

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



April 2, 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	

PRESENTATION: Y2023 TIF Management Report

Clerk-Treasurer Jennifer Sandberg reported the Redevelopment Commission is required to file multiple reports annually. The Department of Local Government Finance (DLGF) requires the Tax Increment Financing (TIF) Management Report be completed and submitted by April 15th of each year. Ms. Sandberg reported that has been done. She worked with Corby Thompson with O.W. Krohn and Associates to get the necessary information uploaded and subject. She reported the report contains all fund receipts, expenditures, and the recording of commission members and employees. The Town's Redevelopment Commission does not have any employees. It also requires that all of the designated parcels within the allocation area are uploaded. The newest requirement is that a report must be given publicly to the Town Council prior to April 15th. Ms. Sandberg noted that all of the information in the report is the same as what was reported in the Annual Financial Report. She noted the consolidated allocation area had revenues of \$1,611,493.98. The expenses totaled \$980,134.87. The majority of the expenses are the outstanding bond obligations. The 2017 Refunding Bond, 2020 Refunding Bond, and 2022 A & B Series Bonds. Cash balance at the end of 2023 was \$1,020,855.06. Mr. Carnahan asked for an explanation on the parcels. Ms. Sandberg stated there are 423 parcels within the allocation area. She reported the parcel listing comes from the Lake County Auditor's Office. Mr. Carnahan discussed the total gross assessed value (AV) of \$145,759,800. He asked if that was correct. Ms. Sandberg stated according to the information received from Lake County. Mr. Carnahan stated the net assessed value (AV) of \$117,714,622 and the base assessed value (AV) is \$59,559,632. He asked what that meant. Ms. Sandberg stated she could not answer his question as those numbers come from Lake County. She asked Sue Haase if she had an answer of how the parcel listing is broken down between the growth AV, net AV, and base AV. Ms. Haase stated from her recollection, the base AV is from when the parcel was brought into the TIF. Normally, they bring in vacant properties with a low base assessment. They capture the increment above that which would be the growth. She stated she could not recall what the net AV would be. Ms. Sandberg stated she would reach out to Corby Thompson tomorrow and get Mr. Carnahan an answer.

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 – Mr. Recupito noted there were deck plans in their packets this evening. Mr. Jim Wieser was present on behalf of the petitioner. He stated when they last spoke, the Council discussed possible solutions after review of the deck plans. Mr. Wieser stated the deck plans were submitted the next day. Mr. Thiel stated he spoke with Ashley Abernathy regarding the deck plans. He stated he knows there are a couple of things they'll want to see. The deck plans need to be shown on the site plan. The current site plan doesn't show that. Mr. Thiel stated if they were to vacate, the issue is with the lines and none of the building inspectors would sign off on a permit. He stated he spoke with a couple of the other Council Members and even if they were to say yes today, that wouldn't fix anything because they wouldn't get an inspector to sign off on it. He discussed the email/letter from the previous Town Manager, Rick Eberly, that discussed the no objection. He stated the second paragraph discussed the encroachment and it would be allowed as long as it does not interfere with NIPSCO utilities. The letter stated a discussion occurred with Jill Tabor of NIPSCO and she was unaware that the petitioner was seeking a vacation of public way. Had she known an easement agreement and encroachment would have been required. Mr. Kubiak stated he didn't think a high voltage line over the deck is a good idea. He stated the line needs to be relocated. Mr. Thiel asked him if he has seen the deck plans. Mr. Kubiak stated yes. Mr. Thiel asked him if he saw any issues. Ms. Abernathy stated without seeing it on the site plan, it's hard to say if it meets setback

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

requirements. Mr. Thiel stated he sees no other way to resolve it other than having the lines moved. Mr. Parker stated they have looked for other solutions and winding down, the solution is moving the poles. Mr. Wieser stated that is a solution they suggested three and a half years ago that no one was willing to look at on their behalf. Mr. Wieser voiced concerns with employees not following what the Council decides. Mr. Thiel stated because of the power lines. Mr. Wieser continued to voice concerns. Mr. Thiel stated they have requirements on what they are willing to sign off on. He asked how he can make them sign something they are not comfortable with. Mr. Wieser stated because it is their job. Mr. Thiel disagreed. Mr. Wieser stated if they were to make a determination it would be because of the information they presented including the information from NIPSCO that states the line is substantially higher than their requirements for an overhead line over a structure. Mr. Wieser stated that issue has been resolved and there are no other issues to the contrary in this proceeding. He stated they agree, a decision should be made. Mr. Recupito stated he hasn't waived on his opinion on the matter. The poles and the lines are a problem. He stated the indemnity agreement protects the Town. He doesn't want to create problems for anyone now or in the future that may own any of the homes. He would like to see the lines moved. He stated he wouldn't have a problem vacating it if that is what they did. Mr. Parker stated if the poles weren't there, he would vote to vacate it tonight. Mr. Rago stated his neighbor has a structure built on it in the same area. A brief discussion continued. A motion to vacate the public way was made by Julie Rivera.

- c. Reading of Ordinance No. 1456 – Mr. Parker read by title only.
- d. Remonstrators – Mike Dolder, 8421 W. 139th Ave, stated he is the President of the Lake Shore Subdivision Association. He stated since the last meeting, he has sent a letter that he originally sent out May 2023, which describes how they have NIPSCO lights on the lakefront property and provide NIPSCO any access they require. He stated they can get access through the area. He stated the easement was established in 1926 for the Monon Railroad. He briefly gave a history on the walkway easement. He discussed fences that cross and grills in the walkway. He stated he thinks it is disgraceful the way the Rago's have been treated by the Town.
- e. Town Council Discussion – Mr. Parker stated they have looked at every common-sense way to solve the problem without creating a problem in the future, up to and including the possibility of moving the walkway or creating a right of way utility easement. He stated they can't make a building inspector sign off on something they are not comfortable with. He stated he's not in the habit of forcing employees to do things they are not comfortable with. He stated there is liability that goes along with things. He stated they previously said they were willing to look for a solution. The solution in this case is moving the poles. He doesn't know what the cost of that is but Mr. Rago would wind up with the property and a vacation if the poles were moved. He stated he doesn't know if that is cost prohibitive but he thinks they should look at what it would cost and move forward. A brief discussion continued on NIPSCO easements and what would need to occur in order for a vacation to be approved. Mrs. Rivera stated she would like to make a motion to approve it because in her mind, if it is vacated, it is not the Town's and the Town won't be held liable. She briefly discussed previous vacations.
- f. Town Council Decision

A motion to approve first reading of Ordinance No. 1456. Motion died for lack of a second. No other motions were made to move the item from the agenda. Mr. Parker asked if they would be willing to look into the cost of moving the poles. Mr. Wieser stated he has no idea. This is the first he has heard of moving poles. Mr. Wieser stated if the matter is deferred, they will do what they have to do. A lengthy discussion occurred on who's responsibility it would be to look up costs, pay for the expense of moving the poles, and the public right of way.

A motion to defer to May 21st 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

John Foreman, 12745 Parrish Avenue, asked if TIF monies would be able to be used for a sewer treatment plant and or projects related to sewer. Ms. Haase stated she would have to do research. TIF is supposed to be used to benefit the district. She stated Corby has worked with Jennifer more on TIF. They would probably want to rely on his opinion. Ms. Sandberg stated she would be willing to reach out to Corby to get his opinion.

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

Mr. Bunge stated he met with Mrs. Dykstra this afternoon regarding the Farmers Market resolution and tweaks or amendments to it. He asked if they would like to discuss those items now or wait until further on the agenda. Mr. Recupito stated they could wait.

CONSENT AGENDA

1. **Minutes:** March 5, 2024
2. **Claims:** All Town Funds: \$215,443.65; Wastewater Operating: \$171,372.13; Water Utility: \$51,115.70; Storm Water: \$10,206.23; and Payroll: March 28, 2024 and April 1, 2024 - \$291,699.31

A motion to approve the consent agenda 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.

RESOLUTIONS

1. Resolution No. 1347 – 2024 Summerfest Resolution

Mr. Austgen stated this is a clean version of the latest document concerning the function. Mary Joan had forwarded information related to stakeholders. He stated it looks clean and he did not hear anything otherwise. Mrs. Rivera stated the Summerfest used to pay \$1,000 per day and that has been reduced to \$500 a day. She asked for an explanation for the cost difference. Mrs. Dickson stated that is because they are now paying for their own insurance. The Town previously covered it but no longer does as Summerfest has paid for it for the last two years. Mrs. Rivera stated she has a hard time with that as it offsets the overtime costs for police, fire, public works. She stated she did not know about fire and public works but police were over \$10,000 last year. She stated the thinking in the past was that the \$5,000 helped to offset that. Mr. Parker read Ordinance No. 1347 by title only.

A motion to approve Resolution No. 1347 was made by Chuck Becker with second by Richard Thiel. Roll Call: Carnahan – Yes, Rivera – No, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 1.

2. Resolution No. 1350 – Farmers Market Coordinator Agreement

Mr. Austgen stated he drafted this based on the information that was provided. It is clean and delivery was provided last week. He asked Jeff to make sure Mrs. Dykstra received a copy. A few changes may need to be made. Mrs. Dykstra stated she met with Jeff this afternoon and discussed several sections. She asked about Section One and rain dates. The 5th Wednesday will be provided as a rain date but the last sentence states no rain dates will be provided and needs to be removed. One addition this year is making sure one spot would always be reserved for the Town. She stated she wanted to make it known to the community that it can be more than just the Town. She stated Section Three talks about the town providing water and sewer. She stated water has never been accessed before. It also talks about having assistance from the Streets Department, and Parks and Recreation Department. She stated that has never been offered before. She asked for clarity. She asked about the repairs to the electrical system at her expense. Mr. Carnahan asked if she has never touched the electric before. Mrs. Dykstra stated she has never and that was brought up to her today. She stated she has never had anyone come in and alter anything. She stated they have just plugged into outlets. Mr. Recupito asked about the standardization process for the agreement. Mr. Austgen stated they have tried to make them similar and closer to identical for easier administration. Discussion occurred on a point of contact for the Farmers Market for items such as the electrical boxes or downed branches. Mr. Austgen stated these are important points. He stated it sounds like some modernization or more accurate terms need to be made. He stated they are very close. Mr. Carnahan stated they could probably approve it contingent on tweaking it. Mr. Austgen stated by relying on their lawyer to get it done. Mrs. Dykstra asked if day camp is happening and what dates that would be. Mrs. Ray stated she does not know why that is in there. Mrs. Dickson asked about the soccer program. Mrs. Ray stated it was in the document. She stated future day camps would probably happen at the Clubhouse but nothing is planned for this summer. Mrs. Dykstra asked about Section Ten. She stated she wanted it clear that the Town would not be collecting any fees for the market. She asked about Section Thirteen and COVID-19. Mr. Austgen stated he recommended that it would come off next year. Mrs. Rivera asked her when she received the document. Mrs. Dykstra stated it was sent to her last Thursday but she was out of the Country. She received it and read it yesterday. Mrs. Rivera stated at the last two meetings she asked if there was anything more Kelly needed to do or hear about. At the last meeting she was told it was because she changed the LLC. Mrs. Rivera voiced concerns with things that are now coming as a surprise. Mrs. Dickson stated it is a mirror. Item Nineteen has always been in the summerfest contract. Mrs. Rivera continued to voice concerns. Mrs. Dykstra stated she understands that people think summerfest and farmers market are the

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

same and should be treated equally but she does feel they are two separate types of events. She feels like there should be some differences. Mr. Recupito and Mr. Austgen for his opinion. Mr. Austgen stated she should mark it up. Mrs. Dykstra stated Jeff did and they felt the same on a lot of stuff they read. Mr. Austgen asked to see what they are. Mr. Becker asked if they could approve it contingent on legal. Mr. Austgen stated they can. Mrs. Dykstra discussed the parking lot attendant. She is hoping that is not mandatory and would be taken out. They had an attendant in the past if a market date fell on the first or third Wednesday. She stated they are not having it on those nights this year. Mr. Recupito asked Chief Fisher if he had any thoughts. Chief Fisher stated he has no problems with Kelly, she does a phenomenal job. Mrs. Dykstra stated there is a section on security if needed. She thinks that needs to be removed. Chief Fisher stated there is one out there to ensure the citizens that there is an officer walking around. Mrs. Dykstra stated it was never in the previous contact but they had a discussion and she knew she would be responsible for paying the officers at the events. Mrs. Dykstra stated they have been compared to summerfest and motocross. She asked if they had to pay for officers privately. Chief Fisher stated all but summerfest. Moto on Ice they do not provide security but they pay for fire and Ems. Lakeside Artists Guild also pays for officers. A lengthy discussion occurred on police officers, security, and the overtime cost. Mrs. Rivera asked about the rain dates. Mrs. Dykstra asked if there was reconsideration on the rain dates. She stated it worked well for them last year to offer those when needed. Council Affairs stated those dates were taken out due to Plan Commission dates. Mrs. Ray added the rain dates made it difficult for others to have an opportunity to rent the grounds. She added she was the point of contact last year. She stated they did a site tour and worked out a site plan. She was available to her during the markets. A lengthy discussion continued on the rain dates.

Mr. Parker read Resolution No. 1350 by title only.

A motion to approve Resolution No. 1350 contingent on the modifications discussed and legal, 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.

BZA/PLAN

1. Variance of Use – 2024-06 James; Unfavorable Recommendation from the BZA at March 14, 2024 meeting.

Jennifer James, petitioner, was present to discuss. She stated the property was marketed to them as a two unit that the previous owner had converted into a single-family home. When speaking to the realtor, the previous owner had started a second unit again. They were told if they purchased it, they would be able to turn it back into a two unit. She stated an appraisal was done and it came back as a two unit according to tax records. It was an R3 grandfathered in for a multi-unit property. She stated her partner purchased the property and they are trying to buy it back. The bank will not approve the loan unless there is clearance from the Town to put it back to a two unit. In 2012, it was converted to a single family. Mrs. Abernathy reported it received an unfavorable recommendation from the BZA at a vote of 5 – 0 to convert the single family back into a two unit. Concerns were presented about it being able to be converted back to a two unit and able to meet code. Concerns were also presented regarding ingress/egress, all new systems for both units, and a new tap installed. Mrs. Abernathy reported that no building permit was pulled for the conversion back to a two unit. The only permit on record is from 2012 when it was converted to a single family. Mr. Becker asked about the sewer tap costs. Mrs. Abernathy stated it would be an additional \$4,000. Mr. Thiel asked if it was a possibility. Mrs. Abernathy stated there would need to be multiple ingress/egress windows installed along the basement as well as a second form of ingress/egress from the basement. In talking with the inspector, a separate set of mechanicals would be needed. The building was built in 1900 and how well it can be converted is unknown. Mr. Thiel stated it is possible. Mrs. Abernathy stated the rooms barely meet building code. Ms. James stated the unit is 1125 sq. ft. Both units would be 1125 sq. ft. She understands she would have to pay the additional \$4,000 for the second sewer line. She stated she has discussed with Ashley building requirements. She had discussed everything with her planned contractor. She stated they did purchase and have submitted plans. Mr. Recupito voiced concerns with going against a BZA certification. Mr. Thiel asked if she could go back to the BZA. Mr. Recupito stated she would have to wait a year. Mr. Becker stated he would not go against a BZA recommendation. Mrs. James asked if she would have an issue purchasing it as a single family and adding a bedroom and bathroom. Mr. Kubiak stated as long as it is a single-family home with a finished basement, that is fine. It cannot be split into two units. You have to have fire separation between two units. Discussion continued on a single unit versus multi-unit.

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

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

- 2. Letter of Credit - Extension of Performance Letter of Credit for Oak Brook Unit 1**
Mr. Recupito stated the letter from People’s Bank is in their packet.

A motion to approve the extension of performance letter of credit in the amount of \$447,420.52 was made by Robert Carnahan with second by Mary Joan Dickson. Ms. Abernathy noted the extension is to October 8, 2024. 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**

Mrs. Dickson stated she would like them to defer it and contact AIM to see if they can find some comparisons for rules and regulations on the two boards.

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

NEW BUSINESS

- 1. Acceptance of easement for 13941 Morse St. Cedar Lake, IN 46303**

Mr. Thiel reported this easement goes along with the Shades Subdivision Road project. Mr. Oliphant brought it to their attention. There is a 15x120 foot easement that is needed to help with drainage north of Rocklin. It would run northwest of the parcel. He stated both he and Greg have spoken with the property owner. Mr. Austgen stated it is a necessary parcel for an improvement project.

A motion to approve 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.

- 2. Approval of Public Works rehabilitation of freightliner truck and authorize the Clerk-Treasurer to advertise an additional appropriation**

Mr. Kubiak reported one of the tandem freightliners was rebuilt two years ago at a cost of around \$90,000. They had the other one in the shop last year to get redone. They thought they had enough to get it done but it ended up being that other items broke down and needed to be repaired first. They currently have the chassis of the truck ready to go back for a bed, plow, hydraulics, and equipment. They need approximately \$60,000 more to get it done. He is getting updated quotes. The total project will be over \$100,000 for the equipment, stainless bed, plow, hoist, and controls. He stated they expect five to ten more years of service from the truck. They go with stainless equipment so that it can be moved to another chassis at the end of life. He briefly discussed the previous project. He stated they are out of options. Mr. Recupito asked Ms. Sandberg where the funds would come from. Ms. Sandberg stated currently with budgeted funds there is \$27,000 available in Local Road and Street and \$30,000 in Cumulative Capital Development. They are asking for authorization for an additional appropriation for \$60,000 out of Cumulative Capital Development. A brief discussion continued.

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

- 3. Appointment of Board of Safety member**

Mr. Recupito stated there is one vacancy. It has been open for quite some time. He opened the floor for nominations. Mr. Parker made a motion to defer the item for two more weeks. A second was made by Chuck Becker. Roll Call: Carnahan – No, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 1.

- 4. Approval to sell decommissioned 2014 dodge charger utilizing govdeals.com**

This item received approval by the Board of Safety on March 27, 2024. Chief Fisher stated it is a 2014 Dodge Charger that started having motor problems. It has been in the shop multiple times. He stated they have decommissioned the vehicle and moved everything out of it. They are looking for permission to sell it on GovDeals. The money will go back to the Cumulative Capital Development Fund. Chief Fisher briefly discussed their success with GovDeals. Mrs. Dickson asked if they remove the decals. Chief Fisher stated this was an unmarked car. Normally, they remove most everything. Some stuff had

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

been on for so long it is difficult to remove. He stated he heard that she had questioned the stuff at the high school. Mrs. Dickson stated she did not know if he was there fixing the cars. Chief Fisher responded no. Those cars have not run in years. They were sitting there. He was approached and they were donated to the school last year. They are used for the automotive class. The agreement was they could never be sold or driven. When the school is done with them, they will be scrapped. A brief discussion continued.

A motion to approve 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 stated April 6th is the Chamber Business Expo. It will be held at the Hanover Field House. It will be held from 10:00AM to 2:00PM. He stated there will be raffles and giveaways. Everyone is invited. Lake County Solid Waste has a compost program for Lake County residents. Up to ½ cubic yard is available for each household for free. They can call 219-337-8341 for more information. Mrs. Rivera stated they should mention the meeting with Dredge America on the 25th. Mr. Parker, Mr. Carnahan, herself, Jeff, Dave, the engineers, and Jennifer met with Dredge America via Zoom. They explained the situation. The \$800,000 left in the contract will buy them approximately 15-19 days. There is no additional money with the \$2.1 million taken out and put back to sewer. She stated Dredge America found out on March 20th when a resident called them. She stated they said they were blindsided and this has never happened before. They will be out on April 8th and will be done by May 1st with whatever they can get out of the money remaining. She stated there is retainage and demobilization fees. She stated there is money owed. She stated they were understanding but at the same time they are a family-owned company and hired additional staff to do the project. They did not know, so they mobilized again and that is approximately \$100,000. Discussion occurred on getting back to them by Friday because they are coming out on April 8th. Mr. Carnahan asked Jeff if he had a meeting with Mr. Tippy. Mr. Bunge stated there is Monsanto PCB settlement money sitting at the county. The Town is in consideration for it but so is Lake Dale. He stated nothing was very clear or very concise as far as anything to be forthcoming. Mr. Carnahan asked if they gave a date. Mr. Bunge stated it would be at least sixty days. Mrs. Rivera stated Dredge America cannot sit around and wait. She asked Jeff if he could get back to them by Friday. Mr. Bunge stated they have a little bit of credit in dredged material. Mrs. Rivera stated she knows everyone up here stated they do not want to cancel the project but in the last meeting it was discussed there may be up to six months left. Now that they know it is just days, she asked if anyone had a change of heart because the money has not been transferred yet. Mr. Carnahan questioned the transfer. Ms. Sandberg stated no, she has not because she has not received a response to the comments that Sue sent out on behalf of her office. Mrs. Rivera asked if those were the comments regarding the numerical errors in the resolution. Ms. Sandberg stated yes. With the proposed resolution that was sent, on Sunday, March 17th it was sent back with numerous comments and information. Mr. Carnahan asked who she sent it to. Ms. Sandberg reported it went to Mr. Austgen, Mr. Bunge, Mr. Recupito, and Mr. Parker. Mr. Austgen stated the latest of those documents contains the most accurate information and that is why it came so late. Sue would be able to verify that. Ms. Sandberg asked Ms. Haase if she received an updated resolution with the corrections. Mr. Austgen stated he made no changes. He simply received what was said and sent over here that last item. He does not make decisions about those documents. Ms. Sandberg stated she was not present at the last meeting. She has not gotten the minutes completed yet and does not know what exactly the conversation was. As far as she is aware, a corrected resolution has not been proposed. Mr. Thiel stated he had a question pertaining to when the dredge came back. He stated he was unaware of a date. He asked who at the Town knew that the dredge was being delivered that day. Mrs. Rivera stated no one because they were following the contract. She stated they did what they are supposed to do. Chief Fisher stated he knew because they texted to say they needed to close the road. Mr. Thiel asked if that was the day of. Chief Fisher stated yes. They asked if there was an officer available to help them when bringing the barge back in. Mr. Thiel asked who knew. Chief Fisher stated it is under contract so he does not think it is something they are supposed to be letting them know when it is coming and going. Mr. Parker asked Mr. Austgen if the resolution is good. Mr. Austgen stated in his opinion it is as amended. He stated he will send over again, a clean copy. Mrs. Rivera asked what the resolution number was. She thought that was wrong. She asked if it was 1337 or 1377. Ms. Sandberg stated the title has an error. The resolution is 1351 but in the title of it, it stated that it was amending 1377, which is incorrect. The original resolution was 1337. Mrs. Rivera stated if the money has not been transferred and they now know that it is only days left, not months. They can not hold out for county money because that is not promised. She stated the letter to Mr. Tippy asked for additional funding for alum treatment and to dredge additional parts of the lake. Mr.

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

Bunge asked if that was the one with his name on it. Mrs. Rivera stated yes. It states the Town is seeking the County's help to fund the removal of more material from the lake and to provide the alum treatment. She stated that is on the back end once they complete what they have already paid for through Dredge America to the end of the contract. Mr. Recupito stated there may be other funding sources with the state and with the money Don Oliphant requested. He stated the deadline is coming in a couple weeks. Mr. Parker stated they may have someone else that is willing to partner with them but they would not elaborate on that tonight. Mrs. Rivera stated her concern is keeping Dredge America. Once they are gone, they will move on to the next project. Mr. Parker stated they have until the 7th. Mrs. Rivera stated \$2.1 million is a lot to come up within a week. Mr. Thiel voiced concerns with the \$9 million for a state-owned lake. Mr. Carnahan stated \$9,250,953. Mrs. Rivera stated so much of that has already been spent. Mr. Becker stated the DNR stated the way it is right now; it will not be that way. They talked about draining the lake and planted more plant life along the shore. Mr. Thiel stated the DNR stated a fish kill would involve a draw down and the fish kill chemical is not approved. Mr. Carnahan stated it sounds like they do not want to do it now. Mr. Recupito stated he prepared a list. As the Council and some public knows, there was a flurry of emails that went out before the transfer of the money. A lot of people and a lot of misconceptions. He stated the expectations of the public cannot be met especially with the DNR meeting on the 26th. He stated he thinks it is their duty to inform the public what they were going to get and what the expectations were for the project. He stated there are three elements to the project including the dredging of the sediment in the lake, alum treatment, and fish kill and restocking. He asked Cliff if he was available. He asked him if he had the video he shared earlier. Mr. Wroe played a video. He stated this is a fourth element that should have been done. Mr. Parker stated they have a dewatering facility that is probably a hazardous waste site and he has not heard on person tell him what it is going to cost to clean that or how it gets cleaned up. He stated that has not been brought up at all. Mrs. Rivera stated that is something they need to ask their engineers. Mr. Recupito stated he asked Don and there has been no plan for it. He stated who knows how long it will sit there. Mr. Recupito stated he wished to clarify for the public. He stated according to Christopher Burke's site map of the lake, 20% of the lake surface is getting dredged. Shorelines are not being dredged except for a couple small specialty areas. Most of the depths being dredged are between four and eight feet. The whole lake was not going to be dredged. The project commenced with no funding for the sediment dewatering facility remediation, no funding for the alum treatment, and from the DNR, per the North American Lake Management Society, alum treatments are used to improve water clarity and may be effective for five to fifteen years. The potential cost is \$1 to \$2 million. The fish kill would take seven to ten years for the fish to end up coming back to a decent population. They stated it has a low likelihood of success. Mr. Carnahan stated they indicated when they did it back in 1966, they did not hit it with everything that was coming in. A lot of the species came right back. The chemical for the fish kill is not available and they do not know when or if it will be. Mr. Recupito voiced concerns with the unfunded parts of the project. He stated he did not feel it was a sustainable project. A very lengthy discussion continued on the matters presented.

Mrs. Dickson reported the road side clean up would be on April 20th from 8:00AM to Noon. The Chamber will be providing vests and bags.

2. **Town Attorney** - No report.
3. **Clerk-Treasurer** – Ms. Sandberg reported she is continuing to work with Sue on all of the reporting requirements for the month of April.
4. **Town Manager** – Mr. Bunge reported Kirsten and him have been working on grant applications. A lot of them seem to be very interested in eco restoration. He asked if they needed to give approval to search out and apply from the grants. Mr. Thiel asked if he could reach out to CLEA about funding. Mr. Bunge stated he would be willing to do that. Mr. Carnahan asked Kirsten about grants. Kirsten reported she has been working with Jeff. She stated they have been looking at grants and some bonds. Mr. Recupito discussed if they are matching grants and if funds are required. He offered to assist in any investigative work with AIM.
5. **Director of Operations** – Mr. Kubiak reported on lift station 19. The new valves, bypass, checks valve pits, electric and control panels are mounted. They expect service on Monday and hopefully by Tuesday they will be programming. Everything went fairly smooth. The pump is in there running off the generator. Everything is going according to plan. He stated he wished to clarify. When Mr. Wieser came in to get the vacation for the right of way the second time, he explained it was an active right of way for utilities. It was advisable to relocate the utilities out of the easement before proceeding because it was an active easement. That was two plus years ago. Mr. Parker stated they wanted to work towards a resolution. Mr. Kubiak agreed. The controls for Robin's Nest are still about six weeks away. They received a proposal of approximately \$85,000 to install the new controls and sled. They will be bringing that up in the future. Mrs. Rivera asked

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

about hydrant flushing and if it is expected to affect water customers, could an alert go out on Smart 911. Mr. Kubiak stated they do for the hydrant flushing but he is unsure of the large fire incident. He stated if there is an opportunity, they could try to do it. Mrs. Rivera stated it is important for folks not on Facebook. Chief Wilkening stated the Fire Department notifies the Water Department every time a hydrant is opened. A brief discussion continued on Smart 911.

6. Police Department – No report.

7. Fire Department – Chief Wilkening spoke about a fire incident in unincorporated Hanover Township. He stated there would be overtime due to that. He stated the firefighter/paramedic out on medical since October, should be back in early May. They are still covering his shift. He stated he received some feedback from some people on the Safer Grant. Sustainability was questioned. It does not look like they will be moving forward with the grant. The ladder truck was tested and passed. He is getting prices on ambulances. Four manufactures have been reached out to. He stated he has an old squad that they need to decommission. That will be coming up soon. He discussed the State declaring an emergency for the Eclipse event on Monday. He discussed the traffic anticipated to hit the state. Mr. Carnahan discussed the NIRPC meeting and all cones would be removed from road construction. They would be opening everything up for the anticipated visitors and traffic to the state.

8. Parks Department – Mr. Becker asked Mrs. Ray about the rain barrel fundraiser. Mrs. Ray stated that is currently ongoing. Delivery will take place in June. Orders can be made in office or online. There is a range of barrels that can be ordered. She stated they would have a rain gardening event coming up. A brief discussion continued.

WRITTEN COMMUNICATION

None

PUBLIC COMMENT

Carol Kerr, 9900 W 129th Place, stated on Easter Sunday she had company from out of Town. Her family member was concerned with the state of the water in the toilet. Mrs. Kerr stated she checked her faucets and the water was brown. She discussed having to serve dinner with the state of the water. She voiced concerns with drinking it and serving it. She stated they get warnings for the stop signs put up on Parrish. She asked why they could not for this. She voiced concerns with Ryan Kuiper not answering his phone. Mrs. Kerr voiced concerns with Mr. Kubiak not answering his phone. She stated communication is poor. She continued to voice concerns with the brown water and red water. She voiced concerns with rust being in water. She thanked Kirsten for getting her a call back. She stated Jennifer Sandberg will help you if you call her. She asked why no one answers Mr. Kubiak's phone. Mr. Kubiak stated he does not believe he has a line at the office. He stated when she calls everyone sees her number on the ID and runs because she badgers everyone. Mrs. Kerr stated she calls to get answers. Mr. Kubiak stated he has probably fifty messages on voicemail at Public Works yelling at the girl there. He stated he could provide them. Mrs. Kerr voiced concerns with no one answering. She asked why they had bloody red water on Easter. Mr. Kubiak stated because they opened up the fire hydrants and there was a surge in the water lines. It was because of a house fire. Chief Wilkening stated they have to take water from the system, put it in the tankers, and take it to the fire. It was in an area where there are no hydrants. Mrs. Kerr asked why. Mr. Kubiak stated the high draw of water loosens the rust in the lines. That is why they are notified of hydrant flushing. When valves are opened it flushes a lot of water out and it so happens to be that they started hydrant flushing this week. He stated sometimes you open up a hydrant and there will be that red water for three minutes and sometimes it will last 30 minutes. Mrs. Kerr continued to voice concerns with the state of the water. She discussed rust and potential health concerns. Mr. Kubiak stated iron is in the water in the system. That is why chlorine is used to treat it. It is tested daily. Mrs. Kerr asked the qualifications of who tests it. Mr. Kubiak stated Mr. Kuiper and he is a certified water operator. Mrs. Kerr continued to voice concerns with iron in the water and health concerns. Chief Wilkening stated they do not wish to inconvenience residents of the community. They had no choice and hopes everyone understands the need. Mrs. Kerr voiced concerns with residents not being notified. A lengthy discussion continued on the concerns presented and the events that occurred. Mrs. Kerr asked about the lake project and why they paid for anything. She asked why the state did not pay for any of it. Mrs. Rivera stated it needed to be done and it is in the middle of the Town. *Multiple conversations overlapped.* Mrs. Kerr continued to voice concerns.

John Foreman, 12745 Parrish Avenue, stated he is a positive person. As a Town, they have come a long way. He stated they are wasting money by cancelling the project. He stated there are probably cancellation fees and bonds that they still have to continue with. Mr. Recupito voiced concerns with throwing taxpayer money at something that is not sustainable. He stated it has been proven this week that it will not last generations. Mr. Foreman commented on the annexation and the sewage that went into the lake. He stated no one paid taxes back then. Mr. Parker asked to interject. Mr. Foreman asked him not to. Mr. Parker stated if folks had a lakefront property, the lake was their septic. If the home was away from the lake, there was a septic tank and field. Mr. Foreman agreed. He discussed the tributaries to the lake and that is what interested the Army

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

Corps. He asked to continue with his comments regarding the lake dredge project. *Multiple conversations overlapped Mr. Foreman's comments.* He asked them to refund not defund the project. He briefly discussed a Facebook poll that he was told about that was 80% in favor. He asked them to find more money before taking money away from the project. He stated when Dredge America is gone, there is a good chance it will be for quite some time. He stated he reached out to members of the Council and offered to be an ambassador for the community and the project. He voiced concerns with comments in a local paper about money coming from the State. He stated he does not believe that to be accurate. Mr. Foreman suggested selling acres of the municipal owned property near the sediment dewatering site. Mr. Foreman discussed the funding sources identified for the project. He discussed the bonds and fees associated. He voiced concerns with wasting money already spent. He asked for them to amend the agenda and refund the lake. He discussed a petition being a potential item for the future. He continued to voice his concerns. A heated discussion continued. Mr. Thiel commented on the poll of Facebook. He stated he posted it to prove a point. The point was that Mr. Gross was going around and saying how the lake dredge was going to benefit everyone. Mr. Thiel stated that is a false statement and is an opinion only. He stated that was the sole purpose of the poll. 20% feel it is not. Mr. Thiel stated as far as the dewatering facility, there was a meeting last summer where there were comments and where parks would be located. A sports complex at the dewatering facility was discussed. Mr. Thiel asked him what about that and if it was going to be park land or sold. A heated discussion continued.

Robert Groszek, 14055 Deodor, commented on the DNR meeting and the fish kill. He stated who would be responsible for getting rid of the fish. Mrs. Rivera stated the DNR. Multiple persons responded no. Mr. Groszek discussed the removal of dead fish from the lake. Discussion continued on removal of the dead fish and who would brunt the expense. He asked how much was taken out of the wastewater fund. Mr. Parker stated \$4.4 million. Mr. Groszek asked about the \$2.1 million and if it does not go back to the sanitary district in Lowell, he asked how they would flush their toilet. He stated what happens when there is no where for it to go. Mr. Carnahan stated the report says they are at 4 million gallons per day and they may have to go to twelve. The cost may be \$40 million. Mr. Groszek asked about the timeframe for that. Mr. Parker stated they have not gotten that far yet. Mr. Groszek stated the Town has put a moratorium on building but Lowell has not. He continued to voice concerns with the sanitary district reaching capacity. Mrs. Rivera stated Lowell will have the money to do their half of the treatment plant. Mr. Groszek asked where they would get their half. Mrs. Rivera stated from development and system development fees and residential TIF. She stated \$2.1 million is not even a drop in the bucket for half of the treatment plant. Mr. Groszek stated four would have been better. He continued to voice concerns with people not caring. Mrs. Rivera stated they have to find other ways to fund it. She stated they have to. They cannot bank on \$2.1 million. Mr. Parker stated they are not. They are just banking on it to finish the west side sanitary sewer interceptor. Mr. Groszek stated he too made a phone call to the office. He called twice and has not received a call back. Mr. Kubiak asked him where and when he called. Mr. Groszek stated he talked to a lady when he called the number on the website. He voiced concerns with a backup that occurred at the ponds on Deodor. He stated there appeared to be an obstruction. He gave his phone number and heard nothing back. He voiced concerns with not receiving a call back. He called back at 3PM and asked if there was an update. He was told she had not heard anything back yet. He asked for a call back by 5PM because the ponds were full. Mr. Kubiak stated they had multiple calls on storm water that day. He stated they were out all day. He apologized for not getting him a call back. Mr. Groszek asked who is responsible for cleaning the culverts under the road. Mr. Kubiak stated the Storm Water department. Mr. Groszek stated the lady told him the Town is not responsible. Mr. Kubiak stated it depends on if it is still under development under the Performance or Maintenance bond. He stated he does not believe it is the Town's yet. He stated it is the Town's responsibility once the Town takes over the roads. Mr. Groszek stated they are plowing them. Mr. Kubiak stated then it is the Town's responsibility. He stated the guys were out checking out the culvert on that road. He did not have a report for Mr. Groszek. Mr. Groszek voiced concerns with not receiving a call back. Mr. Kubiak stated they had a lot of issues that day. Mr. Groszek asked about the flushing of the hydrants and where that water goes. Mr. Kubiak stated same place, storm sewer. Mr. Groszek discussed it being contaminated with iron and rust and it goes to the lake.

Terry Broadhurst, 14513 Morse, stated he wished to clarify a few things said. He stated at the last meeting a conversation about experts and the cost of the dredge with the Army Corps of Engineers. He questioned Mrs. Rivera because he stated she said they blew the job up and separated the from the Army Corps because they wanted to do it properly and they could not get the money. Mrs. Rivera stated no. Mr. Broadhurst continued. He stated it went from \$29 million to \$12 million. He stated they went away from the experts for a cheaper option to only dredge 20% of the lake. Mrs. Rivera disagreed. Mr. Broadhurst stated a comment was made regarding the money transferred back with a hidden agenda. He questioned if anyone let the ratepayers know that the money was transferred. He asked if a message went out on the water bill. He voiced concerns. He stated they have to stop with the smoke. *A heated exchange occurred between Mr. Broadhurst and Mrs. Rivera.* Mr. Broadhurst was allowed to continue. He stated when they take \$4.4 million out of an account and put it into a non-reverting fund, the name of the fund says they did not want to give the money back if they got caught. He stated if they did not have a problem

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

with getting caught, they would have just taken a loan out like the state says they can and borrow \$4.4 million from sewer and pay it back. It has been done in the past. He continued to voice concerns. Mrs. Rivera stated it was mentioned in at least four meetings in 2023. She stated they had a big meeting. Mr. Broadhurst voiced concerns with the ratepayers not being notified in the water bill. He continued to voice concerns. Mrs. Rivera stated he said they skirted the experts for the Army Corps of Engineers. She stated the federal government is going to cost more. She stated they did not dumb down the project. Mr. Broadhurst disagreed with her comments. She stated the Army Corps was charging a lot more money and wanted approximately \$800,000 up front for a plan. They agreed, Mr. Parker with her, to get out of the Army Corps plan. Dredge America are experts on this as well. They gave a better rate. They did not cut corners to have Dredge America. She stated it was around \$22 to \$25 million with the Army Corps in 2017. The cost would be more now. Dredge America came with a good reputation and a good project. It was not that far out of the scope of what they were doing with the Army Corps. Some different tweaks were made. She discussed his comments on hidden agendas. She stated they talked about how they would fund the project. Everyone was happy. She stated they did have open houses and large attendance. Mr. Broadhurst asked if she had proof of getting the public information out. Mr. Thiel stated to say when the Town decided to get away from the Army Corps and to do it with Dredge America and say that everyone was happy, is still just an opinion. Everybody that was happy were in favor of the project. A lengthy discussion continued.

Kevin Toth, 9725 B W. 129th Place, stated the project was done in secret. The amounts were never given out. There was talk of using sewer money but there was never an actual amount given out until the final day when it was thrown out in a meeting. He stated they all know the project was never funded past the dredging. There was no money for anything going forward. He asked why they did not solicit funds before the project started. Comments continued on the concerns voiced. Mr. Toth discussed comments made on the Farmers Market.

ADJOURNMENT President Recupito called the meeting to adjournment at approximately 10:04 PM.

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

Robert Carnahan, Ward 1

Julie Rivera, Ward 2

Nick Recupito, Ward 3

Chuck Becker, Ward 4

Greg Parker, Ward 5

Mary Joan Dickson, At-Large

ATTEST:

Richard C Thiel Jr., At-Large

Jennifer N. Sandberg, IAMC, CMC, CPFIM
Clerk-Treasurer

The Minutes of the Cedar Lake Town Council are transcribed pursuant to IC 5-14-1.5-4(b), which states:

(b) As the meeting progresses, the following memoranda shall be kept:

- (1) The date, time, and place of the meeting.
- (2) The members of the governing body recorded as either present or absent.
- (3) The general substance of all matters proposed, discussed, or decided.
- (4) A record of all votes taken by individual members if there is a roll call.
- (5) Any additional information required under section 3.5 or 3.6 of this chapter or any other statute that authorizes a governing body to conduct a meeting using an electronic means of communication.