

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



March 5, 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 Council Member	Ward 1	Present	Mary Joan Dickson Council Member	At Large
Present	Julie Rivera Council Member	Ward 2	Present	Richard C. Thiel Jr. Council Member	At Large
Present	Nick Recupito Council Member	Ward 3	Present	Jennifer N. Sandberg, IAMC, CMC, CPFIM Clerk-Treasurer	
Present	Chuck Becker Council Member	Ward 4	Present	Jeff Bunge Town Manager	
Present	Greg Parker Council Member	Ward 5	Present	David Austgen Town Attorney	

**PUBLIC HEARINGS**

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

- a. Review of Legals – Mr. Austgen stated the legals were in order.
- b. Opening Remarks – Attorney Wieser spoke for the petitioner. He stated this started in 2020 and the first public hearing was September 15, 2020. At that time, the Town Council voted to approve the vacation. At the second reading, new information was brought and they were not prepared to respond. That was an issue regarding concerns for public health and safety. It was the NIPSCO overhead wires. He stated it was an active wire. Ultimately, the Town Council voted against it. The petitioner spent time after pursuing NIPSCO and their rules and regulations. Mr. Wieser stated they refiled and introduced the rules and regulations of NIPSCO. The overhead line was 12 to 18 feet above the prescribed standard. He stated there was a lot of confusion during that time of where the walkway was located. He stated three surveys were provided and ultimately it shows it is right up against the house. Mr. Wieser stated when the NIPSCO evidence was introduced, the objection became the access to the area for NIPSCO. He stated information and a presentation from the President of the HOA was shared on the area in support of the project. Mr. Wieser stated the access point is the one homeowner's use for the water and has provided the access to NIPSCO in the past. He stated the issue then became the personal safety of the next-door neighbor. Two houses are on the line. Mr. Wieser stated his clients are not on the line, no one is but those two homes. Mr. Wieser stated they prepared and submitted an indemnity agreement and hold the Town harmless from any claim. Mr. Parker stated that was not good enough because the people serviced on the line are not protected. The Town is not protected from them. Mr. Wieser stated they are protecting the Town from whoever makes the claim. They would indemnify the Town. Mr. Parker asked Mr. Austgen if that was his understanding. Mr. Austgen stated there is provision in the draft indemnity agreement. It does reference the indemnification by the indemnitor, Mr., and Mrs. Rago, of the Town. He does not believe that is the issue with the document. It has to do with the adjoiner's. The document does what Jim has said it will do between the Town and the Rago's. Mr. Recupito asked what relief the neighbors would have that are serviced by the line. He asked if a problem is created, the Town is indemnified, but what remedy would those folks have. Mr. Wieser stated in his opinion the odds of that happening are slim to none. He stated if it were to happen, he believes it is irrelevant to the proceeding. He discussed the vacation of the right of way and how it has already been done in the past. Mr. Parker stated they have had discussion about it. Mr. Parker deferred to Mr. Thiel. Mr. Thiel stated they have had quite a bit of discussions. Mr. Parker stated Rich is very capable and they want to create a solution for Mr. Rago. A vacation they do not feel is that. Mr. Parker stated they would like to see the drawings of what Mr. Rago wants to build. He stated they would like to know the structure and dimensions of what is to be built. From there they will proceed with a plan. He asked if that was plausible. Mr. Wieser deferred to Mr. Rago. Mr. Rago stated he thought they received the proposed deck a year ago. A brief discussion occurred on the planned deck. Mr. Parker stated it might not be the solution but it will get them closer. He stated it is the will of the Council to come up with a solution but they do not feel like a vacation is the solution. Mr. Wieser asked who they should submit plans to. Mr. Recupito stated they could submit them to Jeff and he will get them to the Council for review. A brief discussion continued.

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- c. Reading Of Ordinance No. 1456 – Mr. Parker read by title only.
- d. Remonstrators – Jerry Wilkening, 10826 W. 131<sup>st</sup> Avenue, stated he likes the progress but until they have all seen documentation that protects everybody. He stated he does not believe they have seen that yet. It has been a long time. Mr. Parker stated they hope to hammer it out.
- e. Town Council Discussion – Mrs. Rivera stated she has felt if they vacate it, it belongs to the Rago’s and it is not the Town’s responsibility. If something happens with NIPSCO, she believes that would be between the two of them. She stated she would have liked to have seen it move forward but understands the need to see the plans at this point. She stated they have done everything asked of them and hopes to get this solved. Mr. Becker discussed the access to NIPSCO. He discussed getting NIPSCO an easement to service. He voiced concerns with taking the access away. He questioned what would happen. Mrs. Rivera stated that would be between the property owner and NIPSCO if the Town is indemnified. Mr. Recupito voiced concerns with creating a civil issue for those being serviced. He stated he wants to get this fixed but does not wish to create another slew of problems for two residents because of a bad decision. Mr. Dolder was allowed to the podium. Mr. Dolder, President of the HOA, stated there are two lights down on the lakefront that are NIPSCO lights. In October, they were out fixing them and provided access on the lakefront property of the HOA. He stated NIPSCO did not go across the walkway easement. He stated they provide the access. Mr. Parker asked if it is a utility easement. Mr. Dolder stated no it is a walkway. He stated he has owned the property since 2001 and the walkway was established in 1926. Mr. Dolder stated he is the owner to the south and had his walkway easement vacated in 2010. Mr. Recupito asked about the access and if there is a document, Mr. Dolder would provide the Council and Town regarding guarantee of access. Mr. Parker suggested turning it into a utility easement. That would be the document that guarantees the access for NIPSCO or whoever. Mr. Dolder stated he sent a letter in May of last year. He stated he would get that out for them. A brief discussion continued on access for utilities and the subdivision association. Mr. Kubiak stated the issue is that the actual utility line is above the walking path. That is being utilized as a utility easement currently. No one is disputing access to the pole and no one will drive up on the house to access it. The problem is that is where the wire and pole is located. He stated there are no issues with servicing. It hangs across the Town’s walking path property. There is plenty of room to get to it. The ten-foot strip is why the wire can hang across that area. Mr. Parker stated he agreed with him. Mr. Kubiak stated the fear is the two houses serviced by the line and they will not have a valid area to get power from unless it is from Huseman. He questioned who the burden would be on.
- f. Town Council Decision

A motion to defer to March 19<sup>th</sup> with the understanding of the documents requested to be submitted a week in advance of the next Town Council meeting, was made by Greg Parker 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**

None

**CONSENT AGENDA**

- 1. **Claims:** All Town Funds: \$789,728.91; Wastewater Operating: \$220,016.45; Water Utility: \$83,234.09; Storm Water: \$13,678.35; and Payroll: 2/29/24 and 3/1/2024 - \$284,833.36
- 2. **Tag Days (Rain date):** 4/6 (4/13), American Legion; 5/4 (5/11), Hanover Jr Wildcats Football & Cheer; 5/18 (5/25), Amvets; 8/24 (8/31), Hanover Central High School Cheer

A motion to accept the consent agenda as listed was made by Richard Thiel with second by Chuck Becker. Mr. Carnahan asked about \$80 paid to the Treasurer of the State of Indiana for toxicology. He asked what that was for. Chief Fisher stated the State of Indiana charges \$40 for each officer that is recertified for the breath test machine. That is every three years. He stated they are paying the Shared Ethics dues of \$375. Ms. Sandberg stated yes. Mr. Carnahan discussed the police dispatch with Schererville and the bill is \$33,761.72. He asked if that has increased the amount because they had to pay a bill at the end of the year. Ms. Sandberg stated they already paid the reconciliation for 2023. The annual estimated monthly charges increased slightly. She stated he is looking at 50% of the January and February bills. She stated he needs to look under LOIT public safety and that is where the other 50% can be found. It is split 50/50 between the General Fund and the LOIT Public Safety Fund. It did increase slightly over last year but she did

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not have the number in front of her. Mr. Carnahan stated hopefully they will not have to pay more money at the end of the year. Ms. Sandberg stated that is all dependent on the activity of the dispatch center. There are a variety of factors that could affect the reconciliation. Mrs. Dickson asked Jen if those who receive tag days are informed of the over 18 rule. Ms. Sandberg stated she could not answer that as it is under Town Administration. Mrs. Dickson asked if they are sent a letter that they are approved. Mr. Bunge stated he could not say. He has not seen a letter. Mrs. Dickson asked about emphasizing the ordinance in a letter. Mr. Bunge stated absolutely. Mrs. Dickson voiced concerns with children being out there. Mr. Austgen suggested a list of conditions when sending as a reminder. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

**ORDINANCES/RESOLUTIONS**

**1. Ordinance No. 1486 – Cedar Lake Storage Rezone from M-1, Light Industrial, to B-2, Community Business**

Mr. Parker read Ordinance No. 1486 by title only. Mr. Parker stated there are a number of things that happened that are pretty complicated. There are multiple uses on the property. There will be a tenant, storage facility, rental truck business, and those types of activities. Mr. Recupito asked if this has been a clean-up. Mr. Parker stated a lot of work has been done to clean up the old parcel. It had various uses over the years. Some caveats and contingencies were added such as getting the asphalt done. Attorney Vis on behalf on the petitioner, spoke on the rezone request. Mr. Vis stated his client has worked closely with the Plan Commission to make a variety of improvements. In the last few months, it was realized the property was zoned M1, manufacturing, and that did not make sense. The property would make more sense as a B2 zoning. There is a building at the front that the owners are trying to get a tenant for. A zone change would streamline the process. The zoning commitment gives a variety of limited uses as negotiated with the Plan Commission. A brief discussion continued on the request and conditions of the Plan Commission.

A motion to adopt Ordinance No. 1486 from M1 to B2 along with the conditions of the zoning commitment as sent by the Plan Commission 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.

**2. Resolution No. 1347 – 2024 Summerfest Resolution**

Mrs. Dickson stated she attended the AIM meeting in Plainfield and there are additional items to include. It will take the responsibility off of the Town and make sure that anyone who uses the property understands and has the proper permits in place. She stated it would protect the Town. She stated she would submit the information to Mr. Austgen and they will include it in the resolution. A brief discussion continued.

A motion to defer to March 19<sup>th</sup> was made by Mary Joan Dickson with second by Chuck Becker. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

**3. Resolution No. 1349 – Amending/Clarifying Resolution No. 1348 Development Moratorium**

Mr. Recupito asked if the item was missing out of the packet. Ms. Sandberg stated she thought Margaret was going to have it uploaded. She is not sure what happened. Mrs. Rivera stated it was in their email. Mr. Thiel stated he saw it in the email. Mr. Recupito stated his concern was that the public needed to see it. He is not sure. Someone in the audience stated it was not on there. Mr. Recupito asked if they were good with deferring it. Mr. Austgen stated it is ready so it can go on the website.

A motion to defer to March 19<sup>th</sup> 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.

**BZA/PLAN**

**1. Zoning Commitment for Cedar Lake Storage LLC**

Mr. Vis stated this is a zoning commitment as indicated his client made the move from M1 to B2. There are a variety of uses present on the property. The Plan Commission requested that they narrow down what can be done on the property in terms of the multiple use and have an enforcement mechanism. The zoning commitment allows multiple business uses which can be B2 and capped at two uses. The second thing is the fact there can be a complimentary business to the storage business on site. This will allow for a business such as a U-Haul to operate and not exceed the business allotment. This will also allow for one of the moving trucks to be placed for advertising purposes. The

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placement is attached in the exhibits. The remainder is standard language worked and vetted with Mr. Austgen and staff. Mr. Recupito noted that the signature page needs to be amended. Mrs. Dickson's name is missing from the signature page. Mr. Vis stated he would get an update sent over tomorrow. Mr. Thiel asked about the separate office for the second business. Mr. Vis stated the building located at the front has a variety of offices and bathrooms available. The building is built to allow for a multitude of uses within it. Mr. Thiel asked if they would have to come in for occupancy for whatever business that may be. Mr. Vis stated absolutely all rules still apply. Mr. Thiel asked about the system development fee for the offices additional to the existing one. Mr. Vis stated he is not sure the process for fees but in terms of the business needing to go into the Town Hall and require the proper permits for occupancy and the like, all applies. If there are fees that are associated, he is sure they will be required as well. A brief discussion continued on the occupancy process.

A motion to approve was made by Chuck Becker 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. Beacon Pointe Unit 6 – Reduction in Performance Letter of Credit in a new amount of \$133,733.95**

A motion to approve 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.

**3. Beacon Pointe Unit 7 – Reduction in Performance Letter of Credit in a new amount of \$309,673.13**

A motion to approve was made by Mary Joan Dickson 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. Beacon Pointe East Unit 4 – Reduction in Performance Letter of Credit in a new amount of \$359,608.00**

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

**5. Lakeside Unit 2 Block 1 – Reduction in Performance Letter of Credit in a new amount of \$605,505.40**

A motion to approve 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.

**OLD BUSINESS**

**1. Consideration to establish a Metropolitan Police Commission and a Metropolitan Fire Commission and consider eliminating the current Board of Safety (*Deferred on 2/20/2024*)**

A motion to defer to March 19<sup>th</sup> was made by Greg Parker with second by Chuck Becker. Mr. Parker stated he would like time for discussion. Mrs. Rivera stated the Board of Safety has been asking for a fifth member for the last couple of months. She stated she would like to amend the agenda to vote on a fifth member for the Board of Safety. Mr. Parker stated he did not see why that could not wait two weeks for more discussion. Mr. Carnahan stated they still need a fifth person. Mrs. Rivera stated they have been asking for it. Mr. Recupito stated he has people telling him they have been operating just fine without the fifth members. Mrs. Rivera stated they met with them in exec in January and they asked for it. Mr. Recupito stated when they advertised in December for the January appointments, some folks reached out who were not appointed. He stated he told people when they appoint, that they would advertise again. Mr. Parker stated he spoke with Rich and he does not want to be a tiebreaker. He voiced concerns with people not being happy. Mr. Recupito stated he would like to conduct roll call on the item before them for deferral. Roll Call: Carnahan – No, Rivera – No, Becker- Yes, Dickson – No, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 4 – 3.

**NEW BUSINESS**

**1. Approval for the Police Department's New Hire, Matthew Milan (*Favorable recommendation from the BOS on 2/28/24*)**

Chief Fisher stated two weeks ago an officer resigned and went back to his former department. They would like to replace the officer to be back up to full staff. Matthew Milan went through the whole process and was interviewed by the Police Board and the

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Board of Safety. He was the number one pick. Is a local resident and former Marine. Mr. Milan introduced himself.

A motion to approve the new hire and start the PERF process 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.

**2. Consider approval to move forward with the purchase of four (4) Police Department Vehicles (*Favorable recommendation from the BOS on 2/28/24*)**

Chief Fisher reported they started the process with five different vendors for four police vehicles, Fords and Dodges. He stated locally, James Auto had the near lowest price, the difference was \$300. He presented to the Board of Safety to use James Auto for the first time since their prices were competitive. He stated they wished to move forward with the purchase of four new Durangos. Mr. Parker asked about the mileage on the vehicles they are replacing. Chief Fisher stated one has a blown motor and is done. The others are around 100,000 miles. They do not get taken out. They are moved to pool cars. Three will be moved and one has a blown motor. Chief Fisher stated once they get the next pool cars in, they will auction the others on GovDeals or move them to another department. A brief discussion continued on the cycle with the older vehicles.

A motion to approve was made by Roberth 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.

**3. Approval for the Fire Department to hire two Full-Time Employees (*Favorable recommendation from the BOS on 2/28/24*)**

- a. Connor Reilly, Firefighter/EMT
- b. Mark Whitlock, Firefighter/EMT

Chief Wilkening introduced Connor Reilly. He stated he was on the hiring list and made it through the Board of Safety process. They will be asking him to start the PERF process. The same as well as for Mark Whitlock but he will be required to complete a CPAT test. That is a physical agility test. He asked approval be contingent upon that. Mr. Recupito asked what that would bring staffing up to. Chief Wilkening stated sixteen but he currently has one out due to an injury. That includes himself and Chief Mager. Mr. Recupito asked Ms. Sandberg if they were clear and the money would be there. Ms. Sandberg stated technically the two new hires were contemplated in the 2024 budget. Mr. Parker asked why she used the term technically. Ms. Sandberg stated because the base salary is there within the budget but if there is anything related to overtime, it depends. Mr. Parker stated the money is there as long as they are responsible with staffing and overtime. Ms. Sandberg stated absolutely. Chief Wilkening stated they are doing the best they can.

A motion to approve the two new hires with the contingency of the requirement for the CPAT test for Mark Whitlock 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. Mr. Reilly introduced himself. Chief Wilkening stated they will be budgeting next year for him to attend paramedic school.

**4. Approval for the Fire Department to hire two Part-Time Employees (*Favorable recommendation from the BOS on 2/28/24*)**

- a. Jena Reynhout, Firefighter/EMT
- b. Anthony Van Auken, Firefighter/Paramedic

Chief Wilkening reported Jena has been an active Volunteer with the department. She wants to move in the part-time position. She will be helping to cover shifts which will help with the overtime. She plans to continue her career as a firefighter/EMT and possible future paramedic. He stated Anthony was on with the department as a full-time and took a job with Crown Point. He is a current volunteer with the Town and wishes to cover part-time shifts. He asked them for a favorable decision. Mr. Parker asked how many part-timers that would bring them to. Chief Wilkening stated he does not remember. Mr. Parker asked for a rough idea. Chief Wilkening stated six or eight. Mr. Parker asked if everyone was active and participating. Chief Wilkening stated a couple may not be. Chief Wilkening estimated they had four that were really active. Mr. Recupito asked Ms. Sandberg if they were okay with this item too. Ms. Sandberg stated same caveat at the previous item. Technically, as long as they plan accordingly and keep themselves in check. Mr. Recupito stated they discussed with Chief Wilkening about alleviating the pressure on the overtime. He stated there was a path forward planned and part-timers were part of it as well as managing the hours in the budget.

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A motion to approve the hires 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.

**5. Acceptance of Easement at 14509-Wheeler Street – Storm Board Project**

Mr. Recupito asked who was taking this item. Ms. Sandberg stated she believes it is related to the Storm Board's Gibbon's project. Mr. Parker stated he was trying to remember which one this is. Mrs. Dickson stated the Maleckar's. Mr. Recupito asked Tim if he had anything. Mr. Kubiak stated it is an easement that have needed for a storm water project. It is at the corner of 145<sup>th</sup> and Wheeler. It will allow a catch basin to be put in. Mr. Recupito asked Mr. Austgen if they were good on the legal. Mr. Austgen stated they are as he prepared the document.

A motion to accept the easement at 14509-Wheeler Street for the Storm Board project was made by Mary Joan Dickson with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

**6. Acceptance of Easement at 14022 Sherman Street – Shades Project**

Mr. Kubiak stated this is for the Shades project and the drainage. He stated this is for phase two near Sherman and 140<sup>th</sup>. Mr. Austgen stated there would be more easements coming up in the next few meetings. Mr. Carnahan stated it has been going on for a while with the Altop's. The north and south homes have been getting flooded after the home was built.

A motion to accept the easement at 14022 Sherman Street for the Shades project was made by Robert Carnahan with second by Richard Thiel. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

**7. Conflict of Interest Disclosure Statement, Rich Thiel**

Mr. Thiel explained page 2 and his interest as Midwest PGM purchases scrap metal from the Town. Checks are issued on a monthly basis to the Town. If there is usable metal, that scrap has been traded with the Town. He gave one example of light poles utilized on the Town Grounds. He stated another such is As Is Resale Shop has sold signs to Public Works. Industrial Drive Properties purchased land from the Town through the bidding process in the past. A brief discussion continued.

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

**8. Consider a letter of request from the Unsafe Building Department Hearing Authority**

Mr. Thiel discussed a letter from the Unsafe Building Department. He stated some of the ordinances are from 1979. No fund was ever created. Instead of taking the money normally allocated in the General Fund for Unsafe and putting it there, State Board of Accounts frowns upon that. He stated he would like to see them update the ordinance and clean-up for people coming before the Unsafe for general nuisance items. He discussed creation of a fee schedule for nuisance items. Mr. Recupito stated he thinks it is a great idea. He asked if it was direction for Mr. Austgen. Mr. Thiel stated yes.

A motion to approve the request and authorize the attorney to clean-up and update the ordinances 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. Austgen stated not to expect this by March 19<sup>th</sup> as the old ordinances are quite voluminous. He stated they will use the home-rule statute to build in some fine schedules as well as the non-reverting fund. It will take some time.

**9. Consider a Waiver Request from the Developmental Moratorium to build a single-family residence on a 2.5-acre +/- parcel at 6949-70 and 7001 W 126<sup>th</sup> Avenue**

Mr. Recupito stated a letter was received from Unique Design and Build asking for relief from the Development Moratorium that was adopted several weeks back. The parcel is over an acre. Mr. Recupito asked if the item is before the Plan Commission. It was stated no. Cory Krieth, developer, stated about a year they have been searching for a parcel for their client. It became available in December and they bought it the same day. They started working with Torrenga to start the engineering aspects. He asked for a waiver from the moratorium. He stated they are going to build one house in the property. They are looking for any additional structures. Mr. Recupito asked if they would be connected

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to Town water. Mr. Krieth stated he believes they have access to sewer but will be on a private well. Mr. Austgen stated this is what he envisioned when he drafted the exception portion of the developmental moratorium. If they had read it tonight, they would have heard this exception. Mr. Parker stated he would consider it pre-platted. Mr. Austgen stated it could be but it does not need to get there given the size of the lot, residential, and one home being built on it. Mr. Krieth stated the concept would be discussed at Plan Commission tomorrow to start the process. Mr. Austgen stated it is a one lot subdivision. Mrs. Dickson asked if they would not subdivide. Mr. Austgen stated it will not be permitted. He discussed a commitment that it cannot be subdivided. Mr. Krieth stated that will not be a problem. Mr. Austgen stated it is one of the conditions in the Town zoning ordinance. Mr. Austgen recommended any favorable action be subject to Plan Commission approval and there be no further subdividing of the parcel. A brief discussion continued.

A motion to grant the waiver request to build a single-family residence on the 2.5-acre parcel subject to Plan Commission approval and contingent on it not being further subdivided was made by Greg Parker with second by Richard Thiel. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

**10. Title VI Update – Updating Title VI Coordinator to current Town Manager**

Mr. Bunge stated from what he understands this is administrative. Someone in the Town has to be the ADA Title VI Coordinator. The last Town Manager was that person.

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

**REPORTS**

- 1. Town Council** – Mr. Parker spoke of attendance at the Lake County Election Board challenge hearings. He spoke of his inspiration for enforcing rules. He discussed the previous transfer of \$4.4 million from the sewer fund. Mr. Parker stated it was against the rules. He stated if you borrow from sewer you are supposed to pay it back. He stated those are the rules and he thinks it is the law. Mr. Austgen stated it depends on the question. Mr. Parker stated there is \$2.9 million left in the Eco-Restoration Fund. He stated there is not enough to replace \$4.4 million in the sewer fund but they could do the \$2.1 million. He stated there has been talk of other funding sources and he thinks it is great if others wish to contribute. He stated if those options happen it is wonderful. He stated from a responsible standpoint, based on things they keep finding and the current situation of things, he thinks it is time they consider putting the \$2.1 million back in the sewer fund. He made a motion to amend the agenda to consider a resolution for that. Mrs. Rivera questioned what was happening. She asked how they would pay back the LARE Grant or CLEA. Mr. Parker asked how they would add sewer capacity without money. Mrs. Rivera stated Residential TIF. She stated she sent information to all of them. Lowell passed it 5 – 0. They have the money to do the expansion. Mr. Parker stated they do and Cedar Lake does not. Mrs. Rivera stated they would if they passed Residential TIF. Mr. Parker called the transfer of money irresponsible. Mrs. Rivera stated it was allowed and it was discussed. Mr. Parker disagreed. Mrs. Rivera asked if it was not vetted by financial and legal. Mr. Austgen stated it was. The previous Town Council checked off on it because of that. Mrs. Rivera stated because it was vetted and was discussed several times in 2022 and 2023 in public meetings. Mr. Austgen added that there is an interpretation in question. Mr. Parker stated he understands that. He saw the interpretation and he questioned it. Mrs. Rivera stated they did not get dinged by the State Board of Accounts or Attorney General. Mr. Parker and Mrs. Rivera continued to disagree. Mr. Recupito stated there is a motion to amend the agenda and consider the item. He asked if there was a second. A second was made by Richard Thiel. Mrs. Rivera stated it is being done for all the wrong reasons. Mr. Parker stated it was done to begin with for the wrong reasons. Mrs. Rivera stated it was not it was to improve the Town. She asked how they would pay back CLEA. Mr. Thiel asked if they should have public comment. Mr. Recupito opened the floor to public comment. Jerry Wilkening, 10826 W. 131<sup>st</sup> Avenue, asked Mrs. Rivera what they are paying CLEA for. Mrs. Rivera stated they gave the Town about \$400,000 and if they are cancelling the lake project. Mr. Parker stated no one said they were cancelling the project. Mrs. Rivera stated if they put the money back in sewer, they will not have the money to finish it. Mr. Wilkening asked about her interpretation. Mrs. Rivera stated there are all kinds of things that are going to or could happen. Mrs. Dickson stated she agrees with Julie and wishes they had known more about this being put out. She does not think it was fair that the information was not out for the public let alone the people on the board. She stated she wishes she had more information. Mr. Parker stated he tried to reach out to her the other day. He was not able to get in contact but he did have

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discussion with others. Mrs. Dickson stated they talk about being transparent but the citizens were not aware. Mrs. Rivera stated there are a lot of implications. Mr. Parker and Mrs. Rivera continued to disagree. Mr. Parker stated all he is asking is to amend the agenda to consider a resolution. Mr. Austgen would have to draft it and it would have to be heard at a later date in a public meeting. Mrs. Rivera asked Mr. Austgen if they do not have the money to pay Dredge America if they could sue. Mr. Austgen stated anybody can sue. Mrs. Rivera stated they are already out there. Mr. Austgen stated they need to know the exact circumstances and what is in the contract. It is permitted in the contract for termination of the agreement to be made. Mr. Becker asked if there would be no final decisions tonight. Mr. Recupito stated his understanding is they are amending the agenda to consider some sort of action. Mr. Parker clarified to ask Mr. Austgen to draft a resolution that they can take action on. Mr. Austgen stated he has a question on what the resolution is to contain. He stated he needed a parameter. Mr. Parker stated to draft specifically, Eco-Restoration Non-Reverting Fund 807 and remove \$2.1 million from that fund and put it back into Fund 633 Wastewater Treatment Special Fund. He stated the Eco-Restoration still received a benefit of \$2.3 million from the sewer fund that they cannot recover. Mr. Recupito clarified that the motion is to amend the agenda and instruct the attorney to draft a resolution to transfer the \$2.1 million from the eco-system fund to the wastewater treatment plant special fund. Mr. Parker stated that is correct. Mr. Recupito asked Mr. Thiel if he was still seconding the motion. Mr. Thiel stated yes. Mrs. Rivera asked if the public would have the chance at the next meeting. Mr. Thiel stated it will not be ready for the next meeting. Mr. Austgen stated it would be tight. Mr. Thiel stated he wanted to make sure they were not rushing anything. Mr. Parker stated it is important that before equipment starts getting moved. Mr. Thiel discussed the items pressing for the 19<sup>th</sup>. Mr. Austgen stated it is feasible but if they would consider putting it out four week and not two, it would be helpful. Mr. Parker stated he wanted to be clear, he is not proposing stopping the eco-restoration. He is proposing getting the \$2.1 million back. If someone wants to fund it and continue, wherever it may come from, the eco-restoration continues. Mr. Carnahan asked if a meeting was set up with Senator Niemeyer and Representative Aylesworth. Mr. Parker stated in his view that should still continue. Mr. Thiel stated his understanding is it should happen at the end of March, when they are out of session. He stated the DNR was going to come in and do a special meeting at the same time. He stated his previous meeting with Rick was regarding the additional funds. His understanding was those funds would not be available until possibly 2026. Mr. Parker stated they do not have the money to finish the west side sanitary sewer interceptor because the sewer money is gone. He stated if they spend \$2.9 million this year, which is what is left in the fund. He stated the \$2.1 million is sewer money. Mr. Parker stated there is no benefit unless you are a lakefront property owner. Mrs. Rivera disagreed with his statement. Mr. Recupito stated to be clear he voted no to transfer the money last year. He thinks it was a bad policy call. They are in the midst of JMOB meeting and future expansion at the Lowell plant. He stated how does he justify the transfer. He stated it was a bad call and people have been waiting for something to be done. He understands people wanting to see a clean lake. He stated he can quantify the benefits and cons of have the money transferred out. He stated you cannot quantify what the clean lake would do for the average resident that is not concerned about the lake. He stated that is his stance on the record. Mr. Carnahan stated he just got a message from NIRPC and they think there is a grant they can go after for the sewer plant. Mr. Parker stated they still need \$17 million. He continued to voice concerns with finances of the Town. Mrs. Dickson asked Ms. Sandberg about funds available for the west side interceptor. Ms. Sandberg stated the west side sanitary sewer interceptor is paid for out of Fund 631, Wastewater Development. Phase 1 is taken care of as they are finishing out the project. Phase two and three design is also being paid for out of the that fund. When it comes to construction of further phases there would not be enough cash at this time as there is \$2.3 million in the wastewater development fund. There were discussions on further phases being bonded for. A brief discussion continued. Roll Call: Carnahan – Yes, Rivera – No, Becker- Yes, Dickson – No, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 5 – 2. Mr. Recupito stated in his capacity as Town Council President he was not trying to stop the agenda from being amended. If there was an item she wished to amend the agenda for she could. Mrs. Rivera made a motion to amend the agenda to appoint a fifth member to the Board of Safety. A second was made by Mr. Carnahan. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- No, Dickson – Yes, Thiel – Yes, Parker – No, Recupito – No. Vote 4 – 3. Mr. Carnahan stated Mr. Thiel has an idea. Mr. Thiel stated he does but since then he has thought of other candidates. He discussed Mr. Recupito's earlier statement on reopening for applications. He stated he would rather retract his first statement. He stated he has no problem amending the agenda but would rather it be reopened for the applications process. He stated they should have some and do it for two weeks. He asked Ms. Sandberg if that would be a problem. Ms. Sandberg stated it is completely up to them. Mr. Recupito stated they have the transition with the new administrative assistant. He asked Julie to be a part of the discussion. Mrs. Rivera stated



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if no one has any other nominations, she would like to nominate Larry Nagy. No other nominations were made. Mr. Recupito stated he promised people they would advertise and he will uphold his promise to those individuals. A second to appoint Larry Nagy was made by Chuck Becker. Roll Call: Carnahan – No, Rivera – Yes, Becker- Yes, Dickson – No, Thiel – No, Parker – No, Recupito – No. Vote 2 – 5. Motion fails. Mr. Recupito instructed Jeff's office to advertise. He asked them to give time for the change over in the administrative assistant. Discussion continued on the advertising window. Mr. Parker asked if they were clear on the direction for the Eco-Restoration and sewer money funds. Mr. Austgen stated he believes so. They will see a resolution in draft. Mr. Recupito asked if Ms. Sandberg was clear. Ms. Sandberg stated advertise as quickly as possible and then asked when they wished for them to stop accepting applications. She stated traditionally they like to have items the week prior to their meeting. She stated that would be a week from today for them to compile and get those items out. She stated it makes it tight for the meeting on the 19th. Mr. Recupito discussed waiting for the first meeting in April. Ms. Sandberg stated her concern is for the changeover with the administrative assistant and she will be at training for a week coming up. She will not be in the office to help with any questions. She stated they can advertise and make sure everything is in place for the first meeting in April. Mr. Recupito stated that is reasonable. He stated as long as they have enough time to vet before the first meeting in April. Mr. Bunge asked if March 22<sup>nd</sup> works as that would give people just over two weeks to respond. That would give a few days cushion for the deadline. Mr. Carnahan reported the Lake County Solid Waste District would hold the household hazardous waste collection. No latex paint will be accepted. Information can be found on their website at [www.lcswmd.com](http://www.lcswmd.com) or by calling 219-853-2420. Upcoming events are held from 9AM to 2PM. The first will be Saturday, March 23<sup>rd</sup> at the Lake County Fairgrounds in Crown Point. Mr. Carnahan reported the Cedar Lake Chamber will have the Business Showcase on Saturday, April 6<sup>th</sup> from 11AM to 2PM at the Hanover Central High School Fieldhouse. Mrs. Dickson reported her and Rich attended a meeting for Rebuilding Together. Last year they were in Cedar Lake and this year they will be in Merrillville. She stated volunteers are always welcome. Another meeting will occur in six months. Mr. Thiel stated he was glad Mary Joan offered that. He being on Unsafe, he believes it goes with them revising the ordinance. He believes in the future; any sort of non-profit should be worked with to waive permit fees. He stated it would help clean up the Town and those in need. Mr. Carnahan asked if there was help for filling out applications. Mrs. Dickson referred to Mr. Toth, Hanover Township Trustee. Mr. Thiel stated he has had discussion with Jeff on having another JMOB meeting. He stated he felt the February meeting was just a make up meeting. According to the agreement they are supposed to have one each quarter. He stated there is unfinished business. One of those is the dispute of the funds and true-up. He stated Jeff sent out an email on the 21<sup>st</sup> and called again today. No response has been received. Mr. Thiel voiced his frustration with no response. Mr. Recupito stated in a recent meeting they had instructed Attorney Austgen to draft an ordinance addressing the illegal bussing of migrants into Town. He stated Mr. Austgen has the draft. He asked the Chief's if they had seen it. They both stated no. Mr. Recupito stated they will send it over for their review.

2. **Town Attorney** – No report.
3. **Clerk-Treasurer** – Ms. Sandberg reported the Annual Financial Report for the Town of Cedar Lake for 2023 has been completed and submitted. The Annual Financial Report for the Cedar Lake Redevelopment Authority for 2023 has been completed and submitted. The Debt Management Report, Video Franchise Fee Report, South Shore Convention & Visitors Bureau Report, have all been completed and submitted. The 1000R, Lake County Solid Waste, and annual uploads required have been completed. The ERC certification has been completed and quarterly reports are on track. She is working with INDOT to make sure that is done correctly. She stated she will be attending the Indiana League of Municipal Clerks and Treasurers annual Institute & Academy. That will be March 17<sup>th</sup> through 21<sup>st</sup>. She stated she will not be present at the next meeting but will have a staff member present to conduct roll call. She stated it is an important training and how she gains a majority of her credits required to have for annual training as well as for the completion of her term. She is required by statute to have so many training hours. Mr. Carnahan asked her if she did the two-hour video for the NIRPC grant. Ms. Sandberg stated that is the ERC training. She is working with INDOT to get everything up to date. Mr. Carnahan asked Mr. Bunge about completing the training. Mr. Bunge stated he was at a training session last week and there was no discussion of a training. Mr. Carnahan reminded him they discussed it previously. Mr. Bunge stated he has not seen anything. Mr. Carnahan stated Ms. Sandberg could probably point him in the right direction. Ms. Sandberg stated a community can have more than one ERC. She cautioned him about conducting the training during work hours where various interruptions can occur.
4. **Town Manager** – Mr. Bunge reported they had a successful bid opening and awarded to Site Services to do seal coating and crack repairing on predominately the east side. He stated that will commence as soon as weather permits. It is part of the Community

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Crossing Matching Grant. He stated he was going to bring up special event permits and information for how they should move forward. He stated he spoke with Mr. Niemeyer personally after a discussion with Nick. He stated he spoke with his office and discussed the schedule for the last week of March. That is regarding extra money for the Lake Dredge Fund. Mr. Bunge stated he received a report on the east side sidewalk program. He stated he has not had a chance to review it yet. He stated he will have a report in two weeks.

5. **Director of Operations** – Mr. Kubiak reported they finally got started on Lift Station #19 by Lemon Lake Estates. He stated they found out that Farmington Meadows Subdivision between Lowell and Cedar Lake, a house received occupancy and the lift station is not yet complete. He stated staff drove by and discovered a problem. The lift station was almost full. He stated he did some checking and all the equipment is there but they ran into an issue with the electric. They are boring the line for the three-phase power. He imagines within the next few weeks the lift station will be up and running. He stated he is keeping an eye on it. He spoke with the developer and the developer brought out a septic service to get the lift station pumped out. He stated they sent an email to County and they are trying to prevent further homes getting occupancy until the lift station is correct. He stated they are monitoring the situation and it is much better than original thought. Mr. Carnahan asked him to give an update on the teardown at Hilltop and 129<sup>th</sup>. Mr. Kubiak stated he put in approximately three hours of machine time, three dumpsters, and they have capped off the sewer. He stated it was pretty uneventful. Mr. Carnahan asked Jen if they will get the money back from the property owner. Ms. Sandberg stated one would hope so. She stated it is her understanding that the Planning Director sends out an invoice to the individual to make payment. Mr. Carnahan stated if they do not pay, they will put a lien on it. Ms. Sandberg stated that is her understanding. Mr. Becker asked Mr. Kubiak about the home that received occupancy and if it is paying a sewer bill. Mr. Kubiak stated they have been since November. The rules state when they pay the system development charge, they start paying the sewer bill. Mr. Becker thanked him for his help with a water tap on a sidewalk. Mr. Kubiak stated they are working on the first well at Robin's Nest to complete the air bursting, testing, and cleaning.
6. **Police Department** – Chief Fisher stated no report. Mr. Carnahan asked for an update on the new building. Chief Fisher stated the building is moving along. The fire department had the first coat of paint and brick is being placed.
7. **Fire Department** - Chief Wilkening stated the fire station is coming along. They just did a tour with the contractors last week. Chief Wilkening stated they are writing a grant for new airpicks for the department. It is approximately \$397,000. That is to replace all of the packs and bottles. The Board of Safety has been informed. The match for the grant is approximately \$20,000. He stated he will have a conversation with Jen about taking it from the non-reverting fund the fire department has. It currently has \$110,000 in it. He stated there are a lot of options. It will put them in compliance. He stated it would be for 31 bottles. Chief Wilkening stated the last two years he has put in for a personnel grant and it has not been received. He asked the Council for permission to write the grant for the new year. A number of personnel must be applied for. He stated last time it was four. He stated it is 100% for three years. He stated he would send them an email and he was looking for direction. Mrs. Dickson asked if the grant included everything such as insurance. Chief Wilkening stated it is everything and at the fourth year the Town has to absorb everything. Mr. Recupito stated they need to make sure as far as the budget that they can absorb those costs. Chief Wilkening stated there is a meeting with Jennifer and Council Affairs on Thursday. That was going to be a discussion point he was going to bring up.

**UPDATE ITEMS/GENERAL DISCUSSION**

**1. Discussion: Special Event Permit Updates**

Mr. Recupito reported this permit was adopted and amended last year. Mr. Bunge stated it was amended last year and adopted four years ago. Ms. Sandberg stated it was all done last year. Chief Fisher stated it was amended last year to remove the fee. Mr. Recupito stated it was done last year and they have had issues with the functionality. He asked for Council input on moving forward. Mr. Recupito discussed an event last year that had some issues. He stated he did not believe there was an impact to public safety as it was a food truck. The individual was made to wait thirty days. Discussion occurred on the ordinance and the thirty-day waiting period. Chief Fisher stated the original purpose of the permit is so that they would know what is going on. Mr. Thiel stated it became complicated. Chief Fisher stated he did not want anything charged to the people, he just wanted to know what is going on when there are motorcycle events, biking events, and runs. Mr. Thiel stated in the past it was that simple but when it got revised it became difficult for someone to obtain a permit. Chief Fisher discussed the original thought behind the special event permit. He voiced concerns with not being in the loop for events. Mr. Recupito stated he doesn't disagree but it was not working. A lengthy discussion

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occurred on the thirty-day timeframe. Chief Fisher asked them to keep the permit for information purposes. Chief Wilkening stated it is nice to know when there are large events. Chief Fisher stated he had a discussion with Mrs. Dickson about the school and events. He stated that was never the intention. Unless the school is taking something off the school grounds or require additional law enforcement, it is not meant to affect them. Mr. Kubiak stated the whole thing started with the food truck then it turned into more. He stated that is a separate issue than say a special event permit. He stated the food one was going through the building department as instructed. He stated they are really two separate things. No further plan was discussed. Mr. Austgen stated he drafted an ordinance that simplified this. He does not know if the entire Council has it. He stated he did it after January 1<sup>st</sup>. He stated he will send it over. Mr. Parker stated he has not seen it and wondered why it has not made it to an agenda. Mr. Recupito stated he either forgot about it or did not get it. He stated he did not know he received it. He asked if it cleared up the thirty-day issue. Mr. Austgen stated it does. Mr. Recupito asked him to send it out. Mr. Bunge discussed the Artist Guild. He stated they are looking at eight dates. He stated it falls under the same auspices. They wish to start booking events. Mr. Recupito stated he hopes they can get it in their hands and on the next agenda.

**2. Farmers Market Coordinator Agreement**

Mrs. Dickson stated after attending the AIM conference, they will be adding items to the resolutions with their partners such as Farmers Market, Summerfest, Moto on Ice. Make sure they are covered with BMI, County Health Department, DNR, Alcohol and Tobacco, INDOT, Homeland Security for entertainment permits. He stated they will add that to the packets so the liability and responsibility is on their partner and the Town. Mrs. Dykstra stated she thought they were done discussing and thought a contract was forthcoming. She saw it was on the agenda and decided to attend. Mrs. Rivera stated two weeks ago Council Affairs asked Dave to draft a resolution. She asked if Dave got anywhere with it. Mr. Austgen stated he has not received anything. Mrs. Dickson stated they attended the AIM conference and want to make sure they are following what the State is pushing. Mrs. Rivera stated she thought that was more for carnivals and not farmers markets. Mrs. Dickson stated it is for carnivals, festivals, and DORA's. Mrs. Rivera stated she wants to make sure that Kelly is clear what is wanted from her and Dave is clear. Mrs. Dickson stated it is adding those items and making sure it is followed through. Mr. Carnahan asked if she knew about those items. Mrs. Dykstra stated they have not done anything as far as she knows that is not what they are supposed to be doing. She stated they have insurance and health department stuff. She stated they have never been told they are doing something wrong. Mrs. Dickson stated it is putting it in a resolution so they protect the Town. She stated it was discussed. Mrs. Dykstra stated they are normally done a long time ago and are getting closer to the date. Mrs. Dickson stated she has her dates. Mr. Recupito stated it is probably a consequence of the new Council. Mrs. Rivera asked Mary Joan and Rich to make sure the items get to Dave as soon as possible. Mrs. Dickson stated it would be done tomorrow. Mr. Carnahan asked if it would be done for the next meeting. Mr. Austgen stated he would do his best.

**WRITTEN COMMUNICATION**

None

**PUBLIC COMMENT**

Nick Worley spoke to Chief Wilkening about two ambulances. He voiced concerns with the ambulances sitting. He asked the Chief about using them. Chief Wilkening stated those are St. Anthony's are they are not available to use.

Jerry Wilkening, 10826 W. 131<sup>st</sup> Avenue, asked about the rumors of water on the west side. Mr. Parker stated they do not have water on the west side of the lake. Mr. Wilkening asked if they are any closer to having the numbers they need to figure that out. Mr. Recupito stated they have instructed the engineer to get those west side numbers. He believes he is getting close. Mr. Recupito stated it is probably not looking good. Mr. Parker stated he is not sure if they need it because they do not have it. Mr. Carnahan stated they have water they do not have storage capacity. Mr. Parker stated that is like not having water. They need another water tower. Mr. Wilkening asked about Farmington Meadows. He asked if the sanitary sewer is the Town's. Mr. Kubiak stated that is correct. Mr. Wilkening discussed the occupancy. He asked who the developer was. Mr. Kubiak stated he does not know the name of the company. Mr. Parker stated the building permits were pulled through the county not the Town. Mr. Wilkening asked about the generator. Mr. Kubiak stated it is in the pole barn. He stated all the pieces are there. They are awaiting electric. Mr. Kubiak stated a similar situation happened with the Town when they went to do Lift Station #5. A discussion occurred on the phase of power. Mr. Kubiak stated they have everything out there. Mr. Wilkening asked who designed that. Mr. Kubiak stated the developer and Xylem. They received a spec. and plan of what the Town would accept. Mr. Wilkening asked who from the Town did an inspection. Mr. Kubiak stated the Town's people inspected the wet well. He stated they knew the houses were being built and informed the county a while back that there was a hiccup. Somehow it still got overlooked. Mr. Kubiak stated everything is in place but

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the occupancy should not have been granted. It is out of the Town limits so the Town Building Department had no control over it. Mr. Kubiak discussed the hardships of those outside of the Town's territory. Mr. Wilkening discussed the Freedom Park water tower and it being built before it could be filled. He stated Lowell no longer owns their water system. Mr. Parker voiced concerns with water in Town. Mr. Wilkening asked Mrs. Dickson about liability to the Town she spoke of for special events. He asked what the liability is to the taxpayers. Mrs. Dickson stated most partners have insurance. Summerfest used to have insurance provided through the Town. That changed last year. They wish to make sure all the agencies that need to be contacted are. Mr. Wilkening asked if there was a fee to use the grounds. Mrs. Dickson stated yes and it varies. Chief Fisher stated there is a structure. Mr. Austgen stated it depends on the event. A brief discussion continued on the use and fee structure.

Mr. Parker apologized to Mr. Carnahan. He stated he received a text that said it looked like he was rude to Bob. Mr. Parker stated he did not mean anything by his statement.

Terry Broadhurst, 14513 Morse, asked to go back to the Dredge conversation. He stated great points were made. He stated he appreciated the hard work being done. He stated they are almost 50% done with the project. Mr. Parker stated he did not believe they were 50% done with it. They spent over 50% of the sewer money. Mr. Broadhurst stated a point was made about the equipment arriving soon. He stated with all of the discussion, would not the responsible thing be to reach out to the company. He discussed postponing and having options. Mr. Parker stated that would be responsible thing but then they would be accused of stopping the project. Mr. Broadhurst discussed reaching out to the company being the responsible thing.

Kevin Toth, 9725 B W 129<sup>th</sup> Place, stated he applauded them for looking into getting the wastewater money back. He stated he hopes they can do something. He stated the other thing mentioned is that they are not even 2/3 into the project. He stated they do not have the money and asked about the third phase. Mr. Parker stated they do not have the money for that or the west side interceptor without coming to the people and getting more money. Mr. Parker stated in 1998 when the Council asked people to invest into the sewer of the Town, they were asked to pay an additional \$30. He stated folks were asked to pay the extra and people have done that in anticipation. He stated it worked well because they had a surplus and most of the time, they did not have to raise fees and they got extra things done. He stated there is a problem with that too. He discussed having to go back to the ratepayers. Mr. Toth stated they are talking another \$3 million to get the next phase done. He stated he heard mention of using a TIF District. He voiced concerns with TIF and residential TIF. He asked what they would do with that money and how long it would take to receive. Mr. Toth stated they are in no position to move forward with new subdivisions. He voiced concerns for the overlapping entities. He stated they lost TIF money that has already gone into the lake. He voiced concerns with it not going to the businesses. He voiced concerns with residential TIF.

Angie Mikolajczak, 12805 Lee Court, commented on the waiver request. She stated she was looking at GIS and discussed the parcels. She stated it is two different parcels that are over 2.5 acres. She voiced concerns with the back lot and if it was possibly in a wetland. She stated she wanted to bring that to their attention. Mr. Recupito stated now it is triggered to go before Plan Commission. Mr. Parker stated it will have to have a one lot subdivision and those two parcels will have to be combined to create one legal lot of record. Mr. Austgen stated that is exactly what will happen. Ms. Mikolajczak stated she wished to bring that to their attention.

**ADJOURNMENT** President Recupito called the meeting to adjournment at approximately 10:01 PM.

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**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.