Mrs. Rivera asked if he meant revenue. Mr. Toth responded he would like to know what the revenue was. Mrs. Rivera stated they could find out when they discuss. Mr. Recupito stated there has been the though on revenue and another thought on entertainment. He stated there are different schools of thought on it. Mr. Toth stated they have a new Parks Department that is getting paid a lot of money. He thinks they should take the charge.

Gayle Brannon, 7014 W. 139<sup>th</sup> Place, asked about a petition she got signatures on about the waterfront parks and development in them. She stated she had 830 signatures that said they do not want any more development in it. She stated it was presented to the last board and she does not know if they have seen it. She stated she did turn it in but she does not know what happened to it. She stated she thinks they should all take a look at it and think of how many people it affects. She stated she was against any further development of lakefront parks. She continued to voice concerns. Mr. Recupito stated he did see the petition. He asked Jennifer if she had a copy. Ms. Sandberg responded she had the original in her office. It was sent out to the Town Council and Town Attorney but as far as she is aware, no direction was given regarding the petition. Mr. Recupito asked for her to send it out to the Town Council. Ms. Sandberg stated she would send it out tomorrow.

Jennifer Prunsky, 14617 Blaine Street, discussed the Farmers Market agreement. She stated it is a great event. She asked if they were aware of what is charged for people to be vendors. She asked how much of the taxpayer dollars are going to clean up the grounds. She asked if there were permits or extra police and safety needed for the event. Mrs. Rivera stated Farmers Market pays for two officers. Ms. Prunsky asked about clean up. It was stated it is part of the contract and the

market is responsible for clean-up. Ms. Prunsky asked how much of that goes back to the community. Mr. Recupito stated there was a simple amount in the contract last year. Mrs. Dickson stated \$140 for the first 40 vendors and \$5 for every vendor after. Mrs. Dykstra stated she has a list of that for them if they would like her to go over that. Mrs. Rivera stated they could do that when it comes up. Ms. Prunsky stated they should be capitalizing on the events. Mrs. Rivera stated they are not in the money-making business when it comes to events. Ms. Prunsky continued to voice concerns.

Charlie Kortokrax, 9505 W. 137<sup>th</sup> Avenue, stated he has in his possession a letter from 1979 at the dedication of the Town Grounds property. He discussed the time and effort that went into acquiring it. He stated he is going to get a copy of the letter to them. He stated it concerns him that they forget the history and why and how things were acquired. He stated he is against what happened out there and there were different places it could have been. Again, he stated he would get them a clean copy of the document.

Chip Krooysmark, Olthof Homes, commented on Resolution No. 1348. He stated approximately 18 months ago they started working on concept plans for two sites in town, one being called Monastery and the other for Centennial Townhomes. He stated both were already annexed so presumably they already had access to utilities. He stated twelve months ago he filed petitions for moving Monastery through the Plan Commission and Town Council. He stated the seller of Centennial Townhomes also worked on getting the zoning restored to the property. Over the last year they have spent a great deal of money and time on engineering and getting the approvals done. He stated they have been working together and it has been a very positive experience. He stated they have received all of the approvals on both sites, including preliminary engineering, now they are waiting on signatures for sewer and water. He stated a couple years ago they purchased the Howkinson Farm at 141<sup>st</sup> and Parrish. They are calling it Blue Sky. It is planned to be residential. Nine months ago, he received an email from the Town Manager, confirming a discussion with the engineer, that all utilities are available and could accept the development. He asked him if that was now or when sewer extension projects were done. He was told today they could get sewer and water. Mr. Krooysmark stated they were a little excited when they heard about the resolution putting a stop to everything. He stated they intended on breaking ground in April or May. He stated they are a little concerned with things coming to a halt. Mr. Recupito stated it will be discussed in detail when they discuss the moratorium.

#### **CONSENT AGENDA**

- 1. Minutes: December 19, 2023, and January 23, 2024
- **2. Claims:** All Town Funds: \$463,081.65; Wastewater Operating: \$809,592.61; Water Utility: \$80,755.76; Storm Water: \$20,321.77; and Payroll: 1/18/2024 & 2/1/2024 \$692,237.09
- **3. Town Grounds Use Approval for the Beach, Lion's Den, and Restrooms:** Hanover School Education Foundation Annual Penguin Plop Event (March 2, 2024)

A motion to accept and waive the reading of the minutes and accept the consent agenda as listed was made by Richard Thiel with second by Chuck Becker. Mr. Carnahan asked Ms. Sandberg about five claims for the Indiana Department of Environmental Management. He stated there was an acronym of PWS. He asked what that stood for. Ms. Sandberg stated she did not know. That would be a question for either Mr. Kubiak or Mr. Kuiper. Mr. Kubiak stated Public Water System. Mr. Carnahan discussed a claim for Koz Printing by the Park Department. He stated they are using a printer that is not in Town when they have a printer in Town. He stated he thinks they need to support the local businesses in Town. Ms. Sandberg stated as they have discussed before, that is a conversation he can have with the Department Head. Mr. Carnahan stated he has already had that and he was told they committed to a long-term agreement. Ms. Sandberg stated she is not aware of any long-term agreement. She believes any long-term agreement would be subject to approval by the Park Board. Traditionally, when Department Heads are going out and getting prices for things such as printing, they are looking at who has the best price. She discussed the business cards before a majority of the Town Council and stated they went with Print Pro (who is now with Minuteman Press). It was the best price for business cards. Mr. Carnahan continued to voice his concerns. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

#### ORDINANCES/RESOLUTIONS

#### 1. Resolution No. 1347 – 2024 Summerfest Resolution

Mr. Recupito asked who would take this one. Mr. Bunge stated he has seen some penciled in notes and scribbles in margins as far as questions from one year to the next. He stated he would be more than happy to defer this to Mary Joan. He knows this is something she has been at. Mrs. Dickson stated they have had a resolution with the Town for years. It needs to be cleaned up for insurance purposes. The Town cannot insure the Summerfest carnival. They must obtain the insurance and that needs to be included in the resolution. It also discusses police protection, clean up, and fees.

A motion to defer to the next meeting was made by Mary Joan Dickson with second by Richard Thiel. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7-0.

#### 2. Resolution No. 1348 – A Moratorium Resolution

Mr. Recupito asked Mr. Parker to read the resolution in totality into the record. A copy of the Resolution can be found at the end of the minutes.

Mr. Recupito stated that is the entire resolution. He stated this Council has been on a factfinding mission to figure out what they have for utilities. He discussed previous packed meetings and questions on sewer availability. He stated right now they do not have reliable information. He stated it is irresponsible to move forward without that information. He asked Mr. Austgen if he had comments. Mr. Austgen stated it is not intended to stop existing applications, permits in progress, small lot improvement activities. This is about the large developments they are not ready to answer questions for. As he understands it, any developer who is in progress or has gotten started, they are good. There is no intention of preventing that from happening. Mr. Parker stated for clarity, that is up to and including anything that has a preliminary plat. Mr. Austgen stated yes. Mr. Recupito stated the Building Department had reached out asking for direction. Mr. Austgen stated it is their call. They could do a complete, blanket moratorium or just the concern, which is the large developments. Mr. Recupito stated anything platted at this point is good to proceed. They do not want to affect anyone with the time or money invested into those situations or the common folk that want to build their dream home. He hopes this has brought clarity. Mr. Carnahan asked about the property across from Holy Name. He stated it is under one acre and they will be coming in shortly to Plan Commission. He stated this should not affect them. Mr. Recupito stated it should not. Mrs. Rivera asked if anyone has talked to Jen about how this would affect miscellaneous revenue that they depend on in the General Fund. Mr. Recupito stated everything that is already platted can proceed. Ms. Sandberg stated during the budget planning they scaled back conservatively. She stated what they planned for 2024 was based on 100 building permits. Mr. Recupito stated what he received from Ms. Abernathy is they have 1,370 remaining lots, commercial and residential, to be developed. That does not consider the pre-platted subdivisions. Mr. Parker stated he ballparked it at 1,400. Discussion continued on the upcoming JMOB meeting and the moratorium. Mrs. Rivera asked David if he could explain Section Six. Mr. Austgen stated if someone challenges some part of the resolution or declaration and the Town loses on that interpretation, the rest of the resolution is still good. If they get sued and a piece was declared to be invalid or improper, the rest of the resolution would still be valid. Mr. Recupito had one question from the Building Department on meets and bounds parcels over one acre. They are already tapped into the sewer so this should not affect them. Mr. Austgen stated it does not. Mr. Recupito stated he does not know what other option they have at this point. It seems irresponsible to continue without having the information the people deserve. Mr. Parker stated this is an effort to be responsible going forward before any agreement is made. A brief discussion continued.

A motion to approve Resolution No. 1348 was made by Chuck Becker with second by Greg Parker. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0. Mr. Austgen asked if Council would entertain forming a committee to identify all the details and data information. Discussion continued on the possibility of forming a committee.

#### **BZA/PLAN**

1. Accept the Conversion of a Performance Letter of Credit to a Maintenance Letter of Credit in the amount of \$72,854.19 for Beacon Pointe East, Unit 2,

A motion to accept was made by Robert Carnahan with second by Chuck Becker. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7-0.

2. Accept a Performance Letter of Credit Extension to July 30, 2024, in the amount of \$341,736.80 for Beacon Pointe East, Unit 1

Mr. Carnahan voiced concerns with the letter from Chrisotpher Burke dated November 18, 2020. A motion to accept was made by Robert Carnahan with second by Richard Thiel. Mr. Becker asked if they needed to amend the letter due to the date. Mr. Austgen stated give direction to the staff to get with the maker and correct it. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7-0.

# 3. Accept a Performance Letter of Credit Extension to January 15, 2025, in the amount of \$14,047.00 for Cedar View Properties, LLC

Mr. Carnahan again voiced concerns with the date of the letter from Christopher Burke. Mr. Recupito stated that is the original letter. A motion to accept was made by Robert Carnahan with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Becker-Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7-0.

## 4. Accept a Performance Letter of Credit Extension to February 15, 2025, in the amount of \$244,187.85 for Summer Winds Unit 1

Mr. Carnahan again voiced concerns with the date of the letter. A motion to accept was made by Greg Parker with second by Robert Carnahan. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7-0.

#### **NEW BUSINESS**

#### 1. Town Manager's Contract – Jeff Bunge

Mr. Austgen stated he drafted a one-page contract with Jeff for his services to the Town and their payment. He stated he kept it simple. Mr. Bunge stated it looks good to him and he is honored and privileged. Mr. Carnahan asked for an explanation of what is in it. Austgen stated the starting salary is \$92,000 based on twenty-six pay periods for a biweekly salary of \$3,538.46 gross per pay. Standard benefits and all of the same compensatory benefits as all employees of the Town. It is a one-year contract.

A motion to approve was made by Chuck Becker with second by Greg Parker. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7-0.

#### 2. Town Manager's Conflict of Interest Disclosure Statement

Mr. Bunge stated he is a business man in Town. He has two established businesses that he is principal to. He stated it is not his intention to get anymore assets out of the Town to his businesses.

A motion to approve was made by Mary Joan Dickson with second by Robert Carnahan. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7-0.

#### 3. Fire Department Reimbursement Agreements

- a. Jose Bugarin Delgado
- b. Collin Turner

Mr. Austgen stated these are standard reimbursement agreements. They are a condition of employment. A motion to accept was made by Greg Parker with second by Chuck Becker. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

#### 4. 2024 Farmers' Market Agreement

Kelly Dykstra, 13701 Lauerman, introduced herself to the Town Council. She stated this will be the sixth season for the market as they started in 2019. They started with twentyfour vendors at the first event. When they ended that season in 2019, they had fifty vendors. The most they have had has been around one hundred. They aim to be family friendly. No alcohol is allowed and no smoking is allowed. They are careful with their musicians and the words they are allowed to sing. They want to provide a comfortable place for all families. They do not charge for parking. They usually have about sixteen different food options, whether from a food truck or booth. They have pony rides, face painting, bounce houses, and other stuff for the kids. They have a great combination of people that make homemade items. They try to get as many farmers as possible by offering them free booth space. She stated they have done theme nights in the past. They did pumpkin painting at no charge and always end the season with glow night. She stated they are happy the Lassen's does the Steamboat rides on the same evenings. They are happy the pier is located close and will pull up. The vendor group has about 500 people in it that rotate throughout the season. Some come for the full season where they get a reduced rate of \$38.50 per market. If they want to come one time, it is \$50. All of the applications are online. The vendors are required to send in pictures of the product and they work behind the scenes to ensure to not have repetitive booths. Those who apply anything to the skin or that may be consumed are required to have Cedar Lake Farmers' Market as additional insured with the location of the Town Grounds. Mrs. Dykstra stated they offer social media classes for vendors. They rotate between the local businesses and hold classes to discuss with vendors how to obtain health department certification, serv safe certification, insurance, or things like a tax id. She will help them through that

process and how to promote them to the community. Mrs. Dykstra stated they try to support small and local businesses, Mr. Carnahan stated the Town Council once tried to start their own market and only had two vendors show up because they had no idea what they were doing. He stated everyone seems to have a good time at the events. He stated if they lose it another community will want to steal it. He stated he gets nothing but good reports. Mr. Thiel asked about he anticipated start date. Mrs. Dykstra stated it has always been the second and fourth Wednesday, May through October. She stated she was hoping to keep with that. Mr. Recupito asked if this is ready. Mr. Thiel stated Mary Joan and him as Council Affairs wanted to sit down with Mrs. Dykstra and Jeff. They would like to go over some of the concerns presented. He asked to coordinate with Jeff on a schedule. Mrs. Dykstra stated since it is not market season, she is pretty open. Mrs. Dickson stated they are looking for some consistency. Putting it in resolution form like Summerfest so they are comparing apples to apples. Mrs. Dykstra stated they have two police officers at \$40 an hour, totaling about \$400 per market. They have two live musicians they pay \$350 to \$450. They have assistants and helpers to do the garbage in the morning and evening as well as make sure the bathrooms are clean. That averages between \$500 and \$600 per time. Insurance for the season comes to approximately \$2,046 or \$170 per market. The total rental of the Town Grounds came to \$5,595 over the course of last season, averaging about \$456 per market. She stated they do some advertising and planning that comes out to about \$75 per market, \$900 for the season with the NWI Planner. They pay a young man to put out signs throughout Town since there is no option for a permanent sign. That is \$50 each time. Website management, application processing, and invoicing is approximately \$151 per market or \$1,812 for the season. She asked if they are looking for other things. Mr. Recupito stated that would be best for other discussions. Mrs. Rivera asked about the electricity that gets paid by Summerfest. Mrs. Dykstra stated she does not believe they use it for the market. She stated if they could look to make sure. She stated they use the one where the food is and at the front. Mrs. Rivera stated if Summerfest is paying the electric bill all year, maybe that is something they need to look at the Town paying for. She stated there may be other events that plug into the pole that they do not even realize. She asked Jen if she could get those numbers. Ms. Sandberg stated that is something they would need to request of Summerfest since Summerfest pays it. A brief discussion continued on the electric pole. Mr. Bunge stated the biggest objection he has seen is the rain dates. The rain dates, if pushed back to the third or first of the month, that directly influences the use of the Town building and lots. A brief discussion continued.

A motion to defer to the next meeting was made by Richard Thiel with second by Greg Parker. Roll Call: Carnahan - Yes, Rivera - Yes, Becker- Yes, Dickson - Yes, Thiel - Yes, Parker - Yes, Recupito - Yes. Vote 7-0.

## 5. 2023 Indiana Medicaid EMS Supplemental Payment Cost Report Engagement Letter, Rooney & Co

Ms. Sandberg reported this is an engagement with Rooney and Co. for preparation of the cost report related to the Indiana Medicaid Freestanding Governmental Ambulance Provider Cost Report for the year ending December 31, 2023. This is to determine whether or not through the Medicaid Program Ambulance Cost, whether or not the Town can receive additional Medicaid reimbursement. Ms. Sandberg stated they have engaged with Rooney & Co. since approximately 2015. Annually, they have received a reimbursement. Some years are greater than others. The last two years the reimbursement has been around \$8,000. One year they received \$21,000. That money goes back into the General Fund. Traditionally, they have done this on the contingency fee of 25% of the payment.

A motion to approve was made by Mary Joan Dickson with second by Richard Thiel. Roll Call: Carnahan - Yes, Rivera - Yes, Becker- Yes, Dickson - Yes, Thiel - Yes, Parker - Yes, Recupito - Yes. Vote 7-0.

#### **6.** Professional Services Agreement – Crowe

Ms. Sandberg explained this is a general services agreement with Crowe but the specific work needing to be completed is an arbitrage calculation for the 2022 A & B Series bonds per the bond agreement. They are required to perform an arbitrage calculation annually. Mr. Recupito asked if it is an agreement they have done previously. Ms. Sandberg reported it is new for this bond but in previous years, Crowe has completed arbitrage calculations related to other bonds. Mr. Recupito noted there was an hourly rate, he asked if they knew what it would cost them. Ms. Sandberg stated she believed the last one was around a few thousand. She stated she could pull the last invoice related to a calculation. Mr. Recupito asked if it was something that had to be acted on tonight. Ms. Sandberg stated yes because there is a deadline to get the arbitrage calculation back to Regions Bank. Discussion occurred on placing a not to exceed amount on the services. Discussion continued on the matter.

A motion to approve with a not to exceed amount of \$4,000 was made by Greg Parker with second by Chuck Becker. Roll Call: Carnahan - Yes, Rivera - Yes, Becker- Yes, Dickson - Yes, Thiel - Yes, Parker - Yes, Recupito - Yes. Vote 7-0.

#### 7. Professional Services Agreement – Veridus Group

Jack Woods, Director of Community/Economic Development, and Pete Olson, Director of Government, 6280 N Shadeland Ave, Indianapolis, presented a renewal of the annual retainer contractor. They have been working with the Town since 2021. They have been helping with the old Comprehensive Plan as well as implementation of that plan and serving as a sounding board for the previous Town Council and Town Manager to evaluate economic development, development, and redevelopment projects. They propose a renewal of the contract. He stated they can be flexible. They are an unbiased resource for the Town as they evaluate their economic development future. They can be a resource to help guide timelines, strategy, resources, and help with data gathering. In the past, they have communicated closely with previous Town Managers. They would be happy to continue in that role and be available as needed as Jeff navigates his new position. Mr. Olson stated he previously spent twenty-five years in municipal management. For the last sixteen years he has been with the Town of Yorktown. He stated they are unbiased and can help add capacity to staff for moving projects forward. Mr. Carnahan asked if they are working on Midway Gardens. It was stated they are not. A brief discussion continued. Mr. Becker voiced concerns with the contract and fee of \$4,000 each month. Mr. Recupito stated they are in a transition phase with the new Council. There will be a new vision as is evident tonight. Mr. Parker stated they need to get into a serious tightening of their belt mode around here. He stated they need to figure out where they need to be financially. Mrs. Dickson stated they need to know what their resources are. Mr. Bunge asked about the project up the hill and if they would still be the representative through the end of the project. He asked if it would cease. Mr. Woods stated they would still be the representative. That project runs through Mr. Rainey. That would continue. Mr. Becker stated he cannot accept it the way it is right now. Mr. Bunge stated with them offering compelling evidence, maybe they would be a good sounding board for other programs that would help them through. Mr. Recupito stated he shares Mr. Becker's concerns. Perhaps it is something that could be picked up at a later date. Mr. Woods stated if they want to renegotiate the rate, they are open to that. Mr. Olson stated they can help with putting a strategic plan in place or just helping Jeff as he progresses. They want to help them move forward as a community in the way they want to. Mr. Recupito asked if they were involved with the comprehensive plan updates in the past. It was stated they were. Mr. Woods stated instead of doing a retainer per month, they could do a not to exceed hourly rate. A lengthy discussion continued.

A motion to defer and have Veridus come back with an ala carte proposal was made by Robert Carnahan with second by Richard Thiel. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- No, Dickson – Yes, Thiel – Yes, Parker – No, Recupito – No. Vote 4-3.

#### 8. Consider Fire Department Line-Item Transfer Request

Ms. Sandberg reported she spoke with Mr. Bunge after she received the request. She stated she would like to update the processes with in the office. Traditionally, line-item requests that are between the same series are available to be submitted by departments and done so long as funds are available. She stated she would like to change it to any request over \$1,000 must come to the Council to be approved by the Council before moving forward. The Fire Department has submitted a request for \$2,000 to be transferred from 101-005-399 Facilities to 101-005-394 Training. Mr. Parker asked why it is \$1,000. Ms. Sandberg stated because that is the number she chose. Mr. Parker asked if it could be less. Ms. Sandberg stated absolutely if that is what they want. She asked if they wanted every single transfer request to come before the Council, they could do that. Mr. Parker stated he feels like they need to be watching their money for the foreseeable future. He stated they will hear from Sue Haase around Council Reports. He stated he does not believe the financial situation is as rosy as everyone thinks it is. He thinks it would be helpful to make everyone mindful of it. Ms. Sandberg acknowledged and asked if they wished to see every single transfer request moving forward. Mr. Parker stated he does not know if they would go that far. If it is an emergency and it needs to be taken care of immediately, then there needs to be some process for that. He said they need to be watching dollars. Ms. Sandberg stated when they receive the manual journal entry report each month, they can see every one that is done and it shows in the report. Mr. Parker asked if that is money spent already. Ms. Sandberg stated the transfer has already occurred at that point but not necessarily spent. Mr. Carnahan asked about the blown head gasket. Mr. Parker stated that would be an emergency. Chief Fisher stated what she is referring to is money already allocated in their budgets, to be able to transfer it to another line. For example, if vehicle repair starts running low due to breakdowns and he finds he did not need as much in another line, he could transfer that money over to

continue to pay for vehicle repairs. Mr. Parker stated he would consider a breakdown in Chief's department an emergency. Chief Fisher stated historically if it was within the same series, say 300, they would bring the request to Jen and she would make the transfer. What she wants to do is anything over \$1,000, whether in the same series or opposite. Ms. Sandberg stated if it is outside of the same series, it requires a resolution to be approved by the Town Council. Chief Fisher stated they were already seeing that anyways. Mr. Parker stated he just wants to be careful. Ms. Sandbergs stated however they want to work it, she is okay with that if they wish to make it a lower number like \$500 or anything related to vehicle repairs is an emergency. Mrs. Dickson stated anything that would stop operations. Mr. Parker added anything that would interrupt service to the public for Fire/EMS and Police. Mr. Parker stated he thinks they should be more mindful of what they are spending, when they are spending it. He stated he did not know what the number is. Mr. Recupito asked how many transfers occur per year. Ms. Sandberg stated some departments more than others. She estimated a couple each month. Mr. Carnahan stated Jen suggested \$1,000. He asked if they lower it are they making her job harder. Ms. Sandberg stated no matter what, it is still going through her office. She stated it does not necessarily make her job harder, it does prolong the transfer. The next discussion would be if there is something that maybe she does not consider an emergency and asks for it to go before Council, maybe a department head disagrees. Mr. Carnahan stated since she is recommending \$1,000, can they go along with her. Mr. Parker asked if that is what she wants and will make it work so everyone is mindful. Ms. Sandberg stated that is what she has sent out already to the department heads. A lengthy discussion occurred on the threshold amount set.

A motion to approve the Fire Department transfer request of \$2,000 was made by Robert Carnahan with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Becker-Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7-0.

#### 9. Sewer Elimination Agreement for 11104 W 133<sup>rd</sup> Avenue

Mr. Parker stated it is a demolition. Mr. Recupito stated they have done these before. Ms. Sandberg stated they have received confirmation from the Sewer Department that it has been inspected.

A motion to accept was made by Chuck Becker with second by Julie Rivera. Mr. Parker asked if they knew that they would have to pay more if they build something there in the future. Ms. Sandberg stated they have explained that. They have also asked for the Building Department to make sure that anyone who comes in with a request to immediately send them to Utility Billing so the billing can be discussed. Mr. Carnahan asked if all certification has been done. Ms. Sandberg stated yes, in her files she received the form from the Sewer Department signed off by Mr. Martens. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7-0.

## 10. Consider a Quit Claim Deed of a small parcel of land to Pine Crest Marina and related documents

Mr. Austgen stated this is a .58-acre parcel owned by the Town, adjacent to Pine Crest Marina. It has been discussed to transfer in connection with the subdivision plat and PUD. Mr. Parker asked if it had value. Mr. Austgen stated none. Mr. Recupito asked about the professional fees. Mr. Austgen stated it goes through the Building Department to the end user. Like all developers do.

A motion to approve was made by Julie Rivera with second by Greg Parker. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7-0.

## 11. Approve the use of Town Hall as a polling location for the 2024 Primary and General Elections on May 7, 2024, and November 5, 2024, respectively

Robert Carnahan made a motion to approve. A second was made by Greg Parker. Mr. Bunge discussed a report sent by Jennifer on the costs incurred to host the General Election. He stated he realizes they cannot do anything about it but it is not something that falls into them. Ms. Sandberg stated she sent it to them all. It is the first time Lake County has sent such a report. For the General Election, they attributed costs of just over \$17,000 to the Town of Cedar Lake. That along with the State Board of Accounts audit, those numbers do come off the top of the property tax distribution. A lengthy discussion occurred on the municipal costs for elections. Roll Call: Carnahan — Yes, Rivera — Yes, Becker- Yes, Dickson — Yes, Thiel — Yes, Parker — Yes, Recupito — Yes. Vote 7-0.

#### 12. Appointment of a new Board of Zoning Appeals Member

Mr. Recupito stated this is for the vacant spot Mr. Bunge had served on for twenty-six years. Mary Joan Dickson made amotion to name Jerry Rieling to the BZA. A second was made by Robert Carnahan. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0. Mr. Austgen noted Mr. Rieling would hold it for the balance of Jeff's term. Mr. Recupito asked if Mr. Austgen could get Mr. Rieling the training packet from 2023. A brief discussion occurred.

#### REPORTS

1. Town Council – Mrs. Dickson reported the Parks Department Master Plan is moving forward. The Stakeholders will host a meeting on February 15th and 16th at the Monastery. Mr. Parker asked Sue Haase if she was ready to report. Ms. Haase reported she had a discussion with Mr. Parker earlier. She stated she has also had discussions with Mr. Recupito and her and Jen are constantly in discussion. She stated she recognizes they are concerned with the outflow of cash. She stated Jen and her have issues all the time with where they are paying projects that have been approved from. Following State Board of Accounts being in, Jen decided that the best way to handle it, would be that when a project is recommended and approved, that they go ahead and put what the funding sources are on them. Even though they will approve the actual payment of the invoices, which has the payment source on them, this way it is very transparent where everything is going to be paid from. She stated right now they have a lot of projects in the utilities that are coming up on substantial completion. They also have projects that need to be completed like the Lighthouse Well improvements. They will have contingency monies and excess monies from interest earned from the State Revolving Fund. They have money available and they need to use it wisely for those improvements if that assists in getting some of the water supply where it needs to go, especially for the fire and police buildings. Utopia is still out there. They said the contract would be \$2.7 million and they have not spent that. There is ARPA money remaining. They termed that as lost revenue according to what was allowed by the federal government. They are free to use it for purposes of finishing projects in the Town, if they so choose. What they are running into, especially concerning to her and Jen, they need to know what is out there as far as projects already approved and if there is money to finish them or to start them. Ms. Haase stated she got the okay from Jen to start the sewer rate analysis. She hopes to have preliminary information to them before the JMOB meeting. This way they know where they stand with sewer. Water and Storm water will follow. She stated the thing she is missing is ongoing capital projects that they want to fund through rates and charges. This way they know what the revenue availability is to transfer to the improvement fund. In water, they presented one to the IURC in the last rate case and that is basically what they have been using. It can be tweaked or changed, but that is what has been used. Storm water the rates constrict them right now because it is a different type of utility than water and sewer. When there is growth, a new house, there is new revenue through the water and sewer. Storm water you do not because land is land and the question is do you get vacant land at \$5 or built on land for \$10 when it comes to the residential. Growth does not give you much more money in Storm, it is limited. She stated preliminary, Jen and her looked at the end of the year in comparison to what they budgeted and what was spent, that will also come to them in a final report. This way they can see some of the line items were not on spot but overall, they came in underbudget. In sewer a lot of payrolls was less than what was budgeted but the health benefits were more. That is what she wants them to see because it is a process they are tweaking. She stated she thinks on a going forward basis, where they are most concerned, is what source of funds will projects be paid with. She asked Jen about the 133<sup>rd</sup> road raising project with NIRPC and fund source being CEDIT. Ms. Sandberg stated the original design that was just approved was earmarked to be paid for from CEDIT. When it comes to construction, they will need to discuss. Ms. Haase stated that is where they want to focus in on, so they have the information on what is out there and what is available. She stated what they want to fund through rates in the utilities through year over year cash on hand, will drive what the rates need to be. Mr. Carnahan asked if there was money available for the NIRPC project for the sidewalk from the Chamber to Constitution. Ms. Sandberg stated that is another conversation that needs to occur. They have not discussed construction funds. The only thing they have discussed is preliminary engineering and design. They have not identified construction funds. Those projects where they may receive 80% reimbursement, are still paid out 100%. They pay it out and seek reimbursement. That hits hard when they have other projects going on. There are other costs associated with large projects like that that NIRPC is not giving reimbursement for. They have to figure out how they will cover those costs like right of way acquisition or other engineering work that may need to be done. Mr. Recupito stated in order to finish analysis on the sewer fund, they need to know what projects they are looking at tackling. Ms. Sandberg stated they would like an idea. When it comes to the rates and telling if the rates are sufficient, they can only do that if they are planning on the rates being needed for certain projects. Mr. Parker stated

they do not know what the plant itself needs. Ms. Sandberg stated that is true that is why it will be a draft report. This way they have a preliminary report going into JMOB. From there, they can rework the draft. Mr. Parker asked if they have a ballpark number on the water expansion and the looping. He stated he is hearing \$2.5 million to loop the water from the east and west. Ms. Haase stated she believes that is the number they had two years ago. She stated they had over \$2 million that they had included in the request to the IURC for approval and they would not let the Town leave it in there. For the looping, they did not give the Town any sort of funding mechanism. When it comes time to do the looping, unless they have \$2 million on hand, they will have to issue another bond. They do have the 2010 B bond that will be rolling off soon. She stated the only outstanding debt in Sewer will pay off in January of 2025. They will be debt free there. Mr. Parker asked if they know what they have in the sewer fund right now. Ms. Sandberg stated in the WWTP Special Fund, which is the fund used for capital improvements at the plant, has a balance of \$1,944,783.03. Mr. Carnahan stated if they do a \$10 million dollar project that will be a \$10 rate increase. Mr. Parker stated plus whatever the garbage is going to increase and whatever the water rates are going to increase. Mr. Carnahan asked about the due date of 2028 to do the looping. Mrs. Haase stated she does not know if there is an order to do it then. That is the target date used. When the loop is done, the system development charge will be the same. Right now, it is \$3,209 on the west side and \$2,554 on the east side. Mr. Carnahan stated he would like to pursue getting out of the Indiana Regulatory Commission again. He stated maybe they hire a consultant to get the people to agree. He stated they failed last time. Mr. Austgen stated that is correct. Mr. Carnahan stated they are paying six figures to petition. Mr. Recupito stated that might be something they want to pursue and the numbers have to be brought out into the public. Mr. Becker asked if they have to raise the rates on the east side again. Mr. Recupito stated that is the tap fee. Ms. Sandberg stated that is the development charge. Mr. Recupito stated they ran some numbers and it would take somewhere around 4,700 taps for them to get that money back. There has to be some other benefits with that in order for it to be worth the time and money. Mrs. Dickson asked about past Council discussion on a quarterly report and asked who she submits that report to. Ms. Haase stated she reports to the Town Manager and Jen was cc'd. Ms. Haase stated last year was the first year they did a budget on the utilities. They had some issues getting it into the system and they also expanded the expense accounts. She stated she could find the budget reports that were given. Ms. Haase stated she is not including anything in the capital improvement line for sewer. The revenue is more than what they are spending. That tells them what they are able to do in capital. She added while it may not be as robust as all of them would like, she believes it is a positive. What she is seeing, before any adjustments and with no capital, there is \$929,342 that they could send to the capital improvement fund, 633. The system development charge is in a separate account and does not comingle. That is meant for growth paying for growth. Ms. Haase asked if Jen had what Fund 631 is at. Mr. Austgen stated this is the beginning of the moratorium study. Ms. Sandberg stated Fund 631, wastewater development, has a balance of \$2,316,460.58. That fund has been used recently for anything related to the west side sanitary sewer interceptor. Phase 1 is currently under construction and phase two and three are going through design. Mr. Parker asked how much of that is paid for. He asked if it is paid for to the railroad tracks. Ms. Sandberg stated she would have to pull the last pay request and see what the work completed to date is. Mr. Kubiak stated he believed it to be. There may be a contingency that was held out. The bore and jack under the railroad are the final step of phase 1. Ms. Sandberg stated the last pay request was number nine. The total completed and stored to date was \$3,855,634.08 and retainage of \$125,000.93. The amount previously paid out was \$3,180,361.25. The current pays due with pay request nine was \$550,272.83. Discussion continued on the west side sanitary sewer interceptor project. Ms. Haase stated the intention was that phase two and phase three would have long-term financing since financing would be rolling off. Ms. Haase stated she would have the sewer analysis to Jen on Thursday so they could look over it before sending it out to Council on Friday.

Mr. Carnahan stated on the counter out front is a map and a calendar that tells you when you put your recycling out. He stated a lot of people ask for it but it is always there. Mr. Bunge stated it also shows holidays.

- **2.** Town Attorney No report.
- **3.** Clerk-Treasurer Ms. Sandberg stated they are continuing with annual reporting and the rate analysis.
- **4.** Town Manager No report.

5. Director of Operations – Mr. Kubiak stated he has a proposal from Ortman for the Robin's Nest wells that he discussed with some of them. He stated Jennifer suggested he bring it to them to get it scheduled and then ratify the decision at Utility Board in two weeks. This is the information Don needs for the east side water modeling. This is verification of the actual capacity of the wells as well as cleaning. He stated they need to get it scheduled. The total for both wells is \$38,950. Mr. Recupito stated that makes sense with the moratorium and information gathering. He knows Christopher Burke was doing some modeling. He asked if this information is what Don needs to plug in. Mr. Kubiak stated absolutely, this is the last step. Mr. Recupito asked legal how to handle. Mr. Austgen stated he needs a motion for them to approve him signing it and getting it going. Tim was advised to bring it to you tonight. Mr. Recupito asked if it was a Utility Board item. Mr. Austgen stated it could be Town Council as they are the Utility Board and they can ratify it at the next meeting or they could wait. Mr. Kubiak stated the quicker the get a signed proposal to them the quicker they can get put on the schedule.

A motion to amend the agenda to consider the item before them was made by Robert Carnahan with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Becker-Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7-0.

Mr. Kubiak discussed the testing being three days and airbursting for a total of \$38,950. There is a clause in there that says if the pump test needed to exceed the three days, it would be at \$750 per day. He stated in the past the three-day test has been adequate. Mr. Recupito asked Ms. Sandberg about the funding. Ms. Sandberg stated based upon the scope of services identified, her recommendation would be Fund #660, Water Improvement. Mr. Parker asked if there was a limit on the number of days. Mr. Kubiak stated they feel the three days is adequate. There is a possibility the fourth day may come into play. He discussed the differences between this site and the other three sites already completed in Town. Discussion continued on the possibility of an additional day as well as the testing and work to be done.

A motion to approve the Ortman contract at a total of \$38,950 plus an additional \$750 per well for an additional day of testing was made by Chuck Becker with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7-0.

Mr. Carnahan asked Mr. Kubiak about the Lighthouse Well and the pressure test and piping. Mr. Kubiak stated yes. Mr. Reiling asked if it was still pressurized. Mr. Kubiak stated it is not pressurized anymore. They pressure tested it and chlorinated it. They drained it as best they could because of the situation of it not being in use. Mr. Reiling asked if they would retest it. Mr. Kubiak stated yes. Mr. Reiling stated if it does not pass will they pay for it. Mr. Kubiak stated it does have a warranty. A brief discussion continued.

- 6. Police Department Chief Fisher stated earlier he gave them a packet. In 2022, there was a lawsuit on the opioid crisis. The was about \$3.1 billion to be paid out. Indiana received about \$508 million that is being given to all the communities in the State. The Town of Cedar Lake will receive about \$90,000 over seventeen years. The money received is split between a restricted fund and an unrestricted fund. All funds are meant for emergency services and education. There is approximately \$8,000 from the first installment. The plan is to not use the restricted fund until it builds up more. A lengthy discussion occurred on the funds received and uses. Chief Fisher stated they have a little in the unrestricted fund which allows them to buy PPE. He went to Jen about it and she stated she wanted to make sure Council was aware and decide to split it down the middle to purchase PPE. Chief Fisher stated he would like to order some gloves. Ms. Sandberg stated she wanted to make sure everyone is on the same page with the unrestricted monies and who is using it for what. Chief Fisher stated he talked directly with the Fire Chief and he agrees with the 50/50 on unrestricted funds. Mr. Recupito stated he was good with that. A brief discussion continued.
- 7. Fire Department No report.

#### WRITTEN COMMUNICATION

None

#### **PUBLIC COMMENT**

Tracy Haskell, 13436 Osborne St, stated she is present as a Hanover School Board Member. She stated she had spoken with some of them. She has asked for a joint meeting with Hanover and the Town Council. She stated they have things to work out and a lot of it has to do with the building project. She stated they were denied the next set of permits, one being the set of bleachers for the

football field. She stated there is miscommunication between Skillman and the Building Department. She stated that is why they want a meeting. She stated they would like to get on the same page. She stated she knows there is stuff that needs to be done and should have been done already. She stated she is pro on working together. She stated they are getting what Skillman tells the Superintendent and when she asks the Building Department, she gets different answers. She continued to voice concerns regarding the building projects and permits. Mrs. Rivera asked about the denied permit. Mrs. Haskell stated a few permits were submitted. At Jane Ball they are putting in an awning at the entrance and new windows, the bleachers at the high school, and a couple others. They were denied because of outstanding permits that have not been completed yet. One of those is a hydrant at the middle school. Mrs. Haskell stated their engineer says it is fine and the Town says it is not. Skillman stated they reached out in May and September and received no response. She said they cannot move forward on stuff because they have stuff that is not completed. She stated they were asked to do as-builts at all of the locations. She stated they reached out to other municipalities. The school is charged to do those. Other municipalities do not do that. She stated they can understand the high school one but question paying for the other locations. She again voiced concerns with communication. Mr. Parker stated there are other communities that require as-builts. He can tell that from experience. Mr. Kubiak stated the problem is that it has been a requirement from the beginning of the process. The project impacted the surrounding property owners tremendously. He stated they did substantial reviews on the site and storm water detention areas. Like every other development, it needs to be confirmed that it is proper. Mr. Parker asked about getting a meeting of the school board and the Town Council. Mrs. Haskell stated the Superintendent has already reached out and Nick replied. They are waiting for a date. Mr. Recupito stated he reached out to Ashley and tasked her with scheduling. He apologized for the delay and stated he did not realize it was an emergency. Mr. Kubiak stated Skillman brought in two new permits today and he told them to keep them. He stated they have been kicking this can down the road for two years. The Red Cedars school still does not have a final occupancy because they did not have the outside down. He stated they helped them get open and get stuff done but they cannot keep kicking it down the road forever. He stated it is not the school corporation it is Skillman. A brief discussion continued.

Angie Mikolajczak, 12806 Lee Court, commented on the credit extension for Cedar View. She stated it is like the third or fourth time it has been extended. She asked when they will be complete with the project. Mr. Parker stated that is a good question. Mr. Kubiak stated some of these things take years. Unfortunately, the Performance lasts until 80% build out. Dependent on what happens, that is the Town's rule. They do not let them turn it to Maintenance until 80%. Mrs. Mikolajczak voiced concerns about a pile of dirt that has not been moved. Mr. Kubiak asked for clarity on the location. Mrs. Mikolajczak stated it is the Airbnb and Domino's. Mr. Kubiak stated the erosion control is needed. It is an active construction site. He stated there is nothing that says they cannot have a pile of dirt there as long as it is properly protected. The site just started and is active. Mrs. Mikolajczak voiced concerns with the length. Mr. Kubiak stated it may have been in the process for a few years but the site just became active. Mrs. Mikolajczak continued to voice concerns with the length of projects. Mr. Kubiak stated they do not know how long it will take. Once they go through the process and get their approvals, once that works starts, it is on the contractor to get the project built. That is why they have the sureties in place. Mrs. Mikolajczak asked if there was a rule. Mr. Austgen stated no. They have a year on a permit and then they can come in for an extension for another year. Mrs. Mikolajczak discussed the Farmers Market and Taylor Fest. She voiced concerns with the signs that were located in the center of the roundabout. She asked them to reconsider signage in the roundabout. She appreciated them pausing building. She stated it makes an impact on inspections too. She stated she hopes they take the time to do proper inspections. She requested that maybe someone consider doing something like the Business Showcase at the Farmers Market. A brief discussion continued on the Farmers Market. Kevin Toth, 9725 B W. 129th Place, discussed the Sustainability Plan and the WWTP Special Fund assumptions. He asked them to look at this and change it. He asked them to take the emergency reserve fund thing out of it. He understands borrowing may occur but borrow and put it back. He stated they are looking at rate increases and he thinks this should be changed. He thanked Mr. Tim King for taking down the trees for the Chamber. He stated Mr. King set a couple aside for him and they are now in a lake as a fish habitat. He thanked Chief Fisher and Chief Wilkening for their assistance with a small problem.

Charlie Kortokrax, 9505 W. 137<sup>th</sup> Avenue, commented on the school corporation and the Town as well as tax dollars. He stated the school corporation should not be charged for permit fees. He voiced concerns with the school and fees. He stated there are a lot of churches with volunteers. He asked the board to reach out to them to maybe fill the gap of not having a social worker. Chief Fisher stated they have a great relationship with the churches. There are two chaplains. They cannot work in the department due to the protected information. Mr. Kortokrax discussed what a resource the churches are to the community. He stated they used to open meetings with prayer. He offered to go to the local churches to get Pastors on board with such an endeavor. Discussion continued on the matter. Mr. Kubiak clarified stopping the permit is not against the school corporation. It is against the contractor who is not completing the last project. Mr. Kortokrax stated his concern is the money spent by the schools. Mr. Kubiak stated the Town has a deal

where the school only pays a portion of the permits. They get a discount. Discussion continued on the matter.

**ADJOURNMENT** President Recupito called the meeting to adjournment at approximately 10:37 PM

#### 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.

### TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA TOWN COUNCIL/UTILITY BOARD

#### **RESOLUTION NO: 1348**

A RESOLUTION OF THE TOWN COUNCIL AND UTILITY BOARD OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, DECLARING A MORATORIUM ON CERTAIN LAND DEVELOPMENT IN THE TOWN, AND ALL MATTERS RELATED THERETO.

WHEREAS, the Town of Cedar Lake, Lake County, Indiana (hereinafter, "the Town"), is a Municipal Corporation and unit of local government located in Lake County, Indiana; and

WHEREAS, the Town is governed by a duly elected legislative and fiscal body commonly known as the Town Council (hereinafter, the "Town Council"); and

WHEREAS, the Town Council is the duly authorized legislative body establishing a Plan Commission (hereinafter, the "Plan Commission"), under the provisions of I.C. § 36-7-4, et seq., as set forth in the Advisory Planning Commission terms of said statute; and

WHEREAS, the Town Council, by virtue of its authority under I.C. § 36-7-4, et seq., has established an Advisory Plan Commission body for the purposes of said statute, namely, planning and zoning, including zoning, subdivision control, zoning district zoning map and zoning text amendment jurisdiction; and

WHEREAS, the Town Council is vested with the statutory authority under I.C. § 36-7-4 to establish, pursuant to prescribed procedures, the Town Comprehensive Master Plan, Town Zoning Ordinance, inclusive of all sub-parts and authority, as well as the Town Subdivision Control Ordinance, all with the advisory input of each body, and which are mandatory requirements for development approval under applicable law; and

WHEREAS, the Town Council is also vested with statutory authority under applicable Indiana Code terms and provisions to establish and operate municipal utility functions in the Town, as well as in any duly authorized extra-jurisdictional territory; further, that under said authority, in order to operate and manage its established municipal utilities, the Town Council has established by appropriate enabling legislation, a Town Utility Board for such purposes; and

WHEREAS, the Town Council and Utility Board have been duly established as described hereinabove, and are engaged in the operation and management of the Town Municipal Utilities; further, that the Town Council and Utility Board are presently comprised of the same members, namely, the duly elected Members of the Town Council are appointed to sit and serve as the jurisdictional Utility Board of the Town with authority over Municipal Utilities as described; and

WHEREAS, the Town Council and Utility Board have recently changed, following Municipal elections held in calendar year 2023, for Councilmanic seats on the Cedar Lake Town Council; that as a consequence of the 2023 Municipal election results and Councilmanic seat changes, transition in the governance of the Town has occurred and commenced; and

WHEREAS, the Town Council and Utility Board have been informed and advised, from general information and summary reports, that the development of certain land and parcels in the Town by large parcel commercial and residential developer entities has been expanding at a pace appearing to be occurring

in a volume and result exceeding the capacity of the Town, its finances, and its Municipal Utilities for provision of appropriate services; and

WHEREAS, the Town Council and Utility Board, as well as the Plan Commission, and each of them, have been informed and advised that significant substantial issues and circumstances exist which impact continued responsible land development in the Town under such circumstances, and particularly without having such information that will permit approving certain land development in the Town without such correct and accurate information for areas being reviewed for Land Use Approval purposes, and all related matters; and

WHEREAS, the Town Council and Utility Board, as well as the Plan Commission, and each of them, have determined at this time, that insufficient information and documentation is in place for permitting certain land development in the Town, namely, large volume commercial and residential developers with large acreage parcels, pending review, analysis, and understanding of the circumstances of the Town Municipal Utilities, including, wastewater, water, and stormwater, as well as financial conditions, financing, accounts, account balances, debt service, Town responsibilities regarding same, and related, and as a consequence, now determines that it is just, proper, and in the best interests of the Town, its citizens, ratepayers, and utility customers, as well as all residents, that a Moratorium on certain land development in the Town, namely, large volume commercial and residential developers with Land-use Development Proposals in excess of one (1) acre, be declared, and that all necessary review, examination, and due diligence, be commenced and undertaken at the earliest opportunity for the information needed as described above.

### NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL AND UTILITY BOARD OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, AS FOLLOWS, NAMELY:

SECTION ONE: That the Town Council and Utility Board of the Town of Cedar Lake, Lake County, Indiana, and each of them, hereby declare a Land-Use Approval and Processing Development Moratorium on all parcels of land in the Town to be developed upon Application from Commercial Developer Applicants on parcels greater than one (1) acre in area unless expressly approved by Public Meeting action of the Town Council. This Moratorium shall cause all Permit Applicants for development, improvement, construction, and all other improvements on parcels of land in the Town to be held, and not processed, pending completion of due diligence for Town infrastructure services to be undertaken immediately by the Town for Town Council, Town Utility Board, and Plan Commission use in appropriate decision making.

SECTION TWO: That the Town Council and Utility Board, and each of them, hereby notify the residents, ratepayers, and citizens of Cedar Lake of this declared Development Moratorium, noting that the Development Moratorium applies to large volume commercial and residential land developers of land in parcel acreage of one (1) acre or more. All other Applicants for Permits for construction, improvement, and development, on parcels less than one (1) acre shall not be subject of this declared Development Moratorium.

SECTION THREE: That the Development Moratorium declared hereby is established as a consequence of lack of verified and accurate information, documentation, or relevant materials to identify available and appropriate infrastructure for wastewater, water, and stormwater utility service availability, as well as financing and Town fund availability, for payment of expenses of the Town related to required development improvements, as well as the utilities and infrastructure related and connected to same.

SECTION FOUR: That the Development Moratorium declared hereby shall be only for the time period reasonably needed for the research and due diligence assessment referenced herein, and upon



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TOWN OF CEDAR LAKE,

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assurance of adequacy in all aspects for resumption of large volume commercial and residential land development in the Town, as described herein.

SECTION FIVE: That all existing Resolutions, or parts thereof, in conflict with the provisions of this Development Moratorium Resolution are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION SIX: That if any section, clause, provision, or portion of this Moratorium Resolution shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this approved Moratorium Resolution.

SECTION SEVEN: That this Moratorium Resolution shall take effect, and be in full force and effect, from and after its passage and approval by the Town Council and Utility Board of the Town of Cedar Lake, Lake County, Indiana, in conformance with applicable law; further that this Moratorium Resolution shall be distributed to the Town Clerk-Treasurer, Planning and Building Department, Board of Zoning Appeals, and loaded onto the Cedar Lake Website for Cedar Lake Town news.

ALL OF WHICH IS PASSED AND RESOLVED BY THE TOWN COUNCIL AND UTILITY BOARD OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, THIS \_\_\_\_OF FEBRUARY, 2024.

TOWN OF CEDAR LAKE,

LAKE COUNTY, INDIANA, TOWN COUNCIL	LAKE COUNTY, INDIANA, UTILITY BOARD
Nick Recupito, President	Nick Recupito, President
Greg Parker, Vice President	Mary Joan Dickson, Vice President
Robert H. Carnahan, Councilmember	Robert H. Carnahan, Board Member
Julie A. Rivera, Councilmember	Julie A. Rivera, Board Member
Chuck Becker, Councilmember	Chuck Becker, Board Member
Mary Joan Dickson, Councilmember	Greg Parker, Board Member
Richard C. Thiel, Jr., Councilmember ATTEST:	Richard C. Thiel, Jr., Board Member
Jennifer N. Sandberg, IAMC, CMC, CPFIM Clerk-Treasurer	

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