

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



March 19, 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	Absent*	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	

**Sarah Ely was present to conduct roll call.*

PUBLIC HEARING

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

A motion to defer to April 2, 2024 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.

PUBLIC COMMENT

None

CONSENT AGENDA

- 1. Minutes:** February 20, 2024 and February 26, 2024
- 2. Claims:** All Town Funds: \$239,558.02; Wastewater Operating: \$31,266.19; Sewage Bond: \$445,350.00; Water Utility: \$21,973.76; Storm Water: \$1,888.82; Payroll: 3/1/24 \$385,447.80; and February Remittances \$323,689.12
- 3. Manual Journal Entries:** February 1 – February 29, 2024
- 4. Donations:** NIPSCO Safety Grant – Police Dept. \$5,000
- 5. Tag Day Requests:** Cedar Lake Youth Baseball, April 20th, 2024 (rain date: April 27th)

A motion to accept and waive the reading of the minutes and accept the consent agenda as listed 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.

ORDINANCES/RESOLUTIONS

1. Ordinance No. 1487 – Traffic Code Amendment – Placement of Stop Signs

Mr. Parker read Ordinance No. 1487 by title only. Chief Fisher stated this is to install two stop signs on Parrish Avenue at 135th Place. Placement of these were requested several months ago. It has to be added into ordinance in order to put the stop signs up so it is enforceable. Mr. Recupito asked how soon the signs would be put up if approved tonight. Chief Fisher estimated about a week as public works needs to do locates before installing. Mr. Carnahan stated he investigated it because at first, he did not want a stop sign and saw there was a need. Chief Fisher stated yes. They needed to slow the traffic down approaching the school as well as the traffic leaving the school away. It was the most appropriate thing to do. Mr. Recupito stated folks in Utopia get trapped and this would help them with ingress and egress. A brief discussion continued.

A motion to approve the first reading of Ordinance No. 1487 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.

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

Mr. Parker read Ordinance No. 1487 by title only.

A motion to adopt Ordinance No. 1487 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.

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2. Resolution No. 1347 – 2024 Summerfest Resolution

Mr. Austgen stated he has received the changes from Mary Joan and has not yet started. Mrs. Dickson added the changes would be \$500 per day which is a \$2,000 payment in Section One. In Section Nine, \$500 would be paid 30 days before the event and \$1,500 after the event. Section Fourteen is to be removed as the Summerfest provides their own insurance.

A motion to defer to April 2nd was made by Richard Thiel 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 stated they are under a moratorium right now on development on parcels greater than one acre. Anything that has already been pre-platted can move forward. There was some clarification needed. Mr. Austgen explained Section One of the Resolution was revised to provide as follow for clarity. On page two, the first line was amended to add, "...in excess of one (1) acre..." There is a sentence in the fourth line that begins the rest of Section One and reads as follows. "This Moratorium shall be construed to mean, and be interpreted to require withholding of all Applications for Development on Project parcels greater than one (1) acre unless said Applicant has applied for and been granted Primary Plat approval or more advanced Project Development Approval for such Project, including Planned Unit Development, or other Zone Map Amendatory Ordinance. It is the intention of the Town Council and Utility Board that such action is required and necessary for the due diligence and evaluation processes deemed in the best interests of the entire Town, including the Developer/Property Owners."

Mr. Recupito asked the Council if they understand the clarification made. He asked if they need a reading by title. Mr. Austgen stated yes, one reading. Mr. Parker read Resolution No. 1349 by title only.

A motion to approve Resolution No. 1349 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. Resolution No. 1350 – Farmers Market Coordinator Agreement

Mr. Austgen stated this has the same explanation as the Summerfest item. There were some comments and additional bullet points that need to be inserted. They will be done in two weeks. Mrs. Rivera asked if anyone has relayed this to Kelly. Mrs. Dickson stated there was a change in the name representing to Regional Social LLC. They just have to make sure it is named appropriately. Mrs. Rivera stated she wants to make sure if there are any other changes to it, she knows before the next meeting. Mr. Austgen stated they will make sure she gets it.

A motion to defer to April 2nd 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.

5. Resolution No. 1351 – Transfer Resolution

Mr. Recupito stated this is consideration by the Town Council of transferring over \$2.1 million dollars from the eco-system account to the wastewater treatment plant special account, which it originally came from. He stated there is a lot of talk online that he is seen about the cancelling of the dredge project. He stated nobody is considering cancelling the dredge project. It is not under consideration. There are funds left in the account after the transfer if it were to get approved. He stated he would open up for public comment but asked everyone to keep it to three minutes so all get a chance to talk and keep it civilized. Mr. Carnahan asked if anyone else had anything to say. He asked Mr. Thiel directly. Mr. Thiel stated not at this time other than they never said that they were going to stop this. He stated that is all of the comments he has seen and in no way was that ever said. He said he personally never said it. Mr. Recupito stated there are several people up there and not up there that are working actively to continue to fund the item. He stated they have pressing sewer matters. He said they have issues where there are surcharges of sewer into the roads. He stated they have a plan to fix that. They don't have the funding but they have a plan to fix it. He stated they have request out for funds from a class action lawsuit, PCB Monsanto, to the tune of \$2 million dollars. He stated they also have request out to County for another million dollars. He stated nobody here is talking about cancelling this project. He stated it is the opposite as they are looking into brining even more money into it while also trying to solve the dire sewer situations. Mr.

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Thiel added he met with Jeff, Mike Aylesworth and Rick Niemeyer to discuss funding from the state in the future. Mr. Parker stated he also has spoken with Rick Niemeyer twice in the last three weeks. He and Mike Aylesworth are committed to helping fund the project. The funding was not guaranteed but they stated they were committed to helping. Mr. Carnahan spoke of the west side interceptor project. He stated the first project is complete and paid. The second and third projects to complete it to alleviate sewer surcharging on Lauerman is going to cost almost \$8 million and they don't have the money.

Public Comment on Resolution No. 1351

Claudia Carlson, 8134 Peterson Blvd, stated she is happy to hear there is no stopping the dredging. She has lived here 60 years and for 60 years they have been working towards this. She stated she represents her 96-year-old mother, her brothers, her sister, and her son, all taxpayers in Cedar Lake. She thinks there is a lot of confusion when it comes to the dollars and the funds. Everybody needs a bit of budget 101 and to know what the taxpayer dollars are used for, what the wastewater dollars are used for and why, as well as the other funds. She stated there is a lot of misinformation and that is why they have a crowd. She asked them to keep going forward and stated they do not need to go backwards. Nobody needs to go backwards. There is no Town official in the history of the Town's 55 years that would ever come to be on the board or try to do something that they were not trying to do the right thing. She stated the vilification of everybody else in previous years is also wrong. She hopes things stay civil, stop anonymous and fake participants and she thinks they will all do a lot better. Mr. Austgen noted that Mrs. Carlson is the former Town Clerk-Treasurer. She served the Town honorably and well. Her father also served on the Town Council.

Patrick Conlon, 12516 Havenwood Pass, stated he has lived in Cedar Lake for over 20 years. He stated he sent them all a letter with his concerns about the dredge. He stated he has 25 years of project management for commercial construction. He stated as a contractor he would be concerned that a \$9 million dollar project, is \$2 million short, and they will get cold feet. There is potential litigation. He stated he hopes they all have taken that into consideration. He stated his biggest fear is they will walk away. He applauded their efforts to find more funding. He again voiced concerns with a \$2 million dollar shortfall. Mr. Parker stated the only people that have contributed to the project are us. Mr. Conlon stated that is another peeve of his is the fact that it is a state-owned lake but no one in Indianapolis is giving them a dime. He stated that is a problem. Mr. Parker again spoke of his conversation with Rick Niemeyer. He stated he is the most honest guy he has ever met in politics. Mr. Conlon stated that is great and is glad he is trying to get more money. Mrs. Rivera stated the Town has contributed but they also received a LARE grant and CLEA, of course. They are not in this alone.

Jennifer Prunsky, 14617 Blaine Street, asked the attorney if they can put this to a referendum. She stated the reason she asks because in the 90s when the sewer was increased to take extra money and put aside for future infrastructure use, nobody asked the people, if they could take that money and use it for the lake dredge. She stated she does not understand. They are not asking to stop it but no one asks. She continued to voice concerns and again asked about a referendum. Mr. Austgen stated he is unaware of a referendum on a policy specific type item like this. He stated he is aware that Title 36, sewer works portion of the statute, has places in it and procedure regarding public hearings. Including delivery and presentation to the ratepayers of rates of charges, increases, and the like such as bond issues. He stated it is not referendum specific. Mrs. Prunsky stated she may have used the wrong terminology. Mr. Austgen stated normal people think that way and it is a good question. He stated those are very specific policy, specific type initiatives and actions, when regular law provides for procedure that has to be. Mrs. Prunsky spoke of getting other ratepayers together and suing the town to get the money back. She stated she knows they would win that case. She encouraged them to talk to the people who have been paying since the 90s.

Kevin Sawaska, 8811 W. 128th Court, stated they say they are not stopping the project but when they take \$2.1 million away from it, it is kind of hard to say you are not stopping the project. He stated he is a lifelong resident and voter. The lake project has been talked about for over 40 years. He discussed the Pledge to Dredge. He stated the new Council has been in office 79 days and here they are talking about stopping the dredge. He stated they might not like how it all came about but the job is already started. He stated their job as a Council is to work towards fixing issues and move the Town forward. Not killing projects that the community has worked towards for over four decades. In the last meeting, the agenda was amended and anyone watching it, could tell that at least three or four of them on the board knew that the agenda was going to be amended. Mr. Sawaska discussed Mr. Parker's lead on the agenda amendment at the last meeting. He discussed Mr. Parker's comments that in 2022 the old Council broke the law. Mr. Sawaska stated that is not true. It was vetted by legal and accountants. It was discussed in multiple public meetings. Mr. Sawaska stated they have the same attorney that was here then that is here

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now and has been here longer than anybody other than Mr. Carnahan. Mr. Parker interjected. He asked Mr. Austgen if it was vetted by him. Mr. Austgen stated he is not certain he knows which part of this he is talking about. Mr. Sawaska stated the lake dredge and taking the money. Mr. Austgen stated the lake dredge is a big topic. Mr. Thiel asked Dave about the transfer of the sewer funds before into the non-reverting fund and if he was involved in that transfer. Mr. Austgen stated he was not. Mr. Sawaska asked him again if it was vetted through him or legal. Mr. Austgen stated he didn't draft the document. Mr. Sawaska continued to voice concerns. He asked Mr. Austgen if they did that without consulting the Town Attorney. Mr. Austgen stated yes and other Council Member's responded yes. Mr. Thiel stated this is the problem that nobody understands. Mr. Sawaska stated he finds that hard to believe. Mr. Sawaska asked Julie if it was vetted by legal. Mrs. Rivera stated she was under the assumption by the response to the State Board of Accounts that it was. She stated the conclusion that she has before her states, "...The determination of Cedar Lake to proceed on the Lake Ecosystem Restoration/Dredge Project was undertaken in full compliance with statutory and local municipal law and requirements...." She stated being on the Council and seeing the response, she would hope that someone would have stopped them. Mr. Sawaska stated that is his point. He continued to voice concerns. Mr. Austgen stated the letter that Julie is referring to is a response to the State Board of Accounts made in November last year, many months after. Mr. Sawaska stated he, Mr. Austgen, is at most meetings. He asked if he ever once told them, you cannot do this. Mr. Austgen stated probably not. *Multiple conversations overlapped.* A heated discussion occurred between Mr. Thiel and Mr. Sawaska. Mr. Sawaska continued with his public comment. He continued to voice concerns with the statement that it was illegal and other comments regarding ethics made by Mr. Parker. Mr. Parker voiced concerns with things that have happened in the past. He stated when he got involved with politics on the local level, it was respectable. He stated over the years it became a cesspool. Mr. Sawaska discussed the growth of the Town over the years. He voiced concerns with going backwards. Mr. Parker commented on the west side sewer interceptor that is incomplete and needs to be funded. Mr. Sawaska voiced concerns with the development moratorium. He stated that means no new revenues will be coming into the Town including permits fees, no water system charges, no park fees, and yes wastewater fees. Mr. Sawaska stated when residents stop coming, businesses stop coming. He voiced concerns with development stopping. Mr. Sawaska spoke of a previous Plan Commission meeting and Olthof Homes. Olthof Homes offered a water tower and a well for the development at 141st and Parrish. Mr. Recapito stated they did not. They offered a site. He stated they should not even be getting into this talk, only the transfer of funds. They can go into the moratorium at another time. Mr. Sawaska stated part of the reason they want to transfer the funds is because they are saying the money is not in the sewer funds. Mr. Recapito stated they are trying to fund both at the same time. A heated discussion continued. Mr. Recapito told Mr. Sawaska to continue his statement. Mr. Sawaska voiced concerns with Mrs. Rivera getting interrupted during the last meeting. He closed with the fact that 13% of the people came out to vote during the last election. He stated if the project is defunded, he believes way more will show up and it will not be a vote for them.

Tom Vanderwerf, 7515 W. 136th Lane, asked for clarification, that they have \$2 million and some change that was moved from the sewers to the dredging and now they want to move it back. Mr. Recapito stated it was \$4.4 million and there is \$2.9 million left in the account right now. They are considering moving \$2.1 million. Mr. Vanderwerf asked if the money does move back to sewer to fund sewer projects and the State Representative does not come through, will they run the money to zero and stop. Mr. Recapito stated in theory. Mr. Vanderwerf stated it might take longer for all of that to be resolved then it does for the dredge. Mr. Recapito discussed the various additional funding sources. Mr. Vanderwerf asked if there is a gap, if there would be an agreement with the dredge company so they do not pull everything out. Mr. Austgen stated Dredge America has a contract. It is their contract and engineers checked off on it. Within that, the Town has the opportunity to stay the proceedings for 90 days, if necessary. The Town also has the opportunity to simply terminate. Those options are in the contract that permit time to be purchased for funding to be found. Mr. Vanderwerf asked if they had an idea on the rate of spending and when they would hit zero. Mr. Recapito stated he spoke with the engineer and it hard to determine from day to day. Different quantities are dredged day to day and the location of dredging is also a factor. Mr. Vanderwerf stated they would not have enough to finish the whole year. Mr. Recapito stated it is possible but they do not know. According to the engineer, they are dredging anywhere from 1,000 to 4,000 cubic yards per day. Mr. Recapito stated he asked the engineer if they could get through the year and he said it was possible but there is no guarantee.

Donna Corey, 14605 Bryan Street, asked about all of the funding sources for the dredge project. Mr. Carnahan stated wastewater funding, RDA Lease Rental Bond, LARE Grant, Cedar Lake Eco-Restoration all totaled \$9,250,953. Mrs. Corey asked about the funding remaining for the project and discussed giving sewer money back so development

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projects can continue. Mr. Recupito clarified that most of the money has already been spent and material has been removed. Mrs. Corey asked why didn't Dredge America work during the mild winter. Mr. Recupito stated they have a contract that stipulates the starting and ending date. Mr. Austgen stated most winters are not like this past winter. Mr. Bunge stated there was no way of knowing. Mrs. Corey continued to discuss.

Robert Groszek, 14055 Deodor, stated he thinks people should be told of the last JMOB meeting and how long it would take to expand that plant. He stated they were given a timeframe of three years if they started today. Mr. Thiel stated that is best case scenario. Mr. Carnahan stated two years of engineering and four years total. Mr. Groszek stated to expand the plant. Mr. Carnahan stated he spoke with Julie and was told to speak with Sue Haase because he misunderstood her and the increase. He thought the sewer rate would increase by \$74 additional dollars. He talked to her and she told him the sewer rate would go from \$48 to \$74. The garbage would have to go up \$2. He stated those not on the water system would go from \$78 to \$106. He stated that's an approximate \$48 increase on the sewer rate. He stated that does not include not having the money for the west side sewer interceptor. Mr. Groszek discussed his background in Chicago and discussed the sewer. He voiced concerns with sewer backups and money going down the drain. He stated capacity in the plant is approximately 98% and the Town only gets 50%. He stated at the last meeting they were at 51%. Mr. Groszek discussed Lowell continuing to build and not having a moratorium like Cedar Lake. He asked them to take that into consideration. He stated he is seen the effects of a sewer backup and stated it will flow to the lake.

Bob Gross, 8505 W. 140th Avenue, stated there is a lot of misinformation out there. He stated he tried to reach out to a few of them with no response. He stated he is not their enemy. He stated he called BakerTilly in Indianapolis for a contact of an engineer that handles the different bonds in the State of Indiana. He stated they talked a little bit about what could happen. He discussed having to pay for demobilization. Mr. Parker stated they have to pay that anyway. Mr. Gross stated no, that is part of the per cubic yard. Mr. Recupito stated that is not what the engineer said. Mr. Gross stated that is not what the engineer told him. Mr. Gross stated if they have to pay to demobilize, they will not be dredging anymore. Mr. Gross voiced concerns the remaining \$900,000 will not get them far. He questioned when the funds run out, if they would use the sewer money to pay the remaining bill. Mr. Parker again discussed requests to the County and State for money for moving the project forward. Mr. Parker stated he would implore the County officials to release the money for use to fund the lake dredge. He stated they need to finish the west side sewer interceptor to stop pumping raw sewage into the lake by his business. Mr. Gross stated he never sued the Town for that. It has been happening for decades but has slowed down quite a bit because of new lift stations had has gotten better. Mr. Parker voiced concerns with money and poor planning. Mr. Gross stated the \$1 million that Mr. Tippy was going to give was for alum treatment. The alum treatment comes after the dredging. Mr. Thiel asked if that was written anywhere specifically for alum treatment or dedicated to restoration. Mr. Gross stated according to the meeting he had with Mr. Tippy; the money would be for the alum treatment. Mr. Gross stated he got a text that stated if they defund the project, he will not send the \$1 million. Mr. Gross stated he spoke with Senator Niemeyer too and he said they would try to get money but he does not want to go back on the project but extend it. Mr. Gross discussed the upcoming meeting on the fisheries. He discussed the money received from the State for the land and the 17 projects CLEA has completed over the last 30 years. Mr. Gross stated to say the Town is not getting anything for the lake is not true. He discussed money from Lake and River Enhancement and Build Indiana to complete those projects. Mr. Parker continued to voice concerns with the west side sanitary sewer interceptor. Mr. Gross stated there is millions in federal money if it is gone after. A lengthy discussion continued.

Kevin Toth, 9725 B W 129th Place, stated nobody is against cleaning the lake but many are against paying for a state-owned lake in a non-transparent way. He stated there are many other needs for the utility funds. He stated many believe the project should have been done with the Army Corps of Engineers to give direction and a plan. Nothing being done now, contributes to the sustainability of the lake as the Army Corps plan is spelled out. He stated all they have heard is how doing the project on their own is saving money. Mr. Toth voiced concerns with the use of \$3.9 million of TIF funds and \$4.4 million of wastewater funds. He voiced concerns with over \$8 million spent and the lack of a funding source for the next phase of the project or future needs. Mr. Toth discussed the history of funding source discussions at prior Town Council meetings. Mr. Toth continued to voice concerns with funding, transparency, and alum treatments.

Bob Gross stated the LPP plan was the end product that the Army Corps talked about. It was \$22 million. The Town's share was \$11,900,000. That was in 2016. He stated that cost could be 20% to 30% more today. He stated the Army Corps of Engineers wanted the Town to give them \$800,000 to pay them for the 15-year study they took to study the lake. Mr. Gross stated the local project is so much better. They wanted to raise more money for the alum treatment and future plant life.

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Brian Kubal, 7600 W 136th Court, stated he has been involved off and on since the 1970s. He spoke about all the comments regarding the State doing it. He stated that is a joke. He estimated he has been involved in over 20 meetings with the State over the years and nothing has happened. He stated if they were located near Indianapolis, the lake would've been done years ago. He stated it has been frustrating with all the work put in over the years. He spoke about working to get the project to go farther not pull it back. He voiced concerns with going backwards. He stated it is not a good look. He continued to voice concerns and asked them to move forward.

Dave Valerius, 13414 Cedar Street, asked what is the liquidated damages clause on the contract in the event that the dredge is stopped. Mr. Austgen stated there is not one. Just true-up for actual costs and expenses. Mr. Recupito stated he read the contract too and it is pretty clear. It actually heavily favors the owner, the Town of Cedar Lake. He stated nobody is considering doing that right now.

Terry Broadhurst, 14513 Morse, stated to him one of the reasons he came to Cedar Lake is because of lake life living. He stated he has said that if they don't plan properly, they'll no longer be a lake town but a city with the lake in the middle. He stated they are taking necessary steps to slow down and prepare for the future. He stated the money that was transferred into a non-reverting fund was \$4.4 million dollars to accompany the money already received to dredge the lake. The entire project was \$9 million. He asked was not that a reduced figure from the original plan. Mrs. Rivera stated the total was approximately \$22 million. They talked about giving the Town \$11 million but it was never appropriated. Mr. Broadhurst stated the federal government dropped out of it. Mrs. Rivera stated they voted on it, she believed in 2018, to get out of the Army Corps project due to the length and expense. Mr. Broadhurst voiced concerns with not moving forward with the Army Corps projects. Mr. Carnahan stated they only wanted to do the south end and the Town added the north end. Mr. Broadhurst continued to voice concerns. He asked if they are only going to give back \$2.1 how do they get the other \$2.3. He asked how the ratepayers get made whole. He stated maybe some of the payback should go towards the \$2.3 over the course of time.

Bill Sechen, 7506 W. 134th Place, stated he sent an email on Sunday. He discussed his patronage of local businesses. He stated a lot of numbers were tossed around tonight. He asked how much was it to mobilize the project before one drop of mud was pulled out of the bottom. He asked about the land, plumbing under the railroad tracks, etc. and how much was spent. Mr. Recupito stated the mobilization and demobilization was almost \$1 million. Most has been paid for already. Mr. Bunge estimated the sediment dewatering facility at \$2 million. Mr. Recupito stated he wasn't sure on other costs. Mr. Sechen ball parked it at \$4 million. Mr. Bunge stated at least \$3 million. Mr. Sechen asked them if they wanted to maximize the return on investment there. Mr. Recupito stated they do. He reiterated that they are trying to do both. He stated the Town means nothing if there is no sewer system that works. He stated the goal of the Council is to accomplish both tasks at once. Mr. Sechen stated his fear is they will run out of money this summer. He stated if that happens and they demobilize, the process to get someone back in will probably not happen. He stated they'll be done. He discussed their reputation and the possibility that no dredge company is going to want to come back. He urged them to move forward and get it done.

Carl Sprehe, 7326 W. 143rd Avenue, stated he brought the issue up about a month and half ago that the money was transferred from the storm water to the dredging project in violation of Indiana Code. Mr. Sprehe stated the Indiana Board of Accounts sent a letter to the treasurer and asked for an answer in reference to how that was justified. He stated it wasn't answered properly. Mrs. Rivera stated it was. Mr. Sprehe stated another response came from the State Board of Accounts wanting additional clarification and that letter was sent to the Town Attorney. He stated he and his staff wrote up a similar response and State Board of Accounts indicated that was not sufficient to justify the transfer of \$4.3 million. Mr. Sprehe stated he is not opposed to dredging. He is opposed to utilization of funds improperly when those funds are designated under resolution for wastewater treatment. He stated no where in the resolution does it allow for the money to be taken out of that fund. He stated he read all the pages of the audit and the treasurer report to make sure he had his numbers right. He stated there has been a lot of talk about pulling the money back. He stated he brought it up due to the expansion of the lake and the tremendous growth to the point where they cannot sustain. He stated they are at a point where the Town is bonded out tremendously to pay for projects. He stated more than likely they will have to float another bond to pay for sewer projects. He stated he does not want to stop the dredging but he is realistic. He commented on the statement made on the Town's reputation. Mr. Sprehe stated their reputation will be worse if they do not fix the sewer problems. He stated they all want good things for the Town. He stated there is no easy resolution but commended the Council for what they have done. Mr. Recupito stated the goal is to try and fix both problems with the focus being sustainability. Discussion continued.

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Ryan Boganschneider, 9647 Tradewind Place, stated he is the guy on Facebook. Someone had asked him if he worked for Mr. Gross. He stated yes, he does, he is a realtor, and retired firefighter for the Town. He has been here for almost 16 years. He stated the growth going forward is beautiful. He stated he does not want to be in their shoes, nobody does, but it is what they signed up for. He stated they need to push forward not worry about the past. He stated they need to push forward and be problem solvers. He stated they can do it together and not attack each other. He stated they need to stop blaming everybody. He stated it was evident in the last meeting that two people new nothing about what happened in the last meeting. He stated they want to be transparent, let's be transparent. Mr. Parker disagreed. Mr. Boganschneider stated that is absolutely true. Mr. Thiel asked him if he was 100% certain that was true. Mr. Boganschneider stated you could tell. Mr. Thiel asked Mary Joan if an hour and a half before the last meeting, he called her to discuss why Greg wanted to call because of the transfer resolution. Mrs. Dickson stated she didn't get the information. Mr. Thiel again asked if he called her and told her. Mrs. Dickson stated there was information but she didn't get the information. Mr. Thiel again asked her if he called her. Mrs. Dickson stated she was told Greg tried to get a hold of her. Mr. Boganschneider voiced concerns with the transparency. Mr. Recupito stated the discussion has been talked about since the beginning of the year public meetings. He stated he voted against the transfer last year as well as Bob. Mr. Recupito stated it is not a surprise. Mr. Boganschneider stated it is okay for them to change their minds. He discussed Mr. Parker previously voting on subdivisions. Mr. Parker stated he voted on subdivisions that met the letter of the law to be moved forward. He stated that is what they have to do. Mr. Boganschneider agreed with him. Mr. Parker stated they don't have sewer capacity or water supply and that is why they have a moratorium. Mr. Boganschneider stated they are here to support them and they need to stop with the anonymous bull. He stated they are all Cedar Lake and need to push together to do it all together and help each other. Mr. Carnahan spoke about Frank Brongiel on CLEA has worked harder than anybody. He stated he has pulled pilings out of the lake and is an amazing man.

Mr. Parker read Resolution No. 1351 by title only. Mr. Recupito asked if there was any other board discussion. Mrs. Rivera stated yes, she would like to clarify a few items. She discussed Mr. Sprehe's comments regarding the attorney and Clerk-Treasurer's opinion to the State Board of Accounts. She asked Mr. Austgen about his November 15th letter and Ms. Sandberg's November 21st letter, if they had heard back from the State Board of Accounts. Mr. Austgen stated he did not and to his knowledge the Clerk-Treasurer did not hear back. Mrs. Rivera stated she takes issue with the fact that it's being called illegal. She stated she has meeting minutes from January 2022 and July 2023 where it was talked about using sewer funds. She again voiced concerns with it being called illegal. She stated she wanted to enter into the meeting minutes the letter from Ms. Sandberg and Mr. Austgen. She stated it outlines why they could use the funds. She stated things were flushed into the lake for many years. She stated to her, if the State Board of Accounts has not replied and said that it was incorrect usage, they would know about it. She stated if the money is in a non-reverting fund, does not non-reverting mean they cannot use it for anything else or take it out. She asked if it was legal to take money out of a non-reverting fund. Mr. Austgen stated it is not illegal to take money out of a non-reverting fund, it can be transferred. Mrs. Rivera voiced concerns. Mr. Austgen stated it must be used for the purposes designated by the fund to which it is transferred. Mrs. Rivera asked him to clarify. Mr. Austgen stated that means the special revenue non-reverting fund used for Lake Ecosystem Restoration funding is the proper use of the funds that are in that account. If those funds are moved to the wastewater special fund as is contemplated, the purpose for those funds and use changes to what the special wastewater fund provides for. Mrs. Rivera stated they need to really think about it. She mentioned Lowell and the fact that they have TIF. They voted 5 to 0 on residential TIF. She stated she hopes they will look into it and ways to bring the schools in to make sure everyone benefits. It is a tool the State of Indiana is giving them. She stated St. John is looking into it. It does not mean residents now are paying taxes as it is on new growth. She stated she hopes they look at all revenue sources. Look at the developers that are willing to put in water towers and/or drill for wells. She stated the \$2.1 million is not going to pay for the Town's half of the wastewater treatment plant. It unfortunately is only a drop in the bucket. She stated she's hoping they will look into all avenues. A lengthy discussion continued on residential TIF, identification of future revenue sources, and future expansion.

A motion to approve Resolution No. 1351 was made by Richard Thiel with second by Greg Parker. Roll Call: Carnahan – Yes, Rivera – No, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 1.

OLD BUSINESS

**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA
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1. Consideration to establish a Metropolitan Police Commission and a Metropolitan Fire Commission and consider eliminating the current Board of Safety

A motion to defer was made by Greg Parker with second by Mary Joan Dickson. Roll Call: Carnahan – No, Rivera – No, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 5 – 2.

NEW BUSINESS

1. Consider Fire Department Line-Item Transfer Request

Mrs. Dickson asked Chief Wilkening to explain the numbers and where they are transferring from and transferring to. She stated they do not have that information. Chief Wilkening stated he does not have that information in front of him either. Mr. Bunge stated it was on the iPad. Chief Wilkening stated he could not recall. He stated it is going from 399 to 394 and thinks it is for training. Mrs. Dickson asked him about the transfer and if they did not have enough budgeted. Chief Wilkening stated yes, they did not have enough budgeted. He could not recall. Mr. Recupito asked Ms. Haase if she had any information. Ms. Haase stated she did not and Jen will have to deal with that. She just knows that she said it was part of the agenda. Mr. Thiel asked about the two different ones and the one was being denied. He asked if it would need to be resubmitted. Chief Wilkening stated no. She told them it could not come out of that particular line item. That is why she denied it. Mr. Thiel asked if it would be a future transfer. Chief Wilkening stated no. The request is for the top line, \$2,500. Mr. Becker asked if they have anything from Jennifer. Ms. Ely stated she does not have anything and she'll be back in the office on Friday. Chief Wilkening stated she signed off on the top, that means she approved it. If she did not approve it, she would not have sent it to you and it would have been denied. A brief discussion continued.

A motion to approve the request for \$2,500 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.

2. Request the Use of Park Impact Fees for Kiwanis Park Playground Amenities not to exceed \$50,000

Mrs. Ray stated on her March 14th letter to them requesting use of funds, the total is actually \$55,710. Mr. Thiel asked if this was for ADA improvements. Mrs. Ray stated the \$50,000 would be going toward the pour and play surfaces to make them ADA compliant and accessible. \$5,710 will be all accessible amenities like a xylophone and handicap swing. Mr. Recupito asked if it was given approval by the Park Board. Mrs. Ray stated yes, at their previous meeting.

A motion to approve the use of Park Impact Fees of \$55,710 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.

REPORTS

- 1. Town Council** – Mr. Carnahan reported Lake County Solid Waste will have Household Hazardous Waste at the Lake County Fairgrounds on Saturday, March 23rd at 9AM to 2PM. He stated it is for individuals not businesses. The Business Showcase will be on April 6th and will be from 10AM to 2PM. It is free to the public. They will have raffles and everyone is invited.
- 2. Town Attorney** – No report.
- 3. Clerk-Treasurer** – Ms. Ely stated all of the monthly reports were sent on Friday and any questions can be asked when Jen is back in the office.
- 4. Town Manager** – Mr. Bunge stated he has a new Administrative Assistant, Kirsten Smith, and this is her first meeting with them. He went through the Christopher B. Burke Engineering Report. A copy of the report can be found on the Town's website at www.cedarlakein.org, under Minutes and Agendas. Mr. Recupito stated the public ought to know about the direction given to Don to contact the State about moving forward with the intersection improvements at 141st and US 41. They are looking at putting stoplight in there. Chief Fisher asked if it had been approved. Mr. Recupito stated they did not approve it yet but Don sent an analysis and deemed it as necessary. Mr. Recupito stated it would be a project funded by the State. Mr. Carnahan stated he would like them to do 129th and US 41. A brief discussion continued on problem intersections. Mr. Bunge discussed the air bursting of the wells at Robin's Nest. He stated one well increased from 200 gpm to over 300 gpm. The other well increased from 200 gpm to over 500 gpm.
- 5. Director of Operations** – No report.
- 6. Police Department** – Chief Fisher discussed the monthly calls report. He discussed a conversation with Mrs. Parker about a program to help those in the community with cognitive disabilities. Ideas were shared and he reached out to the Deputy Chief from the Avon Police Department. They started a program called Aware. He stated he does not

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know the cost but they will figure out a funding source. He stated it would allow them to hand out stickers or some kind of identification so when first responders arrive at a residence, they'll know if someone at the residence has a cognitive disability or medical issue. It goes along with their continuous training on de-escalation and awareness of dementia and similar things of that nature. He stated he hopes to have something within the next month. Chief Wilkening stated they have one funding source already. Mrs. Parker added not only for residences but it is also for cars. It covers both areas. Mrs. Dickson asked if they are changing the color of their units to black. Chief Fisher stated no. They ordered one white, one black, and two for administration. He stated the unfortunate part is this year is the year several unmarked cars were due to be recycled. She asked about the lights. Chief Fisher stated it is all taken care of. He stated his goal is to have all of his sergeants to be in black squads. Patrol cars will stay white. Two administration cars will be changed and due to the addition of another Detective.

7. **Fire Department** – Chief Wilkening discussed the month calls report. He stated car crashes and structure fires seem to be on the rise. He discussed some of the various calls received. He stated they finished and turned in the air pack grant. It is close to \$350,000 to \$383,000. He stated they surveyed the current station. The lights in the truck bays have been terrible for a long time. He stated they were hoping to be able to do some renovation work. They cannot wait any longer. They got a quote to change out all of the lights and ceiling fans and it is almost \$7,000. He stated they got the NIPSCO initiative and the place in Lowell that does the lighting for NIPSCO will do it for \$940. He stated that is quite a savings through the NIPSCO initiative. He stated they are working on six other grants for smaller amounts. He stated they are trying to figure out some of the needs of the apparatus and equipment. Mr. Carnahan asked what was going on with the ladder truck. Chief Wilkening stated it was being tested today. It passed the first part of the test and they'll be back tomorrow to do the pumps. It is an annual test.
8. **Parks Department** – Mrs. Ray reported the Parks Department has a newsletter that sits on the website digitally. She stated she wants traffic to start heading that way. You can see all of the things they are doing and planning. She stated they have a Park Board meeting where she gives a more detailed report. The Easter Egg Hunt will be on Saturday, March 23rd at 12PM. There has been a lot of community support. This is the first season the Parks Department has fully taken over the event. She stated there are a lot of donated baskets and prizes.

WRITTEN COMMUNICATION

1. **Building Department Report** – Ms. Abernathy reported for the month of February there were 40 secondary permits and 14 new construction permits. They are continuing their usual duties within the department. Mr. Carnahan stated there were 19 for January and February. January had four that were residential and one that was industrial. Ms. Abernathy stated in January there were five new construction permits, one commercial/industrial, and the rest were new construction for February. The total was 19 so far. Mr. Thiel stated for Unsafe Building, yesterday he met with Mr. Austgen, Mr. Deutmeyer, Ashley, and Mr. Gatto to discuss the updating of the Unsafe Building ordinance. He stated they should have something soon.
2. **Christopher B. Burke Report** - Previously reported.

UPDATES/DISCUSSION

1. **VS Engineering/Sidewalk Project**
Mr. Hollandsworth with VS Engineering stated before them is an email he sent Mr. Bunge on the update. He stated the new critical path on this is the environmental. He stated looking at the timeline, it will be eight months before they can get it approved. That will then be a cursor for the right of way to get moving. Regardless of the path forward, whether they move with the full project or part of it, this is a critical path forward. In order to keep moving forward, they would need to start the red flag investigation. That is partially in the current contract. They would be able to move some of the current funding around to be able to keep moving with that and get it submitted to INDOT. Their review time is extremely long. The sooner they can get it in front of them, the sooner they can keep this moving forward while the decision on how to proceed can be decided. Mr. Carnahan asked if it was an 80/20 or 90/10. Mr. Hollandsworth stated currently there is \$110,000 available for reimbursement under 90/10 for the PE. That has not been reimbursed yet. Once it is utilized, if the project is stopped, it would have to be reimbursed. Mr. Carnahan stated that is because a report was not turned in in October and now Jennifer Sandberg has been trained and Mr. Bunge would work on getting trained as a backup. Mr. Bunge stated that is correct. He stated he thinks they missed at least two or three invoices. Mr. Hollandsworth stated at least six months' worth and that will close it. He stated NIRPC was able to find additional funds to reallocate to it. It is there to be reimbursed if the Town continues to pursue. The longer they wait, the harder it will be to achieve the fiscal year that the \$4 million is allocated in. Mr. Recupito asked what their deadline is. Mr. Hollandsworth stated moving forward with the environmental is the

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critical path and that's roughly \$5,000 to get it submitted to INDOT. Once that is in process, they have a couple months to look at different alternatives whether that is shrinking it or phasing it. He stated around summertime they would want an idea to get the next phase of the contract underway. Mr. Recupito stated they need approval from the board by some time in the summer. Mr. Hollandsworth stated right now, VS is seeking authorization to move forward with the red flag. He stated they were given a stop work order while the Town decided on how to move forward with the rest of the project. Looking at the timeframe, VS is recommending to push forward a little bit further while they consider all avenues of the project. Mr. Becker asked when do they need to know to start with the red flag. Mr. Hollandsworth stated the sooner, the better. He stated right now it is an eleven-month timeline for the environmental to get approved from being told, go ahead. From there they are looking at another nine to twelve months of right of way. Delays make it a riskier project. Mr. Becker asked if they would need to know by next month. Mr. Hollandsworth stated yes, that would be sufficient.

PUBLIC COMMENT

Angie Mikolicjak, 12806 Lee Court, stated she is seeking clarification. She stated there was a mention of digital information that is redacted. Mr. Recupito stated he thinks Mr. Parker mentioned that some of the stuff in the packet was redacted. She asked why was that done. Mrs. Rivera stated the signatures were blacked out. Chief Fisher stated he was not sure why they did that. Ms. Abernathy stated it is to protect signatures and private individuals contact information or prevent the letter of credit numbers from being posted. She stated that is like a bank note. Mrs. Miikolicjak asked if individuals are afforded the same. Ms. Abernathy stated if it is anything they are uploading for a packet or public hearings, they make every effort to redact private contact information and signatures. Mrs. Mikolicjak stated her request is that she has submitted written communication online that digitally, currently is online. She asked for her information to be redacted.

Barb Orze, 10290 W. 138th Place, stated overall she is very skeptical of using residential TIF to try and solve financial issues. She stated obviously there are project to take care of that cost a lot of money. She stated in order for residential TIF to work, bonds would have to be issued before residences could be built. She stated they wouldn't get money from the increased assessed valuation for a few years. The bonds would have to be paid off first. She stated the bonds would have to be paid first before being used for anything else. She stated only a small percentage would be able to be used for schools. She voiced concerns with the increased growth that would mean. Mrs. Orze continued to voice her concerns with residential TIF. Mrs. Rivera asked Sue to chime in on residential TIF and if bonds have to be paid before the TIF is collected. Mrs. Orze stated the bonds have to be paid before you can use the TIF for other stuff. Mrs. Haase stated on residential TIF, her understanding is well it is debt period. Anything issued with the source of payment of the residential TIF, you are not going to be able to do bonds immediately because there will be no revenues rolling off from the residential TIF. The item that appears to be most interesting to most communities on residential TIF is that it can be used to fund the police and fire in wages. Most TIF districts, it cannot be used for wages, only infrastructure. On the residential, that is different. She stated her understanding is, and it is new, they need to look everywhere to make sure it makes sense. She stated they can decide to give bigger portions to the school, if that is what they choose. Mr. Carnahan stated they only have four years to do it. Mrs. Haase stated they have a window of opportunity on going forward with it with the more lenient rules on it. Right now, the State is testing it to see if anybody abuses it. A presentation needs to be made and they really need to understand all of the ins and outs, if that is the way they want to go.

Carl Sprehe, 7326 W 143rd Avenue, apologized for saying the transfer was illegal. He stated he misspoke and it was unauthorized under Indiana Code. He asked Bill about the new stop sign and if it could be a flashing solar light. Chief Fisher stated no. First, it is a residential area and he doesn't believe a flashing light would be allowed. Mr. Sprehe asked about a flashing stop sign. Chief Fisher stated he does not know and would have to see the cost. He stated they will put out notification of the new stop signs. Mr. Thiel also voiced his concerns with the stop signs and need for flashing lights. Mr. Sprehe discussed the need to draw attention, especially in the darker areas. A brief discussion continued.

Ben Bravo, 12841 Fairbanks Street, voiced concerns with people racing up and down Fairbanks Street. He stated they put the sign up showing the speed and they still do not follow the speed limit. He asked what else could be done. Chief Fisher stated they will have to stop more. Mr. Bravo stated they come out but something else has to be done. He suggested speed bumps. Chief Fisher stated speed bumps would be bad for traffic. He stated they would look at the problem. He stated he does not know how they could put additional stop signs in the area as there are no crossing roads. He stated they would look at it. Mr. Bravo asked for more patrols and tickets to be given. Mr. Carnahan stated they do sit up by MacArthur. He stated he hears them flying at night. A brief discussion continued on the concerns.

Brenda Roberts, 15008 Morse Street, thanked them for the 30-mph speed limit down to 153rd. She stated it was necessary. She voiced concerns for all the dead animals. She stated they now have to enforce it. She thanked them again and stated it has made a difference.

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ADJOURNMENT President Recupito called the meeting to adjournment at approximately 9:31PM.

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.