

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



January 21, 2025

**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	Nicholas A. 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 - VS Engineering

Tim Hollandsworth, VS Engineering, discussed the current status of the sidewalk project and the next steps. He stated the next steps are based upon conversation and public feedback. He stated they have looked at different alternatives and phasing. He stated while listening to the public it was decided that is not what the public wants. They are moving forward with the buffer and looking at what that means. He stated he provided a Gantt Chart for the two phases. He stated there are three exhibits. One for phase one and two for phase two. Next step is the right of way process. In order to start, environmental is the critical path. Environmental on federal projects is looking at the impact of the project on the environment. That could be historic properties, low poverty areas, trees, birds, and land acquisition. The environmental is needed for the entire project for both phase one and phase two. They have spoken with a few subs and decided on the best one to move forward with that will help them with some of the eligible historic properties. He stated while they work on the environmental, for it to be completed, the entire project will need to be up to a 60% level for both phase one and phase two. They are proposing they look into the 60% plan for both phases as well as include the environmental piece. He stated also moving forward with phase one to get it constructed. The future funding available for phase one is a 90/10 federal funded project. Right now, they are not at that point. Mr. Hollandsworth stated before NIRPC can issue any additional funding for preliminary engineering, the town needs to be under contract with the consultant for the remaining portion. When funding becomes available, around fiscal quarter four, they will issue that money to the communities that need it. He stated NIRPC stops bidding projects after March. Funds allocated to those projects are redistributed. He continued to discuss the possibility of additional funding. He stated the right of way portion is not federal funded. Phase one needs approximately nine parcels. What they would present in the fee, is to do the right of way engineering in only that amount. They would recommend a separate contract but they would not have to go with them for the acquisition phase. The reason they would not include it in the initial contract is because once it is included, it is no longer eligible to receive any funding. They keep the two contracts separate so they can keep the PE moving and get 90% federal funded. The right of way acquisition would be 100% local for those nine parcels. The remaining 36 parcels would be submitted for the next call for NOFA in October 2026. That date is important because they would be in a position to have the environmental document approved, which would allow that to score higher. With it now being considered a legacy project, it will score higher. That gives it a better chance to receive funding. The 60% they would take it to phase two is the bare minimum to get it there. He stated they need an extra survey for the new public safety buildings to ensure they are tying into the existing infrastructure. He stated any Geotech for the retaining wall could be delayed to the next phase. It is not needed to the 60% plan. He discussed the timeline for the two different phases. Moving forward with phase one would push it to a 2028 letting. He stated phase two included the NOFA timeline and when they could get it issued. It would include an RFP for the buying services. That will get them through the rest of the right of way process. That will put it at a 7/30 letting for bidding. If phase one gets delayed, there could get the full funding and there could be an opportunity for the two projects to align. Mr. Recupito asked him if he was saying there is a benefit to delaying. Mr. Hollandsworth stated delaying tomorrow not today. Once they receive funding, they need to move forward. They need to see how much they are able to get this year and next year to ensure they are getting the full 90%. Mr. Recupito stated he knows at they beginning of 2024, they cut a lot of cost out. He asked if they had everything paired down. Mr. Hollandsworth stated no. Something he believes they need to include over the next year are client design meetings. He stated there are a few areas circled in blue that are key areas that will help guide the discussion and get them to 60%. May include things like a sign for a business or parking lots. Some of the anticipated changes with Town employees, he believes it would be good if a committee was put together. This way they could work with the committee to have a unified idea on how to move forward. He stated he would come back and present the findings. Three meetings are called out on the Gantt Chart. He

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discussed the meetings. Mr. Carnahan stated the route is from the roundabout to Constitution Avenue. It will be on the north side of the road from the roundabout to Rosati's and will switch over to the south side all the way to Constitution Avenue. Mr. Hollandsworth stated it could shift a little where Rosati's is. That way they can finite the location for the environmental. Mr. Carnahan asked how much money of their own did they need to start the project. Mr. Hollandsworth stated to keep it moving forward would be 100% local. They would submit requests to NIRPC to get to the 90/10. He stated he is estimating their costs to be around \$500,000. Mr. Carnahan stated there is no reimbursement for that. Mr. Hollandsworth stated not yet. Mr. Carnahan asked if eventually there might be. Mr. Hollandsworth stated yes. He continued to discuss the possibility of additional funding with NIRPC. Mr. Becker asked how they got redirected to ten-foot sidewalks. Mr. Hollandsworth stated the ten-foot sidewalks were something that they were originally tasked with. Mr. Becker asked him who tasked them. Mr. Hollandsworth stated the previous administration and former Town Manager. Mr. Becker stated he thought what they had engineered was only five or six feet. Mr. Hollandsworth stated no. Now, they are down to five-foot sidewalks. Mr. Carnahan stated with the buffer. Mr. Becker asked if that is why they have more engineering costs, because they had to redo it. Mr. Hollandsworth stated no. The more engineering is to get it to the finish line and to construction. They need to get the environmental to get it all the way through. They need to get it to submit it to INDOT for the 60% plans, 90% plans, and then get it through the INDOT bidding process. They have to coordinate with utilities and get work plans filed. There are NIPSCO power lines on the north side. They may need to coordinate with them. It also includes the right of way engineering to get the parcels prepared for buying phases. It also includes the construction phase and being available for the contractor. Mr. Thiel asked how much additional engineering would there be specifically for the impact of the parking lots in front of Rosati's and Dollar General. He voiced concerns with the current parking situation. He asked how it would work with additional for redesigning their parking lots from what it currently is. Mr. Hollandsworth stated they are looking from the sidewalk only. Any additional would be coordinated with the property owner. That is not the Town's property, only the sidewalk. There may be some acquisition needed. They have laid out multiple iterations of what that may look like. There are many options on the table. It would need to be discussed with the property owner. Mr. Carnahan stated it will not go in front of Dollar General and Gleaners; it will go on the south side. Mr. Thiel stated it still shows in front a little in phase two with a raised pedestrian crossing. He asked if there would be a curb on that side. Mr. Hollandsworth stated that is an option. He stated there is an option to cross before at Rosati's. He discussed helping to facilitate access control. Mr. Recupito stated they need to get a committee together to discuss these things in detail. Mr. Hollandsworth stated next steps in the coming days would be for them to prepare the fee and supplement to the contract. They would present it to the board so that it could be voted on in February. This way in March, they could apply to NIRPC and request additional funds. They could get up to 90%. Mr. Recupito asked how the funding request with NIRPC would affect other funding opportunities they are seeking with NIRPC. Mr. Hollandsworth stated this funding request would not impact those through the NOFA. They are a separate scoring system. This is to help fill any voids that the projects may have been under scope for. Mrs. Dickson asked what access control meant. Mr. Hollandsworth stated that is controlling how vehicles enter and exit the roadway. Mr. Carnahan stated they have to come up with \$500,000. He asked Jen where they would get money. Ms. Sandberg stated preliminary engineering so far has been paid with TIF funds. Mr. Carnahan asked if there were funds available. Ms. Sandberg stated they should get a committee together to discuss that. Mr. Recupito stated they will be. He asked if they could establish the committee right now. He asked if it would take amending the agenda. Mr. Austgen stated it would. Mr. Carnahan made a motion to amend the agenda. A second was made by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

Mr. Recupito stated they need to create a committee. He asked Mr. Carnahan if that was his intention. Mr. Carnahan stated yes. Mrs. Dickson stated she would serve on it. Mrs. Rivera stated she can do it as long as it is not during the day. Mr. Recupito asked Mr. Hollandsworth about his schedule. Mr. Hollandsworth stated he could be flexible. Mrs. Rivera stated she could do it as long as it is in the evening. Mr. Thiel asked about outside of Council. Mr. Recupito asked if he was asking about citizens. Mrs. Rivera asked about a Town employee. Mr. Austgen stated they are creating a generic committee. Whatever they want it to be. Mr. Carnahan stated Mr. Kubiak would be a good one to have on it. Mr. Carnahan asked if Rich would be on it. Mr. Thiel stated yes. A brief discussion continued.

A motion to appoint Mary Joan Dickson, Julie Rivera, Richard Thiel, and Tim Kubiak to the design committee was made by Robert Carnahan with second by Greg Parker. Mrs. Rivera asked how soon they would need to meet. Mr. Hollandsworth stated May. Mrs. Dickson stated she thought by the next meeting. Mr. Hollandsworth stated the next meeting was for them to vote on the contract. He stated he would have the proposal in the coming days. Roll Call: Carnahan – Yes, Rivera – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0. A brief discussion continued on public comment.

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PUBLIC COMMENT

Cheryl Parker, 7227 W. 136th Court, asked if the drafts or plans were available for the public to look over. Mr. Recupito stated he would assume they could probably get them posted. Mr. Hollandsworth shared a copy with Mrs. Parker. She stated she is sure there are people interested, herself included, in being a part of a committee.

Kevin Toth, 9725 B W. 129th Place, discussed New Business Item #2, professional services agreement. He stated he would like to ask the Council in the name of fairness and independence, to consider allowing the Board of Safety to have its own legal representation separate from the Council's Attorney. He stated the board should be fully independent to perform its duties and he believes the only way it can be is by having its own attorney.

CONSENT AGENDA

1. **Minutes:** December 17, 2024, Regular Meeting Minutes; December 23, 2024, Special Meeting Minutes
2. **Claims:** All Town Funds: \$2,094,021.36; Wastewater Operating: \$209,958.84; Water Utility: \$147,010.78; Storm Water: \$240,114.17; Payroll: December 19, 2024; December 31, 2024; January 2, 2025; and January 16, 2025 - \$1,071,288.05; and December Remittances: \$263,818.32
3. **Manual Journal Entries:** December 1- December 31, 2024
4. **Conflict of Interest:** Cliff Wroe, Mary Joan Dickson
5. **Donations:** PD Non-Reverting Fund Donations to include: Schilling Lumber - **\$400**; Mary Joan Dickson - **\$100** Fire Department Non-Reverting Fund Donation to include: Michael & Rachel Huppenthal - **\$300**
6. **Tag Day Requests:** Cedar Lake Lions Club, August 2nd, 2025 (with a rain date of August 9th, 2025)
7. **Clerk-Treasurer's Year-End Report:**
 - a. Cancellation of Old Outstanding Warrants
 - b. Forwarding Encumbrances
 - c. EMS Collections Transfer from General Fund: \$76,563.26

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. Mrs. Dickson asked if the Conflict-of-Interest Disclosure was to be completed every year. Mr. Austgen stated it should be done every year; statute contemplates it being an annual disclosure. Mr. Carnahan discussed the Duane Electric past due service call invoice for weather. He asked what that was for. Ms. Sandberg stated they just received an invoice from the Fire Department that they received regarding the weather siren out on the Town grounds that had a service call last year. Mr. Carnahan discussed invoices for James Chrysler Jeep. He discussed the invoice for the Old #60 for reservoir rack and pinions. It was in the amount of \$3,969.49. He asked if it was an old vehicle. Mr. Parker stated it is auto parts. Chief Brittingham stated it is a 2019 Dodge Charger that was repaired last year. There was a PO done on it and it was submitted to the Clerk-Treasurer. Mr. Carnahan asked if it would be replaced. Chief Brittingham said no. It is a 2019 with low mileage. Mr. Carnahan asked about vehicle repairs for J&M Equipment. There are six items. He asked who J&M Equipment was. Mr. Kubiak stated they are the mechanic that repairs heavy equipment. Mr. Carnahan stated there were a number of things for IDEM. He asked what they were for. Ms. Sandberg stated there are annual fees that have to be paid for permitting. Mr. Kubiak stated water testing maybe. Ms. Sandberg stated she believes it is related to NPDES. Roll Call: Carnahan – Yes, Rivera – Yes, Becker – Yes, Dickson-Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

BZA/PLAN COMMISSION

1. **Waiver of Moratorium request and water/sewer hookups for 10708 W. 133rd Place**

Nathan Vis, on behalf of M&L's Adventure, LLC, stated they are seeking a waiver from the moratorium established by Resolution No. 1349. That moratorium was in regards to concerns with infrastructure in town for water and sewer on any new developments that exceeded one acre. He discussed Resolution No. 1363 and it added opportunities for weigh in on high usage developments as well. He stated in August his client was before the Plan Commission. This parcel is approximately 1.863 acres located at 10708 West 133rd Place. It is next to the railroad tracks. He stated his client has operated a successful dance studio in town. They have outgrown that. His client is looking to invest in town and relocate the dance studio as well as invest in six professional spaces. He stated they are under contract to purchase the building at 1.8 acres but due to the current moratorium they cannot move forward until they get approval from the Town Council. He stated they had a good meeting in December with Town officials. There is water running parallel along 133rd. There is an existing one-inch tap there. There is opportunity to tap into the sewer. They would probably have to increase the size of the tap. There is the possibility of up to six units in the commercial building and would have splices that come off. As they come in and tap in, they would pay a tap on fee. He stated his client acknowledges

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there is a restriction in water use. They do not anticipate having high water usage here. There is a possibility down the road but they recognize that may be a year or two away from being allowed. He stated they anticipate a PUD application. He stated in speaking with Dave it would be easier to design a PUD that works for both the Town and developer. He stated he sent a rough draft agreement to Dave last week. He reiterated they are requesting a waiver from the moratorium set by Resolution No. 1349 and making future development plans subject to Plan Commission approval. Mr. Vis continued to discuss the development plan. Mrs. Rivera asked about the square footage of the buildings. It was answered 7,800 for building one and somewhere in the area of 4,800 for the other building. Mr. Recupito asked if the one building was the existing pole barn being expanded. Mr. Vis stated yes. He discussed the existing building and stated his client would like to add to it for office space. Mr. Vis discussed the proximity to railway property and that it is currently owned by no one. A brief discussion continued on the railway property. Mrs. Dickson asked if a fence would be installed along the railroad. Mr. Vis stated that would be part of the development ordinance, PUD, that is agreed to by the town and his client. Mr. Recupito stated they are thrilled to see something happen. They do have to do their due diligence. He discussed the letter from IDEM. He stated he reached out to CBBEL today. It was mentioned there is a tap for water. He asked if there is a well. It was stated that is what they were told but they have been unable to locate it. Mr. Recupito stated the intent is to use the Town water utility for the project. Mr. Vis stated that is correct. Mr. Recupito asked Mr. Kevin Baldwin in Don had briefed him. Mr. Recupito stated his question was whether or not the buildings would need fire suppression. Mr. Vis stated he believed no based upon the size of what they are building. Chief Wilkening stated it would require fire stops to the roof lines. Mr. Kubiak stated fire separation but not fire suppression. Mr. Vis stated as part of the build out occurring, he would assume Mr. Wilkening and staff would be in to check each building to ensure it is up to code. Mr. Baldwin stated if there is known fixture counts of what the anticipated water demands will be, if it will be a dance studio, retail or restaurants, whatever information they can provide will help with the transparency of how much is coming on to the system. He discussed a simple form to know the anticipated water demands. He asked if there was anticipated irrigation. Mr. Vis stated he would not anticipate irrigation as a majority will be covered with blacktop. The green space will have a swale for water retention. Mr. Baldwin asked about typical time of operation. He asked if there would be 24-hour usage. Mr. Vis stated typical. He discussed anticipated professional office space with daily usage not being 24-hours. A lengthy discussion continued on information requested and next steps.

A motion to defer to February 4th 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.

2. Variance of Use - Sikorevich

Nathan Vis, on behalf of Doctor Sikorevich the owner of 13930 Lauerman, stated the location previously received a favorable recommendation and approval by the Town Council for a variance of use. It was for a multi-family residence and medical office. That was in 2021. He stated his client started by redeveloping the residential units and then worked closely with the building department regarding requirements. In the last year, development turned to the medical office. About two months ago, everyone realized the approval was originally granted four years ago and approvals are only good for one year. It was discussed to come back for re-approval. Since the original approval, there is only one change. Previously, it was approved for mainly telemedicine. COVID did not change the practice of medicine. They have removed that from the original application. They are limiting the square footage to 600 square feet. If they are going to do a variance of use, it is required to go back to the Plan Commission for a review of the site plan. He stated he had a good meeting with Jeff, Terry, and Kirsten to review the site plans for parking. The plan is to go before the Plan Commission in February. A brief discussion continued.

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

3. Summer Winds Commercial – Maintenance Letter of Credit extension to expire on April 21, 2025 in the amount of \$25,752.60

Mr. Bunge stated this was an update item. It was set to expire tomorrow. It was before the Plan Commission last week. He stated this is a procedural piece.

A motion to approve was made by Richard Thiel with second by Robert Carnahan. 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. Approval to advertise for Town Manager position

Mr. Recupito discussed the draft for the position. He stated it was sent out to them by Mr. Austgen. Mrs. Dickson stated she thinks it should be combined. Mr. Recupito stated they have the Town Manager description and it should probably be done with this advertisement. Mr. Austgen stated it should. They want to advertise the job that they want to hire for. Mr. Austgen asked if they had any questions about the job description. Mr. Recupito stated that is an ordinance. Mr. Austgen stated it will be just like all other job descriptions. Mr. Recupito stated they do not have that on the agenda. Mrs. Dickson made a motion to amend the agenda. She asked Mr. Austgen if it had an ordinance number. Mr. Austgen stated he does not have it. Ms. Sandberg stated that comes from her office but no one told her there was an ordinance. Mr. Parker discussed deferring until they have them together. Mr. Thiel voiced his frustration with waiting again. Mrs. Rivera asked why they need an ordinance to advertise she thought the description was already written out. Mr. Recupito stated they have a description but they were looking at modifying it. Mr. Thiel stated if the job description is not on there but they agree that they like the description, why can they not advertise according to that. Mr. Parker stated if it is an ordinance, they usually have to read that ordinance into the record and it has to have a number. Mr. Thiel stated they are putting out an application for Town Manager. Mr. Thiel stated they wait and do the administration to the town manager at the same time. Mr. Recupito stated they could advertise and put a date on it. Hopefully, in the time span the ordinance will be adopted. Mr. Parker asked Dave why they need to be together. Mr. Austgen stated they are going to advertise for interested persons for a job position that is described. It is simple as that. Mr. Recupito stated his hope would be that qualified candidates would know what a town manager does. Mrs. Rivera stated she sees no harm in advertising. Mr. Thiel agreed. Discussion continued on the matter.

A motion to approve the advertisement for the Town Manager position was made by Julie Rivera with second by Richard Thiel. Mr. Recupito asked if they were going to put a date on it. Mr. Thiel stated Jennifer has a question. Ms. Sandberg stated Mrs. Dickson started by saying she made a motion to amend the agenda. Mrs. Dickson stated she would drop her motion. Mr. Recupito asked Jennifer if she had any input on the item. Mr. Thiel stated they would have to give her what they want to see on the posting like the other postings. Ms. Sandberg stated just give her direction. Mr. Recupito asked Mrs. Rivera if they were going to put until filled. Ms. Sandberg stated that is how it has been on the last few postings. Roll Call: Carnahan – Yes, Rivera – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – No, Recupito – Yes. Vote 6 – 1.

2. Y2025 Professional Services Agreement with Austgen Kuiper Jasaitis

Mr. Austgen stated it is the same contract as the last few years. No changes. Mrs. Dickson asked if they could include the discussion had. If there is an appeal with the safety board that they would hire another attorney to represent. Mr. Austgen stated absolutely they would do that. They would do that whether or not they insert it. It would be an ethical responsibility on his part. Mrs. Dickson stated that the regular monthly meetings that Dave's office does provide for the boards and commissions, if Dave is not needed at those meetings, those board and commission can request that they do not need his presence. She discussed it not being necessary for him being at all meetings. Mr. Austgen stated that makes him happy to hear that. He stated he attends all meetings according to past direction.

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

3. Requisition No. 21 Disbursement of funds from 2022A Construction Fund in the amount of \$39,594.17

A motion to approve was made by Greg Parker with second by Robert Carnahan. Roll Call: Carnahan – Yes, Rivera – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0. Mr. Carnahan discussed pictures taken by Chuck and Mary Joan. Items need to be corrected. They need to work on that. Mr. Recupito stated there is a punch list outstanding. A brief discussion continued.

4. Requisition No. 20 Disbursement of funds from 2022B Construction Fund in the amount of \$36,844.66

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

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5. Award vendor for the purchase of 4 Police Vehicles (Recommendation for Thomas Dodge in Highland)

Chief Brittingham reported this is a continuation on the conversation and approval from the Board of Safety. In short, the Dodge Durango's are the cheapest police SUV on the market. They have had no significant issues with the Dodge Durango's. They have taken possession of all four (4) 2024 Durango's. Quotes were received for 2025 vehicles. Thomas Dodge has been the vendor for Dodge vehicles in most of Lake County. They are good with the business they do such as paperwork transactions and delivering the vehicles to the Town's outfitter. It is his choice of vendor for the vehicles as well as going with the Dodge Durango's due to cost. He discussed not wanting to wait a whole year to take possession. A brief discussion continued.

A motion to approve the quote from Thomas Dodge for four (4) police vehicles was made by Greg Parker with second by Julie Rivera. Mr. Thiel asked where the funds would come from. Ms. Sandberg stated it had been suggested to use the interest earned from the police building. Roll Call: Carnahan – Yes, Rivera – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

6. 2023 Pay 2024 Payment In Lieu of Property Tax Transfer to General Fund
a. Wastewater Utility
b. Water Utility
c. Stormwater Utility

Sue Haase explained they typically do the payment in lieu of taxes. It is a revenue requirement in the utility rates. When the rates were initial set, this component was included. Since it is a municipal utility, it is tax-exempt. If it was for profit, the General Fund would receive funds through property taxes based on the assessed value. It is allowed by statute. They took it away a little over a year and a half ago. Ms. Sandberg stated the last transfer was May 2023. Mrs. Haase stated that was done to get the allocated shared costs of the town back in line where they should be. They were coming up short on some of the transfers into capital. She stated they ceased those transfers. When asked about additional funds for police and fire salaries, it was realized it needed to be sustainable. If they reconstitute, they could fund the increases wanted. Those have been put into place. A brief discussion continued. Mr. Recupito asked Ms. Sandberg if they were just authorizing the transfers and no dollar amount had to be attached right now. Ms. Sandberg stated there should have been. She stated she could read them off if it is not included in their packet. For the wastewater utility, the 2023 pay 2024 payment in lieu of property taxes amount is \$177,294.09. For the water utility, the 2023 pay 2024 payment in lieu of property taxes amount is \$114,179.80. For the storm water utility, the 2023 pay 2024 payment in lieu of property taxes amount is \$40,288.26.

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

7. North Point Pyros Fireworks Special Permit Application

Mr. Wilkening explained this is a special fireworks show. The individual got his permit from the State and filed his application with the Town. The individual has his own barge and safety people. He contributes to the police and fire departments. It is understood if something ties them up, they cannot be there. They will be meeting with Terri from DNR to discuss additional safety items. Mr. Parker asked if contingencies needed to be made. Mr. Wilkening stated the permit is fine and approved. They just wish to finalize the safety backdrop for the event. Mr. Carnahan asked how he would cover both Summerfest fireworks and his. Mr. Wilkening stated the show is right after Summerfest. A brief discussion continued. Mr. Thiel asked about safety concerns from the DNR and if they should defer until after the meeting. Mr. Wilkening stated he did not believe it was substantial. He recalled it being about the lighting on the barge. A lengthy discussion continued on the matter.

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.

8. Consider Marie Sumara for Park Board Foundation (Recommended by a vote of 4-0 from the Park Board on December 5, 2024)

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.

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UPDATE/DISCUSSION

1. **CCMG Road Projects** – Mr. Recupito stated at the end of last year they approved a handful of road projects. This is for the application due by January 31, 2025. The CBEL packet includes a list of the road projects on page four. They were considering applying for a couple of them by the 31st. Mr. Recupito asked Mr. Austgen if they were free to make a motion.

Mr. Parker made a motion to approve projects AA and AB for the CCMG funds and meet the January deadline. A second was made by Chuck Becker. Mr. Carnahan noted Christopher B. Burke would be filling out the application. Mr. Recupito stated the road that would get done, if approved are as follows:

Murton Drive, W. 129th Place, W. 129th Lane, W. 130th Avenue, Knight Street, Fulton Street, Morse Lane. All roads are located northeast of Hilltop Street and Lake Shore Drive. It also includes W. 130th Place, W. 131st Avenue, W. 131st Place, Morse Street, W. 132nd Avenue, W. 132nd Place, W. 132nd Lane. All roads are located northeast of SIP coffeehouse and Dollar General.

Mr. Recupito asked for roll call. 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 he attended the last NIRPC meeting and was recognized for his dedication to the Northwest Indiana Regional Planning Commission. He attended all full commission and all executive meetings in 2024. He shared a photo of Donald Trump. A brief discussion continued. Mrs. Dickson stated she reached out to Cliff and asked him to update website information. She asked if she felt they could include on the boards and commissions, the date of their expiration as well as party affiliation. No objection was made. Mrs. Dickson asked for a report on the Farmers Market and revenue received. Mr. Recupito discussed Southcom/PSAP. He discussed an inspection that occurred last year and information received. He stated there is no appetite to leave Southcom. He stated he was impressed. He does not receive complaints on the quality of service. Mr. Carnahan stated if they switched over, a property tax would be added on to the residents that they do not currently pay as part of Southcom. A brief discussion continued on Southcom.
2. **Town Attorney** - No report.
3. **Clerk-Treasurer** – Ms. Sandberg stated annual reporting season has begun. Many reports are due at the end of January and February. It is extremely busy now through the first week of March. The 100R has been filed. Lake County Solid Waste is almost done. Just waiting on a little information from Public Works. A final annual report is due for the SLFRF funds, COPS Grant have to be finished out, an INDOT quarterly update is due as well.
4. **Town Manager** – No report from the Christopher B. Burke monthly report. A lot was covered at the utility meeting. He stated they do have three potential funding programs that they have applications in. They were asked to prioritize. Mr. Carnahan stated they have to send that to NIRPC. Mr. Bunge stated Tim Brown with the Lake County Economic Development, sent a memo regarding funding for community development block grant. Mr. Carnahan stated Lake County is one of the only ones that gets the money. The rest of the county has to apply for funds. He stated for fiscal year 2025 they will have \$76,245. The last time they used funds to update the sidewalks and ADA ramps in Lynnsway Subdivision. He stated they need to come up with a plan for what they wish to do. Mrs. Dickson stated she spoke to Mr. Brown and he suggested they look at the cutouts but the also the sidewalks themselves. She discussed replacing sidewalks in Utopia. She voiced concerns with accessibility. She suggested lighted buildings. Those are acceptable ideas. Mr. Bunge discussed the Street Committee getting together to discuss.
5. **Director of Operations** – Mr. Kubiak reported the tandem truck would be ready within the next week. It will be back in action before the end of winter. Mr. Carnahan discussed the street sweeper being in the shop. Mr. Kubiak stated that is correct. The drive pump that is bad is approximately \$12,000 to replace. They are seeing if it can be repaired rather than replaced.
6. **Police Department** – Chief Brittingham discussed the year-end review. He thanked Sarah and Cliff for their work. He hopes it is what they anticipated and asked for. He discussed the end of the year and the calls for service in December as well as annually. Mr. Carnahan stated the police and fire both are excellent reports. He stated he wants them put on the website for people to see. He thinks the citizens should see the reports.
7. **Fire Department** – Chief Wilkening highlighted the department annual report. He thanked staff for the data that went into the report. He discussed the annual report at length. Chief Wilkening thanked them for their due diligence regarding Southcom.

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- 8. Parks Department** – Mrs. Ray stated the annual report was submitted several meetings ago. She asked them if they had any questions. Mr. Carnahan asked what is going on right now. Mrs. Ray asked as far as. Mr. Carnahan stated programming. Mrs. Ray stated the newsletter is out. It went out with Smart911. She stated they would be helping folks get set up at the next senior event. There is also a link on the website. Mr. Carnahan stated he sent her an art grant application. Mrs. Ray stated she received it just this afternoon and forwarded it to the Lakeside Artists Guild. Mrs. Dickson asked about the annual report and if it was on the website. Mrs. Ray stated no but they could add it.

Mrs. Rivera stated they do not have a spot for the new Planning Director to give a report. It was discussed to add it for next time.

WRITTEN COMMUNICATION

- 1. Building Department Report**
- 2. Christopher B. Burke Report**

PUBLIC COMMENT

Jennifer Prunsky, 15222 West 133rd, asked for a quick update on water and sewer. She stated there have been a lot of disparaging comments on social media. Mr. Recupito stated a building was built without water first. They were tasked with getting water to it. They do not have running water yet. The water line is completed. They are waiting on IDEM at this point. Mr. Kubiak stated they are waiting on approve to get the line energized and the chemical treatment. Mr. Carnahan stated Christopher B. Burke stated they would be submitting the permit to IDEM tomorrow. There is a forty-five-day waiting period before they can send the water to the facility. Mr. Recupito stated they received great news from Kevin Baldwin, water engineer, that they are well on their way to getting the Krystal Oaks Water Tower full and operational. That has been three years in the making. They are making strides. There are hurdles they have to jump through with IDEM. Mr. Carnahan stated Christopher B. Burke is also getting a master plan for the whole town for the water. It will not happen overnight. Discussion continued on water and IDEM. Mrs. Prunsky asked if there were feasibility studies done for the public safety buildings and asked why it was placed where it was at. Mrs. Rivera stated there were plans before 2023 and before Mrs. Prunsky attended meetings. Mrs. Prunsky asked where were the meetings. Mrs. Rivera stated there were public meetings. Chief Wilkening stated there were a lot of public meetings. Mrs. Prunsky asked why it was put where it was. She discussed the intended use for the property and the people that sold the land to the Town. She stated that was against their wishes. The land was to be used for the enjoyment of the residents of Cedar Lake. They would never have sold that. Mrs. Rivera asked about the history. Mr. Austgen stated it was Lake Region Christian. Mrs. Prunsky continued to state they were disappointed that the station was put there. She stated there were not a lot of public forums. Mrs. Rivera and Chief Wilkening stated there were. There were public forums on the whole project not just the placement. Mrs. Rivera stated there was also a study on response times. Chief Wilkening stated there was a study done by the IT Director. In this area, within this area a fire station would be needed with the current responses and proposed growth. Chief Wilkening stated the proposed growth was a part of why. At that time, they were also told more staffing would be had by opening. They were told water would be to the station by time of opening. Chief Wilkening stated he and Chief Fisher were to help design the buildings. They did not choose the location. Mrs. Rivera stated they already owned the land. She stated she did not know anything about a family saying they do not want a public safety building on the land. Mrs. Prunsky stated she wanted to clear up for people on social media. Mrs. Prunsky asked the moratorium was still in place. Mr. Recupito stated yes. They have identified a problem with IDEM and once the master plan is complete, the engineer will get them a plan with action steps identified. He stated as soon as the Council took the helm, water was one of the biggest topics of discussion. It is going to take time to get right. As far as sewer, the relationship with Lowell is lacking. They have been left in the dark. Mrs. Prunsky asked about legal action for breach of an agreement. Mr. Austgen stated of course. Mrs. Prunsky asked what the next step is. Mr. Recupito stated they are assessing the situation.

Charlie Kortokrax, 9505 W. 137th Avenue, stated there was a letter that he shared with Jeff from Charles Thornburg about the property here. It was purchased by the Town Council with Monty Wolf. That Council took flack over the purchase. The letter states it was purchased with the purpose for the residents to enjoy the property. He stated there is a lot of property still left and he believes things are going to happen with it. Mr. Recupito asked him to share the letter. Mr. Kortokrax stated of course. A brief discussion continued.

Dean Wilkening, 15011 Euclid Street, talked about Southcom. He thanked them for their due diligence and doing their homework. He thanked them for coming to a conclusion and putting it to rest.

Jerry Connor, 10330 Paramount Way, thanked them for the update. They talked about it and he appreciates the update.

Brandon Miller, 6224 W. 136th Avenue, stated last October there was a mention of an investigation with IDEM and the previous Council. He asked if anything was resolved. Mr. Recupito stated nothing has been resolved. He asked if they tasked the attorney with anything on

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that. Mrs. Rivera stated she was not at that meeting but listened to it. Some sort of investigation was being looked into by Dave. Mr. Austgen stated he was just looking at various documents and information. Nothing direct. Mr. Miller asked about compiling papers to send off to IDEM. Mr. Austgen stated if warranted, yes. Mr. Recupito stated they did send a formal response to IDEM that acknowledge receipt of the letter and where they were at in the process.

Camille Schoop, 3811 W. 111th Avenue, Crown Point, stated she is Angie's neighbor. She believes the last name is Mikolajczak. Mrs. Schoop stated she has written the BZA and Town Council. She believes it was prior to January 7th. She stated there is quite a bit going on. She asked them to look at the 7-minute and 24-minute mark of the letter read by Mr. Parker at one of the Town meetings. She also asked them at the one hour and 14-minute mark and one hour and 18-minute mark after the meeting where Angie comes up for public comment about a red tag on a fence at 12816 Lee Court. Mrs. Schoop stated this is upsetting because it is their livelihood. She stated she reached out to the Town Council to investigate a meeting. She stated she feels Angie has been up to meetings and had an open forum with a slanderous opinion on her husband, his company, and their house and neighbors. This has been ongoing since last December. She stated her husband owns a construction company. He was issued a variance to build a house at 6504 Fernwood Avenue. The house was built and a shed was built and not at the height it was supposed to be at. He re-applied for a variance. On 12/12/24, there was a BZA meeting for the variance. The variance was approved at that meeting and he was fined \$1,000. Angie came up and remonstrated at the meeting. At the 12/17 Town Council meeting, Mr. Parker read a letter from Angie that was about 20-minutes long. Angie threatened judicial review. The Town Attorney, Mr. Austgen, stated the Plan Commission had the right to send it back to the BZA for a review based on Lee Cove PUD Subdivision. Mrs. Schoop stated she sent them the videos and asked them to watch it. Lee Cove was established 2006. She stated it is 2025. She does not understand why it was taken to this point. She stated there are two subjects and it was not a legal meeting. She stated no one has responded to her email. She stated she appreciates everything they do and they are working people just like them. She stated they have jobs too. She asked about the illegal BZA appeals meeting. She discussed the lack of legals. She discussed hiring an attorney to represent them at the BZA meeting. They let Angie go back up and read another 20-minute letter putting down her husband. The BZA stated they would stick with what they had. She asked at what point would it stop. She stated she came in the next day about a fence and they had the audacity to send out and red tag. Mrs. Schoop stated she is the manager for 12819 Cline Avenue. She stated this started the entire thing on 4/19/23. Angie showed up to a Plan Commission meeting. She was curious about what was going on. Mrs. Schoop stated she called Public Works about sewer because they wished to develop the property. She stated she walked out there and Angie comes to the meeting just wanting to know. Mr. Parker tells her she should find out what is going on. December 2023, they hired Attorney Vis to develop a two-lot subdivision for that property. They were scheduled for the Plan Commission study session. Angie read the letters of the study session and came to a Town redevelopment meeting and spoke at the one hour and 42-minute mark. They basically told her to come back the next day. Angie says she has photos and water problems. She hands them to Mr. Parker. Mrs. Schoop stated she did not know what became of those photos. Mrs. Schoop discussed the concept plan at the 12/6/2023 Plan Commission meeting and Mr. Vis being present. She directed her comment to Mr. Parker. She stated she believes he has stemmed a lot of the problem for them. What happened in the meeting, he says I know this builder, I specifically know this builder. This builder is just awful and a horrible builder and the way things were done is just wrong. Mrs. Schoop stated if they do not believe her, she can bring it up on YouTube or they can go back and review the 12/6/23 meeting. She discussed his reaction. She stated it has just taken off and there is no concern. The day after, Angie went to the Police Department and filed a police report stating that Bruce is flashing lights. She stated she just started unpeeling this a few weeks ago. This was not on their agenda. They are business people and work all day long. On 12/14/23, Angie comes to the BZA and speaks for fifteen minutes about a carport, shed, and a trailer on the property. On 1/2/24, she comes to the Town Council meeting and speaks for ten minutes about purchasing the land the building was interested in. She stated she was missing a page of dates. Mr. Recupito asked what she is asking of the Council. Mrs. Schoop asked for them to stop allowing it to be a slanderous session. They have a responsibility to put a certain stop to what is going on. She is using every public session to come up and slander her husband. It is affecting their business. She stated she should not have to hire an attorney. Mrs. Schoop stated they have issued a cease-and-desist letter. She has gone as far as going to the attorney general and made fictitious reports. It has been every week. There are at least 30 to 40 instances she has come up. She has made friends with them. Mrs. Schoop continued to voice concerns. Mr. Recupito stated there are allegations of an illegal meeting. Mr. Austgen stated there was no illegal meeting. There was a special scheduled BZA meeting at which time the agenda item was reconsideration request by Ms. Mikolajczak. Mrs. Schoop disagreed with what Mr. Austgen stated. Mr. Austgen stated she can but she is wrong. She discussed the agenda put up. She stated she notified them prior to the meeting and she is not getting any help. Mrs. Schoop discussed judicial review and what occurred during the meeting. Mr. Parker stated they have to take certain steps when someone files for judicial review. He stated they did. Mrs. Schoop stated they did not have to. Mr. Austgen stated the BZA voted unanimously to not reconsider the request. The time period has elapsed for judicial review. Mrs. Schoop continued to voice

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concerns. Mr. Parker stated as far as he is aware they followed the guidelines for judicial review. Mrs. Schoop continued to disagree and voice concerns with the BZA meeting. Mr. Austgen discussed the pro forma agenda format for the BZA special meeting. Mr. Recupito asked her if there a possibility to get with her neighbor and work things out. Mrs. Schoop asked why he did not ask her to do that. Mrs. Schoop stated it has been one fine after another. She continued to discuss Angie and water issues but she is trapping water There are downspouts not connected. At one point, she was at every single meeting. She dug a pond within fifteen feet of her house. Mrs. Schoop continued to voice concerns. She stated they are real people and their biases are having an effect on their lives. She stated she wants them to know they are real people. She has issues around her house and she does not want to spend her time watching their meetings. Mrs. Schoop stated she had a letter from a neighbor stating there were not water issues. Mr. Recupito stated he is not sure what she wants them to do. Mrs. Schoop stated she wants them to put something in place for when a situation gets out of hand and personal. They need to recognize it has become personal and a slanderous session. She voiced concerns with the company from 2006 no longer existing and not reflecting her husband and his business today. She asked them to stop with entertaining it because it is affecting their life. Mr. Recupito stated he appreciated her coming up tonight and he has learned a few things. A brief conversation continued.

ADJOURNMENT President Recupito called the meeting to adjournment at approximately 9:49 PM.

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

Robert Carnahan, Ward 1

Julie Rivera, Ward 2

Nicholas A. 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