

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



October 15, 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
Absent	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, IAMCA, 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

Faith Rumfeldt, Surf Internet, introduced herself as the Northwest Indiana Regional Market Manager. She stated Surf Internet is excited to come to Cedar Lake. They have expedited their feasibility study. She stated they offer high speed, fiber internet at an approachable cost to residents and businesses. She continued to discuss Surf Internet and the fiber services they offer.

PUBLIC HEARING

1. Ordinance No. 1499 - Y2024 Garbage/Refuse and Recyclables Rate Ordinance Amendment

- a. Review of Legals – Mr. Austgen stated the legals were in order. Public hearing was held. This is the second reading consideration and did not require a publication.
- b. Opening Remarks – Mr. Recupito stated this would be the adoptive reading for Ordinance No. 1499. This would impact the garbage and recycling rates of the Town. He stated they are currently under contract with Republic Services. He stated there are increases each year built into the contract. They have been operating under the increase since June of this year. He stated they are considering raising the rates to basically match the operating costs and costs of the contract. He stated it is not something anyone likes to do. He knows Bob is outspoken about raising rates. In this case, they are running at a deficit month after month and they would run out of money. Mr. Carnahan stated it reads from August 1, 2024. He asked if they would back bill to August. Ms. Sandberg stated no. August is when the work paper was provided. Upon adoption and proper publication, that is when the new rate would go into effect. Mr. Carnahan stated that rate would be \$21.36. The following year will be \$22.21. The third year will be \$23.10. Ms. Sandberg stated that is what was proposed for Rate A and has been the recommendation. Mr. Carnahan stated they have already approved the first reading. Mr. Austgen added that he has had some discussion with Republic and this is probably the best they can do. He stated they talked with the General Manager and no changes are forthcoming. A brief discussion continued.
- c. Reading of Ordinance No. 1499 – Mr. Parker read by title only.
- d. Remonstrators - None
- e. Town Council Discussion – Mr. Thiel added that at the last meeting the motion was made to have the worksheet removed. Mr. Austgen stated that has been cleaned up and sent over. However, with Kirsten on vacation, he believes that accounted for some of this. He stated they will make certain that it is clean. Mr. Recupito stated they also have to make sure that the ordinance has the numbers for Rate A. Mr. Austgen stated that has been done. Mr. Carnahan stated they have some residents that pay their rate for the whole year. Come December, they will have a minor payment due. Ms. Sandberg stated it depends on how much of a credit they have on their account. Once a credit runs out, a resident will get a bill. They will get a monthly statement that shows what they owe.
- f. Town Council Decision

A motion to adopt Ordinance No. 1499 was made by Mary Joan Dickson with second by Richard Thiel. Roll Call: Carnahan – Yes, Becker – Yes, Dickson-Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 0. Mr. Austgen added that this will require publication as Jennifer indicated and upon publication it will be adopted. Mr. Carnahan asked if that would be thirty days. Mr. Austgen stated it will be done a lot sooner.

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2. Ordinance No. 1501 - Y2025 Budget

- a. Review of Legals – Ms. Sandberg reported the Form 3 was published timely and everything was posted on Indiana Gateway as they are required to.
- b. Opening Remarks – Mr. Recupito stated this is the adoptive reading for the year 2025 budget.
- c. Reading of Ordinance No. 1501 – Mr. Parker read by title only.
- d. Remonstrators
Cheryl Parker, 7227 W. 136th Court, stated in a prior meeting Nick had asked Mr. Thompson if the budget included the possible general obligation bond. She stated she saw it on the agenda. She asked if this had been updated for that debt. Mr. Thompson stated it had been noticed and included in the budget. Mr. Thompson stated bond #2 is the general obligation bond. It was advertised for an adopted budget of \$388,000 with a tax levy of \$320,000.
Jerry Conner, 10330 Paramount Way, discussed the budget and previous discussions regarding the dispatch costs. He stated meetings were supposed to occur. He asked if anything had been done with that. Mr. Recupito stated there has been dialogue. He forgot who had an update. Mr. Bunge stated they do not really have an update. He has had some discussions with Mr. Gorman from Schererville. They have not had a chance to sit down and hash things out but they have been in contact. Mr. Conner stated he hopes that would continue with the higher costs involved. Mr. Recupito stated he believes the goal was to schedule a meeting. A couple folks were out of Town and on vacation. There has been communication and they do intend to have a meeting. Mr. Conner asked that it be on the forefront.
- e. Town Council Discussion – Mr. Carnahan discussed the total adopted budget for all the funds is \$13,831,550. Ms. Sandberg stated that was correct. Mr. Carnahan stated the other funds not reviewed by the DLGF is a total budget of \$1,056,000. Ms. Sandberg stated yes, those are the home-ruled funds. Mr. Carnahan asked if the tax rate would go up or down compared to 2024. Mr. Thompson stated the general obligation bond has not been issued or approved. Based on the levy that was there and if the bond is closed prior to year end, he estimates the tax rate will decrease by \$0.01. He stated on the sheet they can see \$0.82 or \$0.83. That is higher than what he anticipates the actual tax rate to be. The reason is they want to make sure if there are big changes with the assessed value, they want to make sure the Town is getting the funds, the levy, to fund the budget properly.
- f. Town Council Decision

A motion to adopt Ordinance No. 1501 was made by Mary Joan Dickson with second by Richard Thiel. Roll Call: Carnahan – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 0.

Mr. Carnahan made a motion to amend the agenda to put an item on related to potential funding for equipment. A second was made by Chuck Becker. Roll Call: Carnahan – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 0.

Mr. Carnahan stated the reason he amended the agenda before public comment was for everyone to be aware they would have the item in case anyone wants to speak about it. They will discuss the potential for a street sweeper, a payloader, and a vacuum pump. There are federal funds available. After public comment, Ryan will come up. Mr. Recupito stated the reason they are doing it is because there is a deadline this week. Mr. Carnahan stated one of the deadlines is this Friday. Mr. Parker asked Tim about the shape the payloader is in right now. Mr. Kubiak stated it is decent but it is a 2000. Mr. Parker asked if he has looked at new ones. Mr. Kubiak stated no. Mr. Parker asked if he knew if they had regen on them or not. Mr. Kubiak stated he thinks everything has some type of regen on them. He stated that is part of the thing with this grant. Mr. Parker asked him for his opinion on the grant being proposed. The payloader currently owned, has to be destroyed to get the grant money. Mr. Parker stated he does not like that. The payloader he currently has is probably more dependable than the one they would get. Mr. Kubiak stated that is a tough pill to swallow. He stated the one being replaced has to be taken out of service. That is in order to get 80% of a new one funded. That is the tradeoff. He stated it is dated and needs to be replaced. Mr. Parker stated that is what he is struggling with. Mr. Kubiak discussed the costs involved. A lengthy discussion continued on equipment and new technology.

PUBLIC COMMENT

None

EQUIPMENT GRANT

Ryan Lisek, 14220 Windsor Street, stated the funding opportunity is through Northwest Indiana Regional Planning Commission (NIRPC) and the Notice of Funding Announcement (NOFA). It is an 80% funding opportunity. The three pieces of equipment they were looking at was the wheel

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loader, street sweeper, and vac truck. They have quotes for a vac truck and a street sweeper. Again, it is 80% funding. The vac truck is approximately \$566,500. Under the grant, it would be \$453,200 paid for with a town match of \$113,000. For the street sweeper, it is \$391,500 total. The grant would pay for \$313,200. The town match would be \$78,300. This is not any different alternative fuels or anything like that. It is new tier four final diesel equipment. He stated there are regens but they are looking at dual engine units and the town specs right now are not needed to be defined. There is a closing date for the application to be submitted of Friday, October 18th. The funding would not come in to play as far as when it would be awarded, in order to start the project. He stated they would have five years to complete the project. They will be looking at 2026 to 2030 for the start of the project. He stated they will have five years to take delivery of that new equipment, pay for it, destroy the old equipment, and submit for reimbursement. Mr. Lisek stated they will need 100% of the money up front in order to satisfy the reimbursement need for this. Mr. Carnahan asked if that money would come from NIRPC. Mr. Lisek stated the reimbursement flows through NIRPC but originally from INDOT. It is funding that is only available for Lake and Porter counties. This is a great opportunity to replace old equipment. With the opportunity, they can include five years of maintenance. Mr. Parker asked if the vac truck spec included a Cummins power plant. Mr. Lisek stated he thinks so, it has an L9. Mr. Lisek stated he is looking to get approval to apply for this. Mr. Recupito thanked him for bringing it to their attention. He asked Mr. Lisek what they need to do to apply for it, what strings will be attached, and what do they have to obligate to it. Mr. Lisek stated there is a letter of commitment that will need to be completed. That can either be done by the board, Ms. Sandberg, or Town Manager Bunge. At the end of the day, they want to make sure that this is approved by the Town Council in order to move forward. It is essential equipment. Mr. Carnahan asked if he would write the grant. Mr. Lisek stated he would write the grant and work through everything in order to get it submitted. This opportunity is only eligible for Lake and Porter County municipalities. Mr. Recupito asked if there was scoring involved. Mr. Lisek stated it is competitive. He thinks they have the environmental background and why it is needed. There is a big push for disadvantaged communities. Cedar Lake does not fit the bill but there is a need. In working with other municipalities, there are not a lot of projects that will be applied for with this funding. This funding is only available every two years. The important thing is to get it into the TIP and they will work with the Town on figuring out when the equipment can be purchased. There will be a contract from NIRPC and INDOT in order to know when they will be able to begin working on the project. Mr. Bunge asked about the lead time. Mr. Lisek approximated six to eight months from the purchase order date. Mr. Recupito stated this happened fast. They have a few ducks to get in a row financially if it is something they want to pull off. He asked if it would hurt to apply while they get the financial stuff straightened out. Mr. Kubiak stated it was explained to him that once they receive the grant, they have five years to purchase the equipment. If they get the grant, they should have time to plan for it. A very lengthy discussion occurred on the equipment, grants available, and matching opportunity.

A motion to direct Mr. Lisek to apply for the grant for the vac truck, street sweeper, and payloader through NIRPC as well as the payloader through IDEM with application/letter to be signed by the Town Council President was made by Richard Thiel with second by Greg Parker. Roll Call: Carnahan – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 0.

CONSENT AGENDA

1. **Minutes:** September 17, 2024
2. **Claims:** All Town Funds: \$266,332.07; Wastewater Operating: \$25,767.69; Water Utility: \$63,488.15; Storm Water: \$9,747.91; Payroll: October 1, 2024 and October 10, 2024 - \$404,503.69; and September Remittances \$214,360.35
3. **Manual Journal Entries:** September 1 – September 30, 2024
4. **Donations:** K9 donation to include the following: Ben Tomko - \$500; Fire/EMS Donations to include the following: Pearl Osinski - \$1,000; Robert & Linda Racich - \$50

A motion to waive the reading of the minutes and approve the consent agenda as listed was made by Greg Parker with second by Chuck Becker. Mr. Carnahan asked about a claim for Midwestern Electric, Inc. for fourth quarter traffic signals for \$804. He asked if they pay that every quarter. Ms. Sandberg stated yes. They come out and maintain the traffic signals. Roll Call: Carnahan – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 0.

ORDINANCES/RESOLUTIONS

1. **Ordinance No. 1502 – Town of Cedar Lake General Obligation Bonds, Series 2024**
Mr. Parker read Ordinance No. 1502 by title only. Mr. Thompson stated this is the first step in getting the Town eligible for doing a general obligation bond some time this year. It does not hold them to anything but it is what was adopted and shown in the budget. Mr. Austgen stated this is for authorization for general obligation bond financing and an amount not to exceed \$3.1 million, an interest rate not to exceed 5.75%, and a term not to

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exceed twelve years. Mr. Recupito asked if it was a two-reading ordinance. Mr. Austgen stated the second reading would happen at the end of October. Ms. Sandberg stated the public hearing would occur on November 7th.

A motion to approve the first reading of Ordinance No. 1502 was made by Richard Thiel with second by Mary Joan Dickson. Roll Call: Carnahan – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 0.

2. Ordinance No. 1503 –Appropriation - Town of Cedar Lake General Obligation Bonds, Series 2024

Mr. Parker read Ordinance No. 1503 by title only. Mr. Thompson stated this is something that will allow them to spend the proceeds if the bond were to be issued this year. It is a formality.

A motion to approve Ordinance No. 1503 was made by Richard Thiel with second by Chuck Becker. Roll Call: Carnahan – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 0.

Chief Wilkening asked if the bond included the fire truck and ambulance. He asked at what point do they start and know the dollar amount for an ambulance. That way they know what to work with. Mr. Recupito asked Mr. Thompson to explain. Mr. Thompson stated they earmarked \$1.1 million for the fire truck and \$400,000 for an ambulance. He stated they do have further discussions they need to have to finalize, if they end up issuing a bond this year, what is available. It is ultimately up to the Council on the amounts that need to be allocated towards equipment or projects. Chief Wilkening asked if they would have further dialogue soon. Mr. Recupito stated they would have to.

3. Resolution No. 1360 – Appropriation Transfer

Mr. Parker read Resolution No. 1360 by title only. Ms. Sandberg explained requests were made by Department Heads and she noticed some line items were necessary for operating expenses. Within the General Fund, the total amount of transfers requested is \$55,003. For Town Council, that is a total of \$17,500. That is \$1,000 from professional services to travel and \$16,500 from professional services to property and casualty. Under Police Department, that is a total of \$1,000. That is \$1,000 from professional services to travel. Under Planning, Zoning, and Building Department, that is a total of \$7,500. That is \$1,500 from the director line item to full-time staff. That is also \$6,000 from director to attorney. For the Fire Department, a total of \$12,300 is requested. That is \$300 from office supplies to postage and \$12,000 from equipment repairs to vehicle repairs. For Parks and Recreation, a total of \$16,703 is requested. That is \$2,000 from full-time staff to PTO payout, \$7,500 from fuel to event supplies, \$600 from facilities to dues and subscriptions, \$4,603 from attorney to misc. supplies, and \$2,000 from equipment repairs to misc. services. Under the Motor Vehicle Highway Fund, total transfers requested is \$1,100. That is \$1,100 from FICA/Med to uniform allowance.

A motion to approve Resolution No. 1360 was made by Robert Carnahan with second by Richard Thiel. Roll Call: Carnahan – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 0.

4. Resolution No. 1361 – Excess Levy Appeal Petition

Mr. Parker read Resolution No. 1361 by title only. Mr. Thompson explained this is a formality. The budget that was approved includes this amount being proposed. The DLGF requires a separate resolution to acknowledge the three-year growth appeal has been reviewed and approved the Town Council.

A motion to approve Resolution No. 1361 was made by Chuck Becker with second by Mary Joan Dickson. Roll Call: Carnahan – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 0.

BZA/PLAN COMMISSION

1. Approve Rose Garden Unit 1 Letter of Credit Extension

Mr. Recupito asked if this was a one-year extension. Mr. Becker stated it is for one year and they are supposed to attend Plan Commission meetings monthly. A representative was at the last meeting.

A motion to approve was made by Richard Thiel with second by Robert Carnahan. Roll Call: Carnahan – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 0.

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NEW BUSINESS

1. R. Jager road cut proposal for a private waterline under a public roadway

Mr. Rob Jager introduced himself and stated he was here for a permit approval at the guidance of the Jeff and his team. He stated the well has been sputtering for many years. He stated they had Sheehy come out to take a look. There is no way to move equipment in that area to put in a new well. The cost is quite high and the only way is to do it across the street. He stated they have property across the street that they own. Sheehy brought in a partner, Ziese Excavating, and they have come out and assured him that it is a straightforward process to directionally bore right under the road. They will clean up everything. Mr. Recupito asked if this was in Cedar Point Park. Mr. Jager stated yes. He asked if anyone had any history of this type of thing in Town. Mr. Austgen stated this is the first time he has seen it. Mr. Parker stated he has seen it in the past at Plan Commission. He stated there are instances in the past where people have had an outbuilding across the street. Mr. Recupito voiced concerns with it being under the public roadway. He asked what they need to do to protect any interest of the taxpayers of the Town. Mr. Austgen stated an easement and probably an indemnity agreement of some kind. A hold harmless style document. Mr. Parker asked Mr. Kubiak if he remembered some of these. Mr. Kubiak stated he did not know of any utilities. He advised Jeff that they would have to come to the Council for an agreement. He would have to be responsible for locating the line. It would be crossing the right of way. A couple of subdivisions have their private water distribution systems in the road right of way. He stated he did not know what kind of agreements they had with the Town. Mr. Kubiak noted Mr. Jager has redone his whole house and has no room for a well on his property. He discussed having the two pieces of property somehow tied together for the potable water. Mr. Kubiak discussed responsibility of locating services. Mr. Parker asked Mr. Austgen what he would prescribe. Mr. Austgen stated it would need an easement for the proper grant of use is provided to the private property owner as well as a hold harmless indemnification agreement. Mr. Parker asked how they would cover the locating. Mr. Austgen stated they would have to throw generic language in to the easement, that it is all his responsibility. Mr. Becker asked about tying the two properties together. Mr. Parker stated they are two separate residences. Mrs. Dickson asked about the cut in the street on the main road going into Cedar Point Park. Mr. Kubiak stated that was sewer. Mrs. Dickson asked who checks and supervises that. She voiced concerns with a big hole in the road. Mr. Kubiak stated they inspect the tap and the road repair. He stated that particular instance was because the curb was undermined. It was pretty insignificant with a little settling. He stated they do inspect and try to make sure everything is good. Mr. Austgen asked if any additional infrastructure would be required. Mr. Kubiak stated did not believe so. It basically would be two one-inch pipes coming from the well to his house. It would require electricity from his house to the well and water going back to the house. He imagined they will be five feet deep or so. The chances of it being messed with are slim to none. Mr. Jager stated they have already come out and stated no concerns. Mr. Thiel asked if it could be approved contingent upon a private utility easement with the indemnification agreement. Mr. Austgen stated it could. He recommended the Town require all inspection and check offs according to Town standards. Mr. Recupito asked Mr. Jager if the well went out because it was old. Mr. Jager stated they told him they tried to keep it alive even before he purchased the property. They have records on it. They think it was just shallow. They believed about twenty feet. A brief discussion continued.

A motion to approve the proposal for a private water line under public roadway contingent on a hold harmless agreement, generic utility easement established that is to be inspected by the Building Department to ensure it is built to Town standards, and the cost of all items to be the responsibility of the property owner was made by Greg Parker with second by Richard Thiel. Roll Call: Carnahan – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 0.

2. Karalis requesting waiver from building moratorium for 13336 Wicker Ave.

Doug Homeier with McMahon introduced himself and Mr. Karalis. He stated Mr. Karalis was at the Plan Commission on December 6, 2023 to present a concept plan for the property on Wicker Avenue. Mr. Karalis was looking to put two buildings on the property. One right away and the other in the future. They went before the Plan Commission to ask if they could put both buildings on one property or if they needed to subdivide. They were told they would need a subdivision for the two buildings. Mr. Homeier stated they began field work and working on the engineering. He had discussions with Mr. Oliphant who told him there was a moratorium on that and they could not get sewer. Mr. Homeier stated they began discussions with Mr. Bunge to see if the property would be exempt or what they could do. Mr. Homeier stated they drew up another site plan with only one building to see if that was something that could be

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approved. He stated they went back and forth. Mr. Bunge was not sure and Mr. Karalis was directed yesterday to request a waiver. Mr. Homeier stated the gross property is two acres. That is 1.73 acres when you take the right of way for Wicker Avenue. He knows there are certain items going on with INDOT. They have been in contact and designed everything to work with their improvements. The project is dead in the water until they know if they can get sewer. Mr. Karalis stated they have been working on this for a couple of years now. The moratorium came as a big surprise. He stated they are a little frustrated and would like to see if this route would work for the Town so they can move forward. They do have business they want to put in. It is currently zoned B-3. Mr. Homeier stated they never received an answer on whether or not the property is exempt for allowing sewer. Mr. Thiel asked for clarification on if it is a sewer or water issue. Mr. Recapito stated the moratorium was generally for an acre of land or greater that was not already platted. That is where his property falls. The moratorium was instituted because of problems with sewer and water. Mr. Homeier stated they intended to take the water from the south side of McDonald's and extend the water main down to the south side of the property. It would be on water. Mr. Recapito stated that is the problem. Mr. Recapito asked if they were aware of the communications the Town has had with Indiana Department of Environmental Management (IDEM). Mr. Homeier stated not at all. Mr. Recapito asked Mr. Austgen if that extension would require an NOI. Mr. Austgen stated it would. Mr. Recapito stated IDEM told them that they would not issue anymore in Town because of the issues with water capacity. It has been ongoing for years. He stated the biggest hurdle is IDEM. Mr. Parker stated they are trying to come up with a solution to the issues. Mr. Karalis stated he would like to know which way they are headed as it has been a few years. Mr. Parker suggested deferring the item. Mr. Austgen recommended they ask them to attend Plan Commission to discuss the plans as the Council works through the IDEM response and report. Mr. Parker voiced concerns with him having to spend more money. Mr. Austgen suggested as a concept plan only. Mr. Homeier asked if it would be possible to develop the property on a well. Mr. Recapito stated it would have to go through Plan Commission. Mr. Parker stated IDEM too for the NOI. Mr. Austgen stated they would want the extension of the water mains for availability of fire suppression and emergency services. Mr. Parker again suggested to defer. Mr. Thiel asked if the house would stay on the property. Mr. Homeier stated at this time yes. Mr. Thiel asked how that would work with the house and the business as well as the multiuse. Mr. Parker stated it was common for the area. Mr. Thiel stated he knows in the past they were trying to clean some of that up. Mr. Austgen stated it would continue a residential use in a B-3 property. Mr. Recapito asked if it were to go to Plan Commission as a concept, they would still have to give approval. Mr. Austgen stated yes. A lengthy discussion continued on the property use, approvals, and IDEM.

A motion to defer for ninety days was made by Greg Parker with second by Richard Thiel. Roll Call: Carnahan – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recapito – Yes. Vote 6 – 0.

3. CBBEL Pay Request #2 in the amount of \$536,080.50 for the Morse Water Main Extension Project

A motion to approve was made by Robert Carnahan with second by Chuck Becker. Roll Call: Carnahan – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recapito – Yes. Vote 6 – 0.

4. CBBEL Change Order No. 4 for Shades Subdivision Improvements Project, Phase 1 from \$1,832,539.77 to \$1,783,562.94

A motion to approve was made by Richard Thiel with second by Greg Parker. Roll Call: Carnahan – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recapito – Yes. Vote 6 – 0.

5. CBBEL Pay Request #8, Final, for Shades Subdivision Improvements, Phase 1 in the amount of \$440,315.41

A motion to approve was made by Mary Joan Dickson with second by Chuck Becker. Roll Call: Carnahan – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recapito – Yes. Vote 6 – 0.

6. Guard rail for Sunset Harbor in the amount of \$16,525.00

Mr. Kubiak stated this was the updated quote that was requested at the last meeting. Mr. Carnahan stated it was proposed to take it out of TIF money. He asked if they had to wait to have an RDC meeting. Mr. Austgen stated they do as Redevelopment Commission oversees the money. Mr. Thiel stated that would have to wait to December. Ms. Sandberg stated there is to be a special meeting on November 7th. If they want, she can add it to the agenda for that date. Mr. Thiel stated he had a phone call today asking why the Town was paying for it and not a mutual agreement with the condos. Mr. Becker stated they are

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doing it for safety not the condos. A brief discussion continued on the location and safety of the area.

A motion to remove the item from the agenda was made by Richard Thiel with second by Greg Parker. Roll Call: Carnahan – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 0.

REPORTS

1. **Town Council** – Mr. Thiel reported that they need to readvertise for the mechanic position. The person that accepted the offer took a job elsewhere. As far as the applications for water crew worker. He along with Mary Joan met with Mr. Kubiak and interviewed an individual for that position. On the same day, they interviewed someone for the Planning Director position. Mr. Carnahan stated October 19th will be the last household hazardous waste program. It will be held at Griffith Public Works. That is open from 9AM to 2PM. Mr. Carnahan reported the Chamber of Commerce will have the Jean Eberle Parade of Lights on November 23rd. The Chamber of Commerce will have 165 Christmas trees this year. They are already committed to approximately ninety. Mrs. Dickson stated the AIM dinner will be on November 6th at Tiebels. If they are interested in attending, they can let Jen know. She reported that she attended in the AIM conference in Fort Wayne. She attended meetings regarding water systems, effective communication with community, social media updates, and municipal utility responsibility and planning strategically for growth. She stated she will share that information with them all. Mr. Carnahan stated they would not be able to attend the dinner due to Plan Commission. Mr. Carnahan stated Project Love Food Pantry is open tomorrow. He stated they have an abundance of potatoes and milk for families. A brief discussion continued on services.
2. **Town Attorney** – Mr. Austgen stated he already made them in executive session.
3. **Clerk-Treasurer** – Clerk-Treasurer Sandberg reported with the adoption of the budget she has a quick turnaround to get everything submitted in Gateway timely. They will await a response from the DLGF in the form of the 1782 Notice. Traditionally, that is received towards the end of December.
4. **Town Manager** – Mr. Bunge stated he was at the AIM conference. He made contacts with the Indiana Municipal Managers Association. He stated he went to some of the seminars related to TIF, social media, and second amendment. He stated there were a couple of good financial workshops.
5. **Director of Operations** – Mr. Kubiak reiterated that the mechanic position needs to be readvertised. He asked if they could direct Jennifer to do that. Ms. Sandberg stated if they were good with it, she would post it tomorrow. An assenting response was received. Mr. Carnahan stated Mary Joan has stated they need to advertise in more places. Mrs. Dickson stated a lot do use Indeed to expand the pool of applicants. Ms. Sandberg stated if they want her to look into Indeed, she will as long as everyone is aware there is a cost. A brief discussion continued.
6. **Police Department** – Chief Brittingham reported on Thursday, October 31, 2024, the established trick or treating hours are from 5:00 to 7:00 PM. They will have extra patrols out. He stated he would have his reports at the next meeting and for the Board of Safety meeting.
7. **Fire Department** – Chief Wilkening reported the hiring process is going well. They have pretty much everyone onboarded at the end of the week. He stated they are currently waiting on the background checks to come back. He stated they have an interview next week for one applicant for full-time and two volunteers. With the addition of Gagliardi, they are at fifteen full-time people. They are slated for sixteen. Zach will leave at the end of the month. There is another full-time working on passing the agility test. He stated the two EMT's who were invested in by the Town, have passed the first test of the paramedic exam. He stated they had a good open house. They tried something different with food trucks. They did not have the pancake breakfast. Hopefully, next year they will do a joint open house with the Police Department at the new buildings. They will dedicate it when they open it. He stated it was nice to see everyone in attendance. He asked if they could start the discussion on the ambulance. He would like to see if there is something out there, they could get soon. He discussed the bid process as an option as well. Mrs. Dickson stated at the Board of Safety meeting no monthly report was given. She asked if it was available. Mr. Wilkening stated no. He is still working on it. Mr. Wilkening thanked Jennifer for the quick turnaround of the offers of employment to get people onboarded as quickly as possible. He stated he knows there are things that slow it down that they have no control over. He thanked her office for expediting things.
8. **Parks Department** – Mrs. Ray reported event planning continues for trunk or treat. It will be on Saturday, October 26th from 12:00 to 2:00 PM. They will have a costume contest that begins 11:30 AM. They are currently accepting Park Foundation applications. Applications are on the website or available at the park office. The Park Board meeting for November 7th was cancelled and moved to November 21st. She stated the Parks Department has been maintaining a community section tab on the website. She

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stated they will post and share digital copies of community flyers for events and projects that are happening.

WRITTEN COMMUNICATION

- 1. Building Department Report** – Mr. Recupito reported in September there were a total of 63 permits for all other and for new construction they had 21 new. That is up from 17 in August. Year to date for new construction is 136 permits with 131 being residential and 4 commercial. That is a grant total for construction of \$39,679,257.
- 2. Christopher B. Burke Report** – Mr. Bunge reported they are closing out the end of the construction season. He discussed an update to two of the five applications accepted to the 2024 to 2028 TIP. Many have been discussed already. He stated there was a reallocation. The 133rd Avenue project is now programmed for construction in 2025. Those are protect funds at a level of \$454,500 in federal funds and \$113,626 in local match. The second project is design and construction of Founders Creek Multi-Use Path. Those are transportation alternative funds. Design is programmed for 2026. \$72,685 of that is federal funds and \$32,000 in local match. Construction in 2028 with \$1.4 million in federal funds and \$355,600 in local match. A NOFA for 2026-2030 TIP was received. Three projects will be submitted for that money. That is the 141st Avenue Bridge widening and replacement, Pickerell Creek culvert replacement, and the 133rd Avenue sidewalk from Faith Church to Robins Nest. That is estimated at just over \$1.1 million. MR. Carnahan asked if he wanted to mention about the conversation on VS Engineering. Mr. Bunge stated hopefully for the November 7th special meeting, they will have to sit down and go through the VS packet from the last meeting. It does have recommendations in it for paring down the project from six foot to four foot. There are concerns about cutting it down. He stated there is a little work to be done. That is something they are going to move forward with for next year and 2026. They will have to make final recommendations in the next few weeks.
- 3. Request for Refund; Demolition instead of Remodel** – Mr. Recupito stated they received written communication from Clear Contractors. The letter asked for a refund of the fee paid for the remodel permit for the property located at 12613 Hilltop Street. It was issued on August 14, 2024. Due to direction from Cedar Lake, the owner is proceeding with a demolition. No remodel work commenced. Mr. Carnahan asked if that was a refund of \$103. Mr. Recupito stated yes. Ms. Sandberg corrected them that the refund would be in the amount of \$2,543. Mr. Kubiak stated they paid \$100 for the demo permit. Everything should be refunded except for that. He stated they got into the house and there was nothing left to repair. They decided to switch the remodel to a demolition project. Mr. Recupito asked if the exact dollar amount was \$2,543 being requested to be refunded. Ms. Sandberg stated that was Permit 24-644 was the complete home remodel permit. The demo permit was receipted in separately.

A motion to approve the request for refund was made by Greg Parker with second by Richard Thiel. Roll Call: Carnahan – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 0.

UPDATE/DISCUSSION

- 1. Moratorium Resolution No. 1348 and Resolution No. 1349/Indiana Department of Environmental Management Meeting on 9/25/2024** – Mr. Recupito stated nothing further on this item.
- 2. Personnel Policy Update** – Ms. Sandberg stated last year she received permission to engage with New Focus HR to work on a personnel policy update. That is exactly what they did and a draft was put together. It has been sitting in limbo. She stated she has sent it a few times. She resent it out last week as well as the current personnel policy for side-by-side comparison. She asked for them to review it so that they can move forward with updates. The personnel policy has not been properly updated since 2009. Mr. Recupito stated he read something that said the Town Council is supposed to go over it every year. He asked if that is something that is supposed to be done. Mr. Austgen stated that is pro forma language. Ms. Sandberg stated that is completely up to them but she does believe it should be reviewed periodically as the town grows and personnel gets added. Mr. Recupito stated they need to review it and then eventually put it on the agenda for action. Ms. Sandberg stated that is correct.

PUBLIC COMMENT

Jerry Conner, 10330 Paramount Way, discussed the Fire Department and asked if there was any consideration to add personnel to the department. He discussed the new station. Mr. Recupito stated they approved two new hires this year. They have never ran with sixteen. Mr. Wilkening stated they are completing the process now. Mr. Recupito stated they wish they could continue to staff all the departments as the Town grows. They have to figure out how to do that financially. Mr. Conner stated it is something that needs to be done. He stated he has a scanner and hears the calls. There have been two instances in the last week, he believes Chief Wilkening went on a call

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by himself because the rest of the crew were out on ambulance calls. He believes it was an accident and the people self-extricated and there were no injuries. He stated it could have been worse. He believes the same situation happened today with two overlapping calls and another for smell of smoke in a house. He continued to voice concerns. Chief Wilkening stated they did have mutual aid for those calls. He stated time is of the essence. Mr. Recupito asked if there would be another round of grants. Mr. Wilkening stated it is every year. A lengthy discussion continued on population and personnel, grant opportunities, and funding.

Jack Harden, 7030 West 128th Avenue, he discussed a problem in his neighborhood. He stated a house got shot up. He voiced concerns with an individual driving the neighborhood nuts. He stated the last Chief told him to call and keep calling. He asked Mr. Brittingham what they can do. The individual just races up and down the road. They know when the police are coming. He voiced concerns with the revving of vehicles and loud noises. Mr. Parker asked what neighborhood. Mr. Carnahan stated it is up by him. Mr. Harden continued to voice concerns with the gunshots and terror in the neighborhood. He asked what they can do. Mr. Brittingham told him to keep calling. They are doing the best they can. They have done as much as they can legally. They have filed charges and written many tickets. He stated they are doing what they can do within their legal ability. Mr. Harden continued to voice concerns. Mr. Brittingham stated they have written tickets. They are doing what they can. Mr. Recupito stated he thinks the officers do a tremendous job. He stated they have to look at the prosecutor with some of this stuff. A brief discussion continued.

Mike Janice, 13728 Bell Street, he stated he is with Jack. He voiced concerns with the house that was shot up and the issues with the neighbor. He stated it was twenty-five feet from his window. He stated the police officers of the Town are doing a great job. He stated listening to the neighbors talk, the residents may take things into their own hands. He asked for assistance with getting things taken care of. He continued to voice his frustration with the situation.

Jennifer Osborne, 12738 Bell Street, stated she is a renter. She stated they moved in twenty months ago. For the first six months, everything was fine. She stated she noticed after that everything that goes on and it got worse. She spoke to the neighbors and it progressively got worse. She stated she put up cameras after the shooting. She stated they run 24/7. She stated here gigs are full of the individual antagonizing the neighbors and dogs. She voiced concerns with calling the police and nothing being done. She stated no one does anything even though she has video. Mr. Parker asked if video was prosecutable. Mr. Brittingham stated a lot of these are infractions. That means the police have to observe it to write a ticket. He stated if they did use the video, whether or not the prosecutor would accept it, is debatable. The video itself would be admissible in court. He stated an officer goes and testifies because he observes a violation. You cannot submit video from some one else unless that person is there to testify on behalf of the video. 90% of the time the prosecutor does not want to deal with it as an infraction. Mr. Brittingham stated they have dealt with the kid multiple times. The Council is aware of ongoing litigation with the kid. He stated he personally observed the kid riding his dirt bike on private property and personally filed charges. He is a nuisance but they cannot just rid them of the problem. They are doing the best they can. People do need to continue to call. He stated people can call him or the Patrol Commander if they feel something needs to be looked at again. Mrs. Osborne asked if they can get more patrols. She continued to voice concerns with the individual.

Angie Mikolicjak, 12806 Court, voiced concerns with the house on Hilltop regarding the remodel to demolition permit. She stated it was said there was no work done on the home. She stated work was done on the home. She stated they did remove load bearing walls and the roof remains. She asked how much time do they have to completely demolish it. Mr. Recupito asked if it was a full demolition. Mr. Kubiak stated work has been done there but it is all demolition related. Mrs. Mikolicjak continued to voice concerns for safety.

Kevin Toth, 9725 B West 129th Avenue, commented on the IDEM issues with the water supply. He stated they hear that some of the problems may have involved Town officials or others and there is an investigation. He asked who is investigating. He stated they hear from Mr. Carnahan that he had no knowledge any of it was going on last year. Mr. Carnahan stated neither did Nick. Mr. Toth voiced concerns with those comments. He asked if they know if any previous Council members were involved with any of the issues. He again asked who is investigating. He stated they should seek an independent investigation. He stated everyone should demand full transparency in the investigation. He stated they must put safeguards in place so this does not happen again. He asked again who is investigating. He stated it seems like it is the same people who were here last year or the year before. He stated he did not understand that because they are the same consultants who gave the old Council the information or told them there was enough water. He asked why are they trusting them now. Mr. Recupito stated he believes it involves more than that. He stated they go beyond engineers' reports. Mr. Austgen stated he has nothing more to give. Mr. Parker stated in the stage it is in they really cannot comment. Mr. Toth continued to voice concerns.

Joseph Yearsich stated he is a Boy Scout with Troop #129 in Cedar Lake. He stated he is a member of the Order of the Arrow, is a Star Scout, and is present because he is going for one of his Eagle requirements. For Citizenship in the Community, he is to attend at least one public meeting of the Town Council. He stated he is here for that. He stated as soon as he gets sign off, he will begin work on his Eagle Scout Project. He discussed his goals for ranking. He stated he is

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a volunteer tour guide at the museum. He discussed his plans for his Eagle Scout Project and the possibility of a new pavilion by the museum. Mr. Carnahan stated the plans are not to put it in the same location. It was stated insurance was involved. Mrs. Dickson encouraged him to talk with her about getting the project done. Mr. Yearsich continued to discuss the project and requirements. Mrs. Ray gave him her business card and encouraged him to reach out.

A brief discussion occurred on the November 7, 2024 Special Town Council and Redevelopment Commission meetings.

ADJOURNMENT President Recupito called the meeting to adjournment at approximately 10:08 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, IAMCA, 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