

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



**July 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**

The Town Council recognized Jim Olthoff for his five years of service to the Police Commission and Board of Safety. Mr. Olthoff stated it was an honor for him to serve the Town and work with the people he did.

**PUBLIC COMMENT**

None

**CONSENT AGENDA**

- 1. Minutes:** June 4, 2024
- 2. Claims:** All Town Funds: \$1,349,963.66; Wastewater Operating: \$61,749.75; 2010 B Water Bond: \$1,931.25; Water Utility: \$29,392.49; Storm Water: \$19,931.03; and Payroll: June 20, 2024 and July 1, 2024 - \$315,127.77
- 3. Tag Day Requests:** Hanover Central Middle School Cheerleading, September 21, 2024 (Rain Date: September 28, 2024)

Mrs. Dickson stated on the tag day request, it stated the parents would be collecting with the girls. She stated she hopes they understand the girls cannot be in the street. They must be on the side since they are under 18 years of age. She asked if they could make sure they understand that. Mr. Bunge stated okay. He briefly discussed the rain date noted in the application and on the agenda.

A motion to waive the reading of the minutes and approve the consent agenda as listed was made by Mary Joan Dickson with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

**ORDINANCES/RESOLUTIONS**

**1. Ordinance No. 1490 – Unsafe Building Amendment**

Mr. Parker read Ordinance No. 1490 by title only. Mr. Austgen stated this is the modernization of the unsafe building law in Cedar Lake. It will be established by the ordinance.

A motion to adopt Ordinance No. 1490 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. Resolution No. 1355 – Temporary Loan 2017 RDA A, B, & C Bonds**

Mr. Parker read Resolution No. 1355 by title only. Ms. Sandberg explained this is similar to the resolution passed at their first meeting in January. It is due to the timing of the bond payments and tax collections. Upon receipt of the spring tax settlement, she repaid the temporary loan that was approved in January. With that repayment, it left insufficient funds for the debt service payment due July 15, 2024. She requested a temporary loan in the amount of \$204,651.80 from Fund 633 Wastewater Treatment Special Fund to Fund 412 2017 RDA A, B, & C Bond Fund. Upon receipt of the fall settlement, it will be repaid. Mr. Recupito asked if they would continue to see this. Ms. Sandberg stated until the bond is repaid in the next few years.

A motion to approve Resolution No. 1355 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.

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**NEW BUSINESS**

**1. Award a contract for the Fire Department Emergency Vehicle Preemption Project Bid**

Mr. Recapito asked Mr. Bunge if they had new information on this item. Mr. Bunge stated yes. A representative with Veridus Group is online to give the BOT and Builders point of view. It was originally part of the project and when improvements to Constitution Avenue were contemplated, it was roped in with that funding source. It was then pulled out of the original contract with the safety buildings. He stated they have gone back to see if they were going to fund this separately or on their own. It seems like that was the consensus of the previous administration. In conversations with Lance and others, they think they can do it more efficiently by not accepting the Hawk bid. Mr. Carnahan asked how would that happen and how would it be better. Mr. Bunge stated that is why they have Lance here to explain that. Mr. Bunge stated they have one or two contingents, some projects that have come in under budget. They think they have cushion. Mr. Lance Snedeker with Veridus Group, explained the conversation with Jeff. He stated there is some development in another possible approach. He explained there is a guaranteed maximum price with the BOT. Within that guaranteed maximum price, there is a basket for owner allowance or contingency. That is for whatever purposes may arise during construction. He stated before they were working on the cost of the water delay. He stated they have finally needled in on a number. He is confident there are ample funds to roll this cost into the BOT. He stated he did discuss with Jeff that the best approach would be to approve the bid from Hawk and if the Town approves it, they can coordinate with GM Development and funding would come through the BOT. Mr. Recapito discussed how previously they stated they would like for this project to come out of the BOT but there are concerns about contingency potentially drying up as some of these projects come to completion. Mr. Recapito asked Mr. Austgen for his legal opinion. Mr. Austgen stated it does not sound like it was initially planned for the BOT and now it is being dragged into the financing source. He stated he is not certain it could be easily considered by the Council tonight based upon the totality of financing circumstances. Mr. Austgen stated until they are certain and it is verifiable, it might be too early to award a bid and pay for it from the BOT. Mr. Austgen asked Mr. Recapito how close they are to a good financial report on remaining funds to be used and how much work is left dollar wise. Mr. Recapito asked Jen if she could speak on that. Mr. Recapito stated he was only aware of the owner contingency. Ms. Sandberg stated for her to speak on that she would be going to the last pay requests and looking through those documents. She stated she has not worked the budget or been part of the project. Mr. Carnahan asked if Lance could answer Mr. Austgen's question. Mr. Snedeker stated the owner's contingency is \$125,000. It has not been touched to date. The numbers they are needling in on with the water delay is approximately \$66,000. That leaves a balance of approximately \$59,000. He discussed the water meter refunds and the fact those funds would be coming back and reallocated. He stated they would have approximately \$200,000 available. Discussion continued on furniture, fixtures, and equipment costs that are part of the project. He stated they are coming in underbudget with those items. Mr. Carnahan asked for his opinion on if they have the money to take care of this. Mr. Snedeker stated yes. Their recommendation is they can roll it into the BOT. Mr. Becker asked about the money for the water main. Mr. Becker asked how much it would be. Mr. Recapito asked if he was talking about the water main project. Ms. Sandberg stated to get it from the well to the buildings is a separate project. The Council already squared that away with funding sources last year. She estimated it was around November. She stated Water Development Fees and TIF would pay for that. Mr. Becker voiced concerns about tree replacement on the grounds and costs. Mr. Becker noted the approximate \$66,000 in water delay costs that still had to be covered. Ms. Sandberg discussed Constitution Avenue as it had previously been mentioned by Jeff about potentially redoing the road. Ms. Sandberg stated as far as she is aware and from a budgeting standpoint, that was never brought to her attention. If this was something by prior administration, it was never discussed with her and there is not a funding source on the books. Mrs. Dickson asked if Constitution Avenue included drainage. Ms. Sandberg stated she would have to confirm with Mr. Oliphant. Mr. Recapito stated it was a complete reconstruction with storm and road improvements. Ms. Sandberg reiterated it was not something discussed to be budgeted for in 2024. Mr. Bunge stated it was on the radar as a potential funding source for some CDBG money. A lengthy discussion continued on Constitution Avenue, building construction, and delay costs.

A motion to defer was made by Greg Parker with second by Chuck Becker. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recapito – Yes. Vote 7 – 0. Mr. Austgen asked exactly what additional information the Council wanted. Mr. Recapito stated he would like to know if they are getting the water line soon. He stated without that they will have to incur delay costs. Mr. Bunge stated that is just one cost. They have the completion of pavement and sidewalks. Chief Fisher

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stated that is included in the project. Mr. Recupito stated they have to wait and see what they get from IDEM. Mrs. Dickson asked if it is possible to get an itemized list. Mr. Parker stated there has to be a punch list at some point. Chief Fisher stated he spoke to the builder and their intention is to do a walk through and punch list in the next couple of works. Mr. Parker asked if plumbing and those types of things would be a contingency after that. Chief Fisher stated that money is set aside. The finishing of the project upfront is set aside as part of the BOT. The issue is the remobilization of the equipment as they have to come back to put the asphalt in as well as finish the curb and gutters. Mr. Carnahan stated Veridus is in charge of looking out for them. He asked if they have gotten a report lately. Chief Fisher stated at the last meeting they were present. Mr. Carnahan stated should not they be getting a written report from them. Ms. Sandberg stated they do as part of the disbursement requests. Their cover letter is included that has their check off on everything. She stated if they go back to the disbursement requests, they have it broken down by both police and fire for everything from design fees to storage, masonry, etc. It is listed out and shows the draw history for each project. She stated they can go to that to get an idea on what has been done, paid, and is still outstanding. She stated if after review they decide they have more questions, she is sure Lance could answer those. Mr. Thiel asked Lance about the numbers on the delay of the water main and the proposals. He asked if there was an approximate cost. Mr. Snedeker stated the bottom line is approximately \$66,000. That includes the \$5,100 a month mentioned already. That is the total delay costs through the end of September. A brief discussion continued on reports being furnished.

**2. Approval of CBBEL pay request #6 in the amount of \$166,664.40 for Shades Subdivision Improvements, Phase 1**

Mr. Carnahan noted this is part of the Community Crossings Grant. A motion to approve was made by Richard Thiel with second by Julie Rivera. 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 he has all of the flag raising ceremonies lined up for Summerfest. He stated he has singers as well. Thursday at noon they will be welcoming the 248<sup>th</sup> year of being the United States of America. Mr. Carnahan asked about battery recycling. Mr. Recupito stated Lake County Solid Waste disbanded that. A brief discussion continued on batteries and the fire safety issues. Mr. Thiel discussed the cost related to battery recycling. A brief discussion continued. Mrs. Dickson stated she would like Christopher B. Burke Engineering report on the sediment dewatering system. She stated she would like the status reported at the next meeting. Mr. Recupito asked Mr. Bunge if he could handle that. Mr. Bunge stated he is making a note. Mr. Parker asked Jeff if he has been up there. Mr. Bunge stated he has not. Mr. Parker stated they need to take a trip out there. Mr. Kubiak stated it is drying up pretty good. Mr. Thiel stated with the second reading of the Unsafe ordinance, they can now instruct Jennifer to create the Unsafe Building Non-Reverting Fund. That was part of the reason for the clean up of the ordinance. That way they can receipt all the funds collected. Mr. Thiel asked Mr. Kubiak if they have the bills for the three most recent tear downs. Mr. Kubiak stated he has the bills in process, he has his sheets ready to turn in to somebody. Mr. Thiel stated that somebody in the past was Ashley. He stated there needs to be clear direction as to where they are going right now. Those funds collected need to go into the non-reverting fund. Mr. Parker asked Rich if they would be pursuing foreclosure proceedings on anything that is demolished and not collected. Mr. Thiel stated the goal is to recapture the money spent. Mrs. Dickson asked if they needed to direct someone to do the billing for Tim. Mr. Austgen stated they are all Unsafe funds, they are doing what they are supposed to be doing. Mr. Thiel stated in the past Tim gave all the information to Ashley to compile and send letters out. Previously, funds recaptured went into the General fund. Now it will go into the Unsafe fund. Mr. Thiel stated they do not have the person there and now they need to instruct someone. Mr. Parker asked about the Bird property and if they are pursuing a foreclosure on the property. Mr. Austgen stated they are. A brief discussion continued on that property. Mr. Parker asked if there was a lien on it. Mr. Austgen stated they do by virtue of the claims filed. The problem is that in a foreclosure proceeding, the bank is first. Mr. Parker asked for clarity on the Bird property. He stated they have liened the property and they are going to pursue foreclosing on that lien. The bank at the least has to pay the lien. Mr. Austgen stated they are first with the recorded mortgage. Mr. Parker asked if they would have to pay the lien or not. Mr. Austgen stated they will not have to. He stated they have a strategy at Sheriff's sale to consider purchase for purposes of liquidation correctly. He stated they are not at that point yet. Mr. Parker stated he does not want to drop the ball in the future. He stated he thinks they should have a representative at that Sheriff's sale. Mr. Austgen stated he will get him a good report for the next meeting. A brief discussion continued. Mr. Thiel asked Ms. Sandberg about the

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true-up. Ms. Sandberg stated she has not been contacted. She does not have it in hand. Mr. Thiel asked Mr. Bunge if Lowell has reached out. Mr. Bunge stated he has not heard. Mr. Carnahan asked if someone should reach out to Lowell. Mr. Thiel stated he thinks there should at least be a phone call. He stated the last time he reached out he got zero response. Ms. Sandberg stated she has no problem emailing Jill Murr, Lowell Clerk-Treasurer, and asking when she can expect the McMahon Report. Mr. Thiel stated Council Affairs met with Jen and Corby to begin budget discussions.

2. **Town Attorney** – No report.
3. **Clerk-Treasurer** – Ms. Sandberg reported they began preliminary budget discussions. In the next few weeks, they will meet with Department Heads to discuss needs and seeing how it fits in with revenues projected for 2025 and seeing how it all fits in with the goals and objectives of the Council. She stated they will meet quite a few times over the next few months. They are shooting for a public hearing at the end of September and final adoption in October. More information will be coming. She stated she has preliminary ending June 30<sup>th</sup> numbers and will be working on a transfer. She stated she will have a report for them at their next meeting regarding the transfer and the chair purchase as she has been previously asked. She stated she will be on vacation during the next meeting but will have a report for them to review.
4. **Town Manager** – No report.
5. **Director of Operations** – Mr. Kubiak stated he would like to finish the discussion on Unsafe building. He stated he has the worksheet on all the machinery, equipment, etc. He is getting all the bills. He stated he believes the ordinance cleaned up the administrative fees they are supposed to charge to the demos. He stated they need someone to finish up the rest of the bill and get that done. He stated he will finish his portion and have it ready to give to someone. Mr. Recupito stated he needs to know who that someone is. Mr. Recupito stated he does not know if they have an answer for that right now. They will have to discuss it. Mr. Thiel stated he would think that someone is capable to handle it. Mr. Bunge asked if they wanted his office to take that and come up with a game plan. Mr. Thiel stated yes. A brief discussion continued. Mr. Kubiak stated they have had some storm items come up on projects, even in the Shades. He stated that has been keeping them busy.
6. **Police Department** – Chief Fisher stated there would be a Firearm Safety Class on Saturday, July 20<sup>th</sup>. Pre-registration is preferred. This is all paid through the NIPSCO grant received. All attendees will receive a free gun lock. He stated they submitted a grant for the SAFE Coalition. They have received \$5,000 for any overtime related to drug and alcohol related incidents. Recently, they started receiving K9 donations and are up to \$6,800.
7. **Fire Department** – No report.
8. **Parks Department** – No report.

**WRITTEN COMMUNICATION**

None

**PUBLIC COMMENT**

Rob Henn, 13455 Parrish Avenue, voiced concerns with the development moratorium. He spoke as a local developer. He stated they own Railside. He stated there has been discussion with other business people in town and the moratorium has unintended consequences. He discussed Lowell approving developments as well as St. John soliciting businesses for their Town. He stated Railside and Lakeview are able to build but it is difficult to convince businesses to come here. He stated some say it is too early as the head count is not there. They need more population. Mr. Henn stated it has been difficult. They have sold one lot. That is not where they want to be. He stated they are hearing a lot of pushback on the moratorium. He stated he watches the meetings on YouTube like a lot of people. He discussed the homes approved and the time it takes to get homes online. Mr. Parker stated they not only have a sewer expansion to plan for carefully but they have water problems on both sides of the community that have to be addressed. Mr. Henn stated he understands that. He knows it takes money. He stated being on the development side, it is a know fact how much money is brought into the Town. He discussed the fees paid such as engineering and inspection fees. He approximated they have put \$250,000 to \$300,000 into the town directly. He stated they have 29 lots with \$30,000 each in permit fees. He stated that is over a million dollars to the Town will no cost to the Town. He stated they have put all the infrastructure in and paid for it and will turn it over to the Town. He stated that does not include taxes or TIF money. Mr. Parker voiced concerns with planning not being done properly. Mr. Henn did not disagree with him. Mr. Parker stated they are looking for solutions. They are not trying to perpetuate the problems. Water is the immediate need. Mr. Henn discussed different visions of this Council and the past Council. He stated it is time they stopped looking in the past and start to look forward. He stated it has been months they have had the moratorium. He stated he does not believe they realize what it is causing out there. He stated people have invested tons of money in things. He stated not only developers but residents too. He stated as a resident he wants these things cured too. The only way to cure them is to get some more money in. The only

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way to get more money in is to develop. He stated if they approve a few subdivisions it is going to take years before they are active and online. Mr. Thiel talked about the Lowell expansion. He stated the project is approximately three years. If they start approving things now, what good will it do if no one can flush their toilets. Mr. Henn stated he has another 50 acres he wishes to develop. If he were to walk in here today, it would be a year and a half before the first building is up. Mr. Parker stated he wishes to see Mr. Henn develop because he is developing things that generate good revenue for the community. Mr. Henn stated he appreciates that. That is what they are trying to do. He stated to get new business, you have to have the head counts so people have to come first. Mr. Parker stated he agrees. They have to get something addressed with the water. Mr. Henn stated perhaps they are doing something behind closed doors but they do not know that. Mr. Parker stated absolutely they are. Mr. Henn stated they are competing with Lowell, which is strange because they are run on the same sewer system, and they are approving stuff like crazy. If they have capacity, maybe we do or they are taking it all. Mr. Henn stated there are solutions with the water. Hopefully, they come to fruition quickly. He stated his goal in coming was to let them know there is concern out there. It is having unintended consequences. Mr. Parker stated they need to have a better development plan. He voiced concerns with dense subdivisions. He stated there has to be more thought. He stated they will be doing somethings with the master plan. A brief discussion continued on the moratorium.

Doug Wynkoop, 9010 W 141<sup>st</sup> Avenue, stated he came here because he has talked to several people and he has had nothing but problems. He stated he wanted to present pictures and have them on record. He stated the first two are from when Schilling Development started Beacon Point. He stated on the east side of his property they cut into it about 75 feet. He stated the second set of pictures are elevation shots of how it was before. Mr. Carnahan asked Jen if she would scan the pictures in with the minutes. Ms. Sandberg stated if that is what she is directed to do. *Ms. Sandberg was directed to add the pictures to the record. They can be found at the end of the minutes.* Mr. Wynkoop stated the next pictures are of the stagnant water. He stated it is a mess out there. He stated he will give them the key to his mower. He told them they can try to safely mow his lawn. Mr. Parker stated it is impossible to mow that. Mr. Wynkoop stated the elevations are getting worse. Mr. Wynkoop stated next to his trees are 55-degree angles. He stated the grade has changed. Mr. Parker stated he does not know why so much material had to be taken out for that subdivision. He stated he is not an engineer but from looking at it, he does not understand why it ended up like that. Mr. Parker stated it is his opinion that the only way to fix his situation is to drop the grade and build a retaining wall. Mr. Wynkoop stated they have to do something. Mr. Parker stated he is certain that would have to be engineered. Mr. Wynkoop stated he wants the pictures on record. Mr. Parker stated they need to go back and take a look at those minutes. Mr. Wynkoop stated he welcomed any of them over there. He stated he thinks they will agree with him. He stated he believes a majority of them agree there is a problem. Mr. Wynkoop stated he has not heard a solution. That is why he is here. He wants it brought to their attention and on record. He stated there is a performance bond on record. He stated there is stagnant water and elevation issues. He voiced concerns with the Bird property and a foundation sitting there that a kid could fall in. He stated if they are going to tear down properties, they need to tear out the whole foundation and seed it, like according to the zoning ordinance. Mr. Thiel stated it is filled in. He asked Mr. Kubiak to confirm. Mr. Kubiak stated it is filled in. It is a perfect poured concrete foundation that adds to the value. Mr. Kubiak considered the cost. He stated it is filled in and safe. Mr. Wynkoop addressed Mr. Henn and stated he knows how the Town works. He discussed the water issue. He stated when they have things approved and they cannot supply them water, they have issues. He stated they have tough decisions to make. He stated the he does not think the Town should be in the water business.

Marie and Caroline Sumara, 13318 Morse, on behalf of Woodman Life Lodge 6057, they presented three Indiana State flags and three American flags to present to the Town. Mr. Carnahan asked Mrs. Sumara to give them to Mr. Kubiak. He will see them put up. They will be going in front at Town Hall, the north point lookout, and Public Works. A brief discussion continued.

**ADJOURNMENT** President Recupito called the meeting to adjournment at approximately 8:19 PM.

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

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Robert Carnahan, Ward 1

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Julie Rivera, Ward 2

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Nick Recupito, Ward 3

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Chuck Becker, Ward 4

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Greg Parker, Ward 5

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Mary Joan Dickson, At-Large

ATTEST:

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Richard C Thiel Jr., At-Large

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

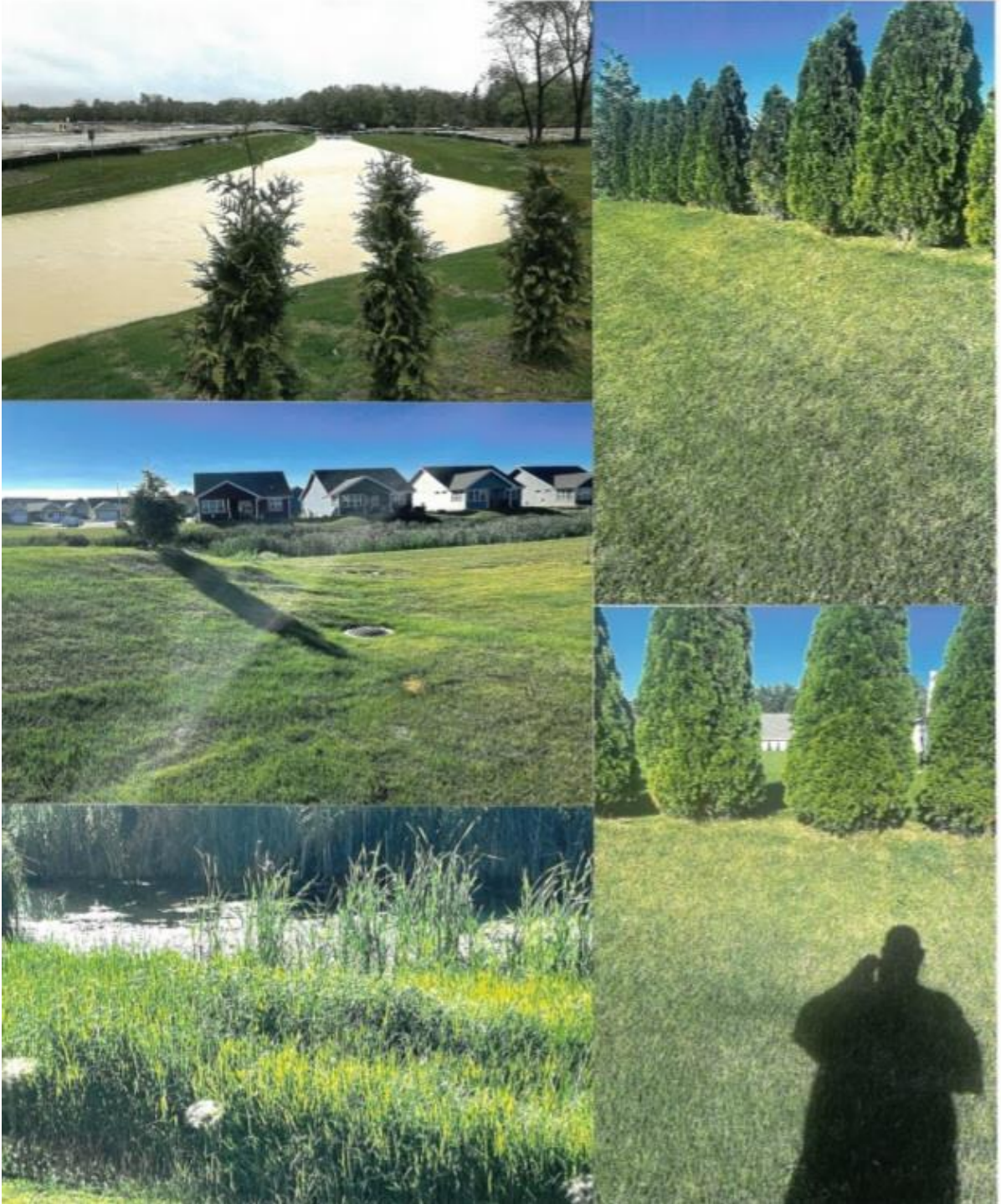
The Minutes of the Cedar Lake Town Council are transcribed pursuant to IC 5-14-1.5-4(b), which states:

- (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.

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