

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



October 7, 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	Absent*	Jennifer N. Sandberg, IAMCA, CMC, CPFIM Clerk-Treasurer	
Present	Chuck Becker Council Member	Ward 4	Present	Benjamin Eldridge Town Manager	
Present	Greg Parker Council Member	Ward 5	Present	David Austgen Town Attorney	

*Chief Deputy Clerk Margo Nagy was present.

PUBLIC HEARING

1. Ordinance No. 1518 – Y2026 Budget – First Reading

- a. **Review of Legals** – Mrs. Nagy reported the Form 3, Notice to Taxpayers was timely posted on Indiana Gateway on September 27th as well as on the Town’s website along with the Form 1 Estimates.
- b. **Opening Remarks** – Mrs. Haase reported this is the 2026 budget. They used a lot of the estimate forms from the State. Senate Bill 1 has them in a bit of a tizzy. There are some estimates they do not know if they are accurate. She stated the circuit breaker credit loss that they have to deal with. In 2025, the credit loss is \$116,046. In 2026, it is estimated to be \$826,800. Mr. Carnahan stated they had received a report from the Clerk-Treasurer that they would lose \$645,160. Ms. Haase stated the \$826,800 is the most recent number from the DLGF. The numbers he received from the budget office for the state right after the bill was passed. It was amended. Mr. Carnahan asked if 2027 and 2028 would go up too. Ms. Haase stated she cannot opine on that. She does not know. She does not know if anybody knows. Of the \$826,800, they are estimating the projected tax cap over 65 circuit breaker is \$273,700. The projected local property tax credit loss is \$13,100. The projected supplemental homestead credit loss is \$540,000. That homestead credit loss is where they are having difficulty on finding estimates. How can they tell what an individual’s taxable assessed value will be. They give you the Indiana Code site but not much more. As soon as anything comes out, they use it. They went through the DLGF website and used the estimates and compared it to what they thought it would be. Ms. Haase stated Cliff helped put together a summary of selected cash balances. It is by fund. It gives the historical through mid-year 2025. That is how they set the budget for 2026. They base on actual as of June 30, 2025 and estimate the remainder of the year. They have a higher balance at the end of June 30, 2025. Certain expenditures came out after that fact that were annual expenditures. You cannot bank on that number being the end of the year number. She stated it shows shows how they are divvied up by fund with General, Motor Vehicle Highway, Local Road and Street, Cumulative Capital Development, Cumulative Capital Improvement, and County Economic Development Income Tax, Local Option Income Tax for Public Safety, and Casino and Redevelopment General. The debt funds are not shown. Those are the ones they collect the payments that are put on the tax rolls for the debt. They are ins and outs. Most should be near zero on the Town. What they do is they pay the lease rental or the debt payment right as they are due so there is no significant balance in those funds. As indicated before, there is a tremendous amount of uncertainty in the coming years. Everything is ramping in from Senate Bill 1. The goal for the 2026 budget was to operate with last years budget with minimal changes due to the unknown. They will submit for the three-year growth levy appeal again. That would generate an addition to the levy of \$427,118. They are going through with that application. They will approve that with the budget on the 21st. It has to be filed on the 21st with the DLGF field representative. The budget has to be filed within five days of approval. The one item they are doing in this budget is to manage and correct the bond obligations. Ms. Haase stated she was talking with Mrs. Parker earlier about the debt and least rental debt versus regular bond principal and interest debt. They have always made the temporary loans such as with the 2017 A, B, C, Lease Rental RDA Bonds. The debt payment is due on February 1st and August 1st. They have to have the lease rental payment no later than January 15th in order to timely make the payment. What has happened, is they were denied the lease

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rental payment in a budget several years ago to make the first payment. Usually, you get the distribution from county at the end of December. They turn around and make the transfer so it occurs in the year previous for timely payment. That got out of sync because they went by the issue date of February 1st and not the lease rental date of January 15th. That bond matures with the payment in 2027. If they have to borrow money in December of 2026 to pay that. The bond is matured and they cannot put it in the 2027 budget to be made whole. Where they borrow the money from, the Wastewater Treatment Special Fund, would have to absorb it. That would be in violation of State Board rules for audits because it is a temporary loan. Or the General Fund would have to absorb it. They spoke with the DLGF representative about being made whole. It was discussed to put it all in 2026. Instead of two lease rental payments, they would have three. With a third payment, that would increase that levy for that bond. They have a similar situation with the 2022 A and B bonds. They budgeted the correct amount but the levy only included one payment. They went by dates again. They felt they needed to make the adjustment now and propose that to them. The temporary borrowing from the wastewater treatment special fund, they are in the construction of project two on the interceptor. They have uses for all of the money coming up. They may need it for sewer rather than a temporary loan for the building corp. That is the catch up and it will be a one-year hit. Mr. Recupito stated it is doable. Ms. Haase stated yes, it is but it will increase the tax rate due to the three payments. Mr. Recupito asked about the projected Town tax rate. Ms. Haase stated she would give an answer but caution him. When they notice, it is termed as noticing high. They take the net assessed value and decrease it. They only take 80% of it. By default, with the budget and the net assessed value being only 80%, the rate is higher. That is what she has to go on. They get the final rate on the full net assessed value when they get the 1782 Notice at the end of the year. Mr. Recupito asked if that was the figure on the chart at \$1.18. Ms. Haase stated yes. The net assessed value for 2026 is \$1,150,882,236. 80% of that is \$920,705,000. That is what they are using right now and if given a rate, it is calculated on that. They are going to use the \$1.15 billion. The General Fund, overall and with everything asked, the overall rate is \$1.1881 per \$100 of net assessed value. She reminded them that is overstated. That is to allow them between now and when moving forward, they can make corrections. That is the biggest issue brought forward this time. Ms. Haase stated she was always taught not to put the rates on a roller coaster. In this particular case, on the 2017 A, B, C Bonds, you do not want to eat the cash. That would be a huge chunk in addition to who knows what the estimated circuit breaker loss will be in 2027. She stated all she can do is go by the estimates from the DLGF. Mr. Carnahan stated the acronym she is using is Department of Local Government Finance. Ms. Haase stated that is correct. That is the what they use. Mr. Carnahan stated they are the ones that approve the budget. Ms. Haase stated they spoke with the field representative and she said that obviously the 2017 is critical for them. They do have some additional room on the 2022 A and B. They were told to put it in now as they do not know what will happen the next year or year after. The three-year growth appeal looked good but they cannot say whether or not it would get approved. Just because it is justified does not mean they will get it. For 2026 they are using the 2025 budget with some minor adjustments. She reminded them they gave raises at the end of 2024 on the public safety and that was not in the 2025 budget because they had done the budget before they did that. Those adjustments have been made. They had to increase the facility line items for police and the additional fire building for the operating costs. They also included the adjustment for the public safety retirement program, the 1977 fund, because that increases 3% in 2026. That is included. If they do not include it in the budget, they will have to find another source to pay. Mr. Carnahan asked if she is saying the 77-fund pension is going up 3%. Ms. Haase stated yes, it is from 20.3% to 23.3%. She asked Margo if that was correct. Mrs. Nagy stated that is correct. That is the Town's cost per employee. Mr. Carnahan stated so the retirees are not getting 3%. Mrs. Nagy stated no. That has nothing to do with the certified salary. Ms. Haase stated they filed for the growth appeal based on the growth in the community. They have adjustments on the circuit breaker credit loss. Those are actual for those years. She found it interesting that the 2025 estimate on the credit loss was \$348,000 and it only ended up being \$116,046. She has no idea if it will be less for 2026. She discussed the growth levy calculation. She discussed assessed values and the increase percentage year over year. 2026 over 2025 was an increase of \$96,679,000. That is a 9.17% increase year over year. It is substantial but they will not be able to capture it for the 2027 budget. They will not allow it. It is gone. They are hoping they are going to give some ability with another mechanism to replace that for faster growing communities. Mr. Carnahan

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asked if that is where the State is offering municipalities to put a local income tax on. Ms. Haase stated yes but it cannot be done until mid-2027 for the 2028 budget. Mr. Carnahan stated the State is reducing property tax and to make up the loss they are wanting cities and towns to put an income tax. It is moving the burden from one spot to another. Ms. Haase stated it is their control. They will do it. A brief discussion continued on the income tax. Ms. Haase discussed the variables and unknowns. They do not like holding steady. To say you can fund it and get three months into next year and realize they cannot fund it, she is not sure that is what they want to do. Mr. Carnahan stated one legislator he spoke with, stated they are going to try and modify State Bill 1. That is one person. Ms. Haase stated they also removed the levy appeal for the extension of services. They previously got that for the Parks. Ms. Haase stated every municipality in the state received a 4% growth quotient increase. They added on the levy growth appeal for the \$427,000 and that is why they see an increase in the General Fund of 12.34%. 8.34% is the increase of the levy appeal and then the 4% is what they are allowed. They do not know what that will be in 2026 for 2027. She stated she has tried to recreate the calculation they tell you how to calculate it. She stated she gets close but it is not spot on. She stated that is worrisome. Mr. Carnahan stated for a while they did not get the percentage increase because they would not pass an optional income tax. After they passed it, they got it. Ms. Haase clarified that Lake County passed that. She stated the rate the system calculates out, will most assuredly be less because of the use of 100% of the net assessed value. After they approve, they file it and send it to the field representative. They do the review and they will not get the budget order until closer to the end of the year. Ms. Haase discussed a slide on sustainability projection. She stated it is historical property tax rates and levies. They took it through 2025. They did not want to project 2026 using only 80% of the net assessed value. She discussed the fear of overbudgeting and pulling more from their reserves. In the General Fund, they are projected to end with \$3.538 million. That has to carry them the first six months of 2026. At the end of budget year 2026, that is projected to be \$2.537 million. That means they are using a million dollars of their reserve. They have done that the last three years. They get to a point, if they increase now, they will have nothing in reserve.

- c. **Reading of Ordinance No. 1518** – Mr. Parker read by title only.
- d. **Remonstrators** – Cheryl Parker, 7227 W. 136th Court, asked for clarification on a couple line items. One is the capital outlay for the Parks Department. On the budget form 1 on page 9. Last year, it listed out vehicles and improvements for facilities. She stated this year it is a lump sum number. She asked for the details and assigned budget costs for the lump sum. Mr. Recupito asked if Ms. Haase could answer. She stated she could not as she did not have the detailed backup. They could get that later. Mrs. Parker asked about the CEDIT and capital outlay. She stated she did not see anything in the 2025 budget. For 2026, she saw \$250,000. She asked for the detail on that. Ms. Haase stated that is for any matching grants. Her understanding is CEDIT as it exists today is one of the things they will lose. They have to use the money. A lot of times, grants on roads, they will spread it out and use it for matching funds. That is an item to show they have things starting in 2026 for projects. It gives them the capacity to use it. It can only be approved to be used for the capital reason by the Town Council. Mrs. Parker asked if it was for road improvements. Ms. Haase stated she was not sure. They have a lot of things coming up. A brief discussion continued.
- e. **Town Council Discussion** - None
- f. **Town Council Decision**

A motion to approve the first reading of Ordinance No. 1518 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.

2. Ordinance No. 1519 – Public Way Vacation - Yukon

- a. **Review of Legals** – Mr. Austgen stated he does not have them. Mrs. Dickson stated they have them in the packet. Mr. Austgen stated they could consider it subject to compliance with the publication requirements.
- b. **Opening Remarks** – Attorney Adam Sworden, on behalf of petitioner Nicholas Yukon. The property has been through numerous meetings with the Plan Commission. They have been looking at ways to simplify 2.75 ft. walkway access areas adjacent to the existing home. Other clean up items with the right of ways in the vicinity of the peninsula on Polk Street. He stated through a series of meetings; they were looking at vacating a portion of the old park. They have abandoned that. They are looking at basically removing a 2.75 ft. walking path in exchange with the Town. He stated his client has been working with Tim Kubiak to make some improvements to the ten feet of lot 16 that the Town currently

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owns. It provides access to Potawatomi Park, which is the petitioner's western border. He understands the drainage improvements have already been put in but there is still some work to be done with sidewalks. Before them tonight is vacating the 2.75 ft. walking path that goes east through the property, next to the existing house. In correlation with that, the triangle segment of Polk Street that goes up to provide access to that area because it is no longer needed. He stated in the application are the two legal descriptions for that. There is also an exhibit with the legal and as part of that is a draft ordinance that was provided by his office given the timeframe of the last hearing based off of a vacation ordinance the Town did over July and incorporating provisions they have been discussing from the meeting. Again, subject to further detail with the building department on any additional improvements in the ten feet of lot 16 as was discussed with the Plan Commission.

c. **Reading of Ordinance No. 1519** - Mr. Parker read by title only.

d. **Remonstrators** - None

e. **Town Council Discussion** – Mr. Recupito asked Mr. Austgen if he had anything for them. Mr. Austgen stated no. He received from a research angel, a couple of plats. They gave an idea of the parcels they are talking about and the request. He reminded them of statutory purposes and that requirements are to be met under Indiana Code 36-7-3-12. The application identifies the vacation. It does not interfere with or pose an obstacle to the statutorily described uses or prospective uses of the property. The Plan Commission has an advisory role. The legislative body handles this at the end of the day. They have complete discretion. Mr. Austgen discussed the consideration given the filing and presentation submitted and whether it is a vacation proceeding they are to act on or not. One situation has come up. That is who the proper parties are. The ad joiners are identified but there is some argument and advocacy that the parcels and walkways at issue belong to everybody and another position that says it is to the adjoiners only. Attorney Sworden provided him his legal research. Mr. Austgen stated he has reviewed it and they do not necessarily agree. He stated they are at a point now of identifying issues before they go past the jump start. It is critical for making certain they are on task and on law. He stated he is happy to answer questions. He has not talked with staff about this. Mr. Recupito asked if there are questions regarding ownership. Mr. Austgen stated there are. It is pretty significant when they look at the Town's handling of public way vacations. Mr. Austgen stated in 1986 or 1988, there was a similar public way vacation. There turned out to be a stipulation between the parties that they swap parcels to add and abate the access to the adjacent properties and Cedar Lake. That ordinance was ultimately adopted with agreement of the parties and no dispute. He stated he senses the same applies in this particular request and petition. He cannot tell them about the ownership. That is still in research and not done. They are looking for conveyance instruments and the like so verification can be had. He discussed title work being critical so they do not have any other proceedings like they have had this year. He discussed keeping it simple is advisable so they do not get into issue with public way vacations. He continued to discuss ownership. Mr. Recupito asked if he is suggesting more homework needs to be done. Mr. Austgen stated yes. It seems to be compiling data and information. He stated they have a fresh opportunity and can carefully identify items such as ownership and responsibility. Mr. Thiel questioned a deferral to the next meeting or thirty days. Mr. Austgen added that he was at the Park Board meeting and they are working on comprehensive master planning. He discussed Potawatomi Park and the probable description coming from the master planning and maximizing use of the property. In addition to any improvements or benefits for citizens. He stated based upon that and good planning, he is advising a continuance. Mr. Carnahan discussed a deferral versus a continuation of a public hearing. Discussion continued on the matter. Mr. Recupito asked Mr. Austgen what he is recommending and who is responsible for what if some kind of deferral or stay is suggested. Mr. Austgen stated it is not Mr. Sworden or his client's fault. His recommendation is to stay the proceedings and on a bi-monthly basis, inform the attorney and property owner of status. When they get down the path and are ready for discussion, it should be based upon the Town's needs predominating that the Town cooperate with the public hearing. Mr. Recupito asked if he was suggesting a motion to stay this indefinitely. Mr. Austgen stated yes. Mr. Recupito stated with a game plan. Mr. Austgen stated there is a game plan. He discussed the Park Board actions. Mr. Sworden discussed title work and detailed plats, including the June 10, 1926, Meyer Manor plat. He stated they were provided on September 18th to the Town and Mr. Austgen's office. The area of contention and is a small item under restrictions. In theory, covenant restrictions are what they call them now. It is for the entire of Meyer Manor including Tyler

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Street, Polk Street, Taylor Street, Filmore Street, Harrison Boulevard, and a similar plat for the southern phase. It says all streets, pathways, walkways, parks, bathing areas, and accesses to the lake are to remain private. The issue they have is the Town, over at least sixty years, has maintained and taken public monies for the streets identified. Done improvements and plowed streets and maintain the infrastructure. The stuff his client has agreed to pay for, for lot 10 for public access. It is all in the original plat that is subject to the nonexistent HOA or private ownership is. The opinion that he felt needed to be had after some comments after last presenting at the Plan Commission is old case law. It is old because in situations like this where they have old subdivisions where everything was supposed to remain private but now, they have incorporated municipalities. What happens when they are dealing with this situation. You have taxpayers now paying for what somebody wants to advocate is all private. Mr. Sworden stated that is a problem. Jurisdiction now, based on case law, with all the public funds spent for the road improvements that are supposed to be private, which picks up Polk Street which they are asked to be vacated and that 2.7 feet. He stated they are the Towns. They have the authority. They have the jurisdiction. He stated reference was made to an ordinance back to the 1980s. Attached to their legal opinion is the January 27, 1988 ordinance from Johnny Virgil which actually gave the Town the 2.7 feet they are asking to be vacated. Mr. Sworden continued to discuss the past ordinance and the case law provided. He stated this cannot be done indefinitely. They cannot be waiting on a master plan for the Town to do something. He discussed the item being filed under current law and not something to come back in several months because of a maybe plan that may affect the property. He stated that is a regulatory danger. Mr. Recupito asked Mr. Sworden about the roads and alleys he mentioned being private but the Town maintaining them. Mr. Parker stated they constructed them. Mr. Recupito asked if by the Town maintaining them, case law says the Town owns them. Mr. Sworden stated yes. Mr. Recupito stated he wanted clarification. He asked if that would be the same because it appears that the 2.7 feet, looks like a part of the property. Mr. Recupito asked if the same would go for private maintenance of that. He asked if the private party would own it or land owner instead of the Town. Mr. Sworden stated they need to go back to the last transfer document related to the 2.7 feet. Which was found by the title work done and provided. It is from January 27, 1988. It establishes something that goes back to the 1923 plat. What he is saying is that if there had not been something else that had been done to that, there is no need for an ordinance to reestablish that. It was transferred through property ownership and given to the Town. It is Town property. They thought they would have an issue with the triangular parks. He knows it is not the only place it exists throughout the Town. They are not asking for vacation of the park. They are asking for cleanup of the 2.7 feet where there has been transactional history with the Town over the years and to vacate the section of Polk Street which is a Town street up to that point. There is no point in any of that existing. The position is that that is private and they have to go to private ownership. If privately owned, Polk Street right of way, cannot be vacated because it is private. That is not in their jurisdiction and that is all of Polk Street. He stated they cannot cut out portions of Polk Street. Mr. Parker stated the thing that concerns him about the dialogue. There have been petitioners that come in to build a new home on a street that is private. That is never dedicated to the Town. They cannot build a new house on a street that was not dedicated to the Town if it is not improved to Town standards. These streets, if they are private, along with the walkways and pathways, there is a significant amount of taxpayer money spent to reconstruct them to Town standard. If they are private per the title work, then they are not buildable. Mr. Sworden stated he is telling them they are not private. By law they are public and in their jurisdiction. He alluded to the housing crisis years ago and developers that did not finish stuff. They were trying to build to a town standard and would go bankrupt. Who is responsible once the developer is gone. The town ends up being responsible. He stated it is a similar situation. Different fact pattern but the rationale is what it is with these types of situations with 100-year-old plats. Using public funds for public improvements. Mr. Recupito asked Mr. Austgen if he had anything else to add. Mr. Austgen stated they obviously disagree. Mr. Sworden stated if that is the position, with other things they have observed in Town, they will be able to open up Pandora's Box. Mr. Recupito stated he understands the urgency of his client but it is an interesting situation with the master plan and the question of ownership. He stated it is the first time he is seeing this at a public meeting. He stated he does not know how he goes against the direction of the attorney. He stated he would like to have some sort of timeline. Indefinite could mean years. Mr. Recupito stated they have another vacation request on the agenda that has been going for

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years. If they do not set a timeline, it could get away from them. He asked if it was feasible. Mr. Austgen stated it is. He assumes they will maintain some sort of communication and perhaps this necessary work can be completed in a time period shorter than months. Mr. Parker stated it does not necessarily have to be contingent on the park master plan. Mr. Austgen stated it does not but it is a factor in the sense that is an item going on. Mrs. Rivera asked about setting a reasonable timeline to defer it to. Mr. Austgen stated they can. Mrs. Rivera asked what the shortest timeline can be. Mr. Parker stated two weeks. Mrs. Rivera discussed thirty days. Mr. Thiel agreed. Mr. Parker asked about two weeks. Mr. Austgen stated he was hoping they would give more time. Mr. Parker stated if it is not ready in two weeks, it can be deferred again. Discussion continued on potential deferral timeline.

f. Town Council Decision

A motion to defer for thirty days was made by Richard Thiel with second by Julie Rivera. It will be on the November 4th meeting agenda. Roll Call: Carnahan – Yes, Rivera – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – No, Recupito – Yes. Vote 6 – 1.

APPOINTMENT AND OATH OF FIRE CHIEF

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

Chief Mager received the Oath of Office from Chief Deputy Clerk Margo Nagy. Chief Mager spoke proudly of his appointment, service, and goals for the department as Chief.

PRESENTATION – Hanover Community School Corporation

Tracy Haskell, President of Hanover Board of Trustees, stated they are here to talk about the November 4th Election. They are asking the community to renew the operation referendum. It is a referendum the taxpayers are already paying on. They are not increasing it. The tax rate is staying the same. They are asking for it to be renewed. The operation referendum pays for transportation, SRO Officers, and over 125 staff. Not just teachers. It also pays for some of the CTE classes. It pays for a lot of programs that students stand to lose if not renewed. People have asked what will be taken away if not renewed. Mrs. Haskell stated the first thing to go will be transportation. She stated the State Constitution says the State does not provide transportation to public schools. The taxpayers help pay for the busses and bus drivers. This is a huge program that a lot of parents need. She stated they are asking for people to vote yes for Hanover. Early voting started today. Discussion continued on transportation, the referendum, and support for the district.

PUBLIC COMMENT

Nathan Vis, on behalf of Lakeshore Subdivision Association, regarding Ordinance 1517. He stated they have two options before them tonight. One is they can compound the mistakes of the past or two they can set a course for recognizing property rights. He stated his clients have previously been before them. He stated he has submitted communications. Today, in the packet is an overview that outlines the history of the subdivision that outlines the status of law. It outlines two deeds and a plat that apply to this particular pathway. He stated he wanted to succinctly take them through it as it corresponds directly with Mr. Sworden’s presentation earlier. In 1926, Mr. Johnson deeded the large tract of land to three men. It included this pathway. In the deed, he specifically noted that there was this pathway and set aside an easement to a Christian association, to a Moody church, and a Moody Church Association, recognizing that needed to be saved in perpetuity. Two days later those men had been planning to develop a subdivision. They recorded a plat with Lake County. That specifically noted the Johnson easement pathway. That is Exhibit A in your documents. He stated ownership at that point is in the association. Ten years pass and you get to Exhibit C. Those three men deed the remainder of the pathway area and Outlot C fully to the Lakeshore Subdivision Association. The ownership of the area does not change. He referenced again compounding the mistakes of the past or correcting the course moving forward. He stated previously when it was before them or their predecessors to vacate the pathway in the area, it was deemed to be land that was previously owned by the railroad. He stated the legal description provided to them and their predecessors was wrong. It is incorrect. The pathway since 1926 has been owned by these men and subsequently the association. Mr. Vis discussed Indiana law. He stated if the public uses private land, if they maintain it or improve it, that then can become a public way. Over the last eight years that has not happened for this pathway. It is always shown to be owned and used by folks within the association. They have paid the taxes and insurance on it. Mr. Recupito stated he would let Mr. Vis wrap up but he does not want to be accused of playing favorites. Mr. Vis continued. He stated in his submission from July 2025 there is a specific Indiana Court of Appeals case regarding property. It was held by the Court of Appeals in the last two months. If they have a piece of property that has not been dedicated, platted, or given to a public way and is a private easement, they cannot vacate it. He

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stated it happened in LaPorte County. In that case, three years prior, LaPorte had vacated part of the easement. Three years later it was showed that it had not been platted or given to them. It went to the Court of Appeals and was determined they cannot vacate land that is not there's. They can buy it if there is a public purpose for it. They can eminent domain it but they cannot vacate land that is not theirs. Mr. Vis respectfully requested, based on the history provided, that the proper way of engaging in the transfer of land happen and the private land not be vacated.

Jeff Huseman, 13839 Huseman Street, discussed the walkway. He stated it was dedicated for the use of walking from the Monon Park railroad depot down to Cedar Lake Conference Grounds. It was there when the subdivision was developed. When the south part of the property was sold by the Watt family, it made it a moot point for why the walkway existed. He stated right now it does not go anywhere. The conference grounds are not accessible. The beginning of it has a fence and there are other obstacles along the walkway. Basically, it does not exist anymore. In the thirty years he has lived there, that fence has been there. No one has complained about the fence. He stated he has never seen anyone walking on the walkway. It has obstructions and it is basically a moot point by his estimation.

Dan Collins, 13857 Huseman Street, stated he has been here since 1949. What they are trying to do is kind of ridiculous. There is no walkway there. You cannot walk on it. They are presenting a path right next to the lake that you can walk from point A to point B. It is a nice path they can walk onto. He stated the Rago's have been trying to get this done for five years. He stated let them have their deck. They have plenty of walkway in front. They do not disregard anybody. If they want to walk in front, let them walk in front.

Terri Cox, 8505 W. 139th Avenue, stated there is a gate not a fence if they want to walk on the walkway. She stated everybody keeps saying it is a moot point and it goes nowhere. She stated if you look at the deed, it actually says it is for the members of the subdivision to be able to use. She discussed the subdivision reaching it is 100-year anniversary. She stated she cannot imagine a 100-year-old subdivision not having documents. When she became president of the association, she was given few documents. She stated they have had to dig all of them up out of the courthouse. She stated that is how they have been able to show what is supposed to be as compared to what it is today. She discussed speaking with residents and them not knowing about lake rights or the walkway. Mrs. Cox stated it was all kept secret. She stated the lakeview homeowners wanting to be lakefront homeowners and not wanting people off the lake to go there. She discussed lake rights of the homeowners and taxes. She stated she is trying to let the homeowners realize what they own, what Lakeshore Subdivision owns, and what everybody is responsible for as well as what they should share or not share. She stated that is why she said to relocate it down to Outlot C. That way they are still taking care of it into perpetuity. She stated that is what they are supposed to do. She stated they cannot do that because you cannot walk down it without people calling the cops on them. She stated this way it would be usable for everyone. Mrs. Cox continued to discuss the subdivision and documents found regarding the subdivision.

CONSENT AGENDA

- 1. Minutes:** August 5, 2025
- 2. Claims:** All Town Funds: \$378,357.97; Wastewater: \$62,637.25; Water Utility: \$83,241.50; Storm Water: \$19,103.98; Payroll (09/25/25 & 10/01/25): \$317,815.37
- 3. Tag Day:** Rick Larsen Wrestling Club on October 18, 2025

A motion to accept and waive the reading of the minutes and accept the consent agenda as listed was made by Chuck Becker with second by Julie Rivera. Mr. Carnahan stated they do not have last month's minutes but he wanted to make a statement. He had a person ask him if he accused the current Town Council of being in their pockets. Mr. Carnahan stated the statement was made, does somebody have you in their pocket. Mr. Carnahan stated this Council does not have him in their pocket. That was just a statement that somebody they thought had him in their pocket. He stated if anybody, it would have been a previous Council when he started voting for vacations. He stated he is not insinuating anybody has him in their pocket. He stated he made a statement that was told to him. Mr. Carnahan stated he would continue to vote no on all vacancies. Mr. Thiel asked Mr. Austgen about that statement. He asked if that would be abstaining from a vote versus a no. Mr. Austgen stated it would seem that way. Bob is making a policy statement that he, going forward, will never get a vote on a public way vacation but no. Mr. Carnahan asked if he is telling him he cannot vote. Mr. Austgen stated no. He was answering a question. Mr. Carnahan stated he would disagree with that. Mr. Austgen stated if he is always going to vote no, he announced that as his position, he can do that. Roll Call: Carnahan – Yes, Rivera – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA
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ORDINANCES & RESOLUTIONS

1. Ordinance No. 1517 – Rago Public Way Vacation

Mr. Parker read Ordinance No. 1517 by title only. Mr. Recupito asked Mr. Austgen about a modified copy of the ordinance with additional language. Mr. Austgen stated based on the first reading action he updated to include the conditions made by them. Mr. Austgen stated he would like to read that into the record. The conditions are as follows:

SECTION ONE: That the described portions of the platted public way identified on Exhibit "A", attached hereto, and located in the Town of Cedar Lake, Lake County, Indiana, be vacated, as petitioned for, subject to all conditions of approval required by the Town Council herein, as specified and required to be included herein. The conditions of approval include the following, namely:

1. The legal description of the subject Petition for Vacation of Public Way shall be verified and confirmed as accurate by a registered Land Surveyor. Further, the Registered Land Surveyor should prepare for attachment hereto a Plat of Survey reflective of the accuracy of the legal description required.
2. All overhead utility infrastructure improvements shall be removed to grade level or below, with same, if any such infrastructure is constructed, to be subject of a Permit for such improvement and Permit issued.
3. Withholding of approval signatures of the within Public Way Vacation Ordinance by Councilmembers, together with attestation of the Town Clerk-Treasurer when complete. Petitioners should be required to execute and return a Grant of Easement to the Northern Indiana Public Service Company LLC.
4. That upon compliance with all conditions of approval herein, including legislative body

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signature execution and attestation, said Public Way Vacation Ordinance No. 1517, as amended, shall be recorded in the Office of the Recorder of Lake county, Indiana, before any Permit issuance may be commenced by the Town Building Department for improvements on same.

Mr. Recupito stated he believes that was part of Mrs. Rivera motion regarding the legal description. He asked Mr. Kubiak about working with CBBEL on it. Mr. Kubiak stated he shared an email with them from Luke that verified the legal description was proper. He stated listening to David's request was that somebody provided an actual surveyor description of that easement. He stated he meant a plat or so forth if needed. Mr. Kubiak stated he does not know if they were responsible to get that. He stated he was asked to verify if the legal description was proper. That is what he did. Mr. Austgen stated all costs are at the expense of the petitioner. Mr. Recupito discussed the conditions and the recommendation to put them into the ordinance. Mr. Austgen stated these are the conditions that were discussed as part of the first reading two weeks ago. Mr. Kubiak discussed Section Two and the overhead utilities and all utilities needed to be removed period, not put underground. Mr. Kubiak stated they are relocated underground outside of the area. They are no longer in the area. He stated he wanted to clarify. They had to reroute them. That is the need for the extra seven and a half feet. They are completely gone. There is no longer the need for an easement in that area. There is nothing to put underground except for the north seven and a half feet. The utilities have been removed. Mr. Austgen stated he did not know that detail when he drafted the ordinance. Mr. Rago stated they are before them on the abandoned walking path. It has been abandoned for eight years. They recently spoke with the lady they bought the home from. She grew up in the house and is 83 years old. She could not recall anyone ever using it. Mr. Rago stated it is useless. It is fenced off. There were trees he had removed. It has never been used. He stated at the front of their property by the lake; there is thirty feet from the lake to his fence. Plenty of room for anyone to use. He stated the ten feet in front of his house that runs forty feet affects nobody. He stated the association is not a homeowner's association. They just provide water and maintain the lakefront. He again stated the area has been abandoned and vacated to the north and south of him. He stated it is of no use. To the north of him there are structures so you cannot walk through it. He stated there was a title search. It was abandoned and the lakeshore does not have any rights to it. They have never had any rights to it. He stated they are asking for it to be vacated so they can

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build their deck. Mr. Thiel asked who mows the grass on Outlot C. Mr. Rago stated in front of his area, he mows it. In front of Steininger's, Paul mows it. In front of Collins, Collins mows it. In the common area, Mike Dolder does the trimming. Mr. Rago stated he mows it sometimes. One of the other neighbors does sometimes. For years, he has mowed the area. He estimated approximately 25%. He stated he not only mowed the area but seeded it and added dirt as well as graded the area. He stated even though it is not his property, he has done that. Mr. Thiel stated his thought is Outlot C is to be maintained by the association not just an individual. Mr. Rago stated on Outlot C, the association has done nothing. Mr. Thiel stated he is getting to another question. He stated a previous statement was made about an individual letting trees growing on Outlot C. He stated that is an incorrect statement because if it is not theirs, how could they let the trees grown. It is the associations problem on not maintaining. Discussion continued on maintenance of the area and lakefront. Mr. Parker asked Mr. Austgen to cite the Town Council's responsibility per Statute. Mr. Austgen stated on behalf of the Town, they are the recipient of a petitioner application, notices to affected property owners as identified by the Statute, and scheduling of a public hearing all within timeframes identified. They hold the public hearing and when they complete the public hearing, they may make a decision on vacating or not vacating. It is completely at their discretion. Folks had a chance to participate in the public hearing like they have. That is now concluded. That assisted in the thought process and decision making. At the end of their decision, an action is to occur. They are not mandated to approve. Mr. Parker stated anyone that lives next to a public way, walking path, or dedicated unimproved street, can petition to vacate that. Mr. Austgen stated they could. It depends on how the title is held and the nature of the parcel as well as the adjacent ownership. Mr. Recupito asked Mr. Austgen if his stance has changed on this. Mr. Austgen stated no. It has been interesting. He has done eight or ten of them over his career here. Each one is unique to the parcel of land to how the property has been preserved or not preserved. There are statutory criteria. This has been intense but it does not mean they do not have the authority to do this. He thanked the other attorneys for the law. Mr. Sworden implored them to be consistent.

A motion to adopt Ordinance No. 1517 with all of the conditions from Section One was made by Richard Thiel with second by Greg Parker. Roll Call: Carnahan – No, Rivera – Yes, Becker – Yes, Dickson- Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 1. Mr. Austgen reminded staff that there are conditions that are to be paid attention to on this item.

BZA/PLAN

1. Acceptance Performance Letter of Credit for Beacon Pointe, Unit 8, in the amount of \$1,284,852.35

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

2. Performance Letter of Credit Extension for 90 days for Rose Garden Estates, Unit 1, in the amount of \$6,067,696.25

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.

3. Favorable Certification from Plan Commission to correct and/or complete items from Ordinance No. 1473 – Pine Crest Marina PUD

Mr. Austgen stated there were placeholders that did not get filled in within the ordinance and development agreement. Signatures were needed for processing the adoption plus the inserts. They have verified the accuracy of the details of the ordinance. It is ready to be accepted as approved for recordation.

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

NEW BUSINESS

1. Agreement between Will County, IL, and the Town of Cedar Lake to utilize county-wide radio system for the purpose of interoperable communications

Chief Mager explained this item is an intergovernmental agreement between Will County and the Town of Cedar Lake. Will County is transitioning to a UHF system starting December 1st. This is similar to an item from approximately ten years ago. Switching into the UHF system from the VHF system. With that comes key ideas. They requested an agreement between. There is no fee associated. Chief Mager stated there is no end date

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unless they change something with the system or communications. Mrs. Dickson asked if this was with Lake County or Southcom. Chief Mager stated no, just the Town of Cedar Lake.

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

REPORTS

1. **Town Council** – Mr. Carnahan reported at the last NIRPC meeting he continued to ask the Indiana Department of Transportation when the turn lane would be put on US 41. After the meeting, it was looked up and the bid will be let out in November. Next spring, they will start construction of the turn lane from 231/109th Avenue to 135th Avenue. It was supposed to be done in 2022 but they will get it done in 2026. Mr. Becker discussed construction on 231 in 2026. Mr. Carnahan announced Project Love Food Pantry would be open tomorrow from 9:00AM to 11:30AM. The Cedar Lake Chamber of Commerce will have the next luncheon on October 14th at noon at the Cedar Lake Ministries. It is \$20 and the topic will be artificial intelligence. Mrs. Rivera stated the Charity Dodgeball Tournament will be at the Sparta Dome on Saturday, October 11th. All proceeds go to the Northwest Indiana Cancer Kids Foundation (NICK). She stated you may see some familiar faces. They are still accepting registrations. The teams will be sponsored by a company for the \$200 fee. Mrs. Dickson stated Lake County Community Services will be assisting people with heating. The applications will be available at the end of the month. The air conditioner and heating on the roof had to be reviewed. Both will probably have to be replaced. There are also new buses on the road. They will be able to service more of Lake County. The Park Foundation had the fall fest on September 27th. It was well attended. The Park Foundation will be finishing the Lake County Master Garden Grant soon. The ethics meeting on October 30th at 8:00AM at the Avalon.
2. **Town Attorney** – No report.
3. **Clerk-Treasurer** – Mrs. Nagy stated the State Board of Accounts is finished with the 2023-2024 Audit. The exit interview is tomorrow. Mr. Thiel stated he would be there.
4. **Town Manager** – Mr. Eldridge reported all the Department Heads have signed up to attend the ethics meeting. The Town will be well represented. Mr. Eldridge reported NIRPC has halted funds for Founders Creek Trail. He asked Bob if that was correct. Mr. Carnahan stated yes. Mr. Eldridge stated they are supposed to do preliminary engineering before they acquire any property. He stated they had that backwards. NIRPC has halted the project. He stated they have found an alternate path to make the project go forward. He asked the Council to provide direction to Jennifer Sandberg, the ERC for the project, to coordinate with Mr. Bradsky of NIRPC and initiate a request for preliminary engineering proposals. This way they can keep moving the project along. Mr. Carnahan stated once they are ready to go, they could probably get it implemented back in the queue. Mr. Parker asked if they needed to take action on that engineering request. Mr. Eldridge stated he thinks they need to instruct or ask her to start getting proposals. He does not think any action needs to be taken. Mr. Recupito asked about recent action at the Park Board meeting regarding encumbrances for next year. The trail around the Town complex was one of them mentioned. Mrs. Rivera stated yes. She discussed getting a consensus on the project. The concern was it being the Town Grounds but the Park maintains and does things for the grounds. They essentially wanted their blessing for the trail. Mr. Recupito asked if funding would still be in line for the grant project. Mrs. Rivera stated the encumbrances were \$80,000. It does not have anything to do with the grant. Mrs. Dickson discussed getting engineering for the project. She voiced concerns with water flowing. Mr. Eldridge asked if the Summerfest committee put the road in. Mrs. Dickson stated in coordination with the Town on a road project in the 1980s. Mr. Eldridge asked if any engineering was done for that. Mrs. Dickson stated he would have to ask Tim Brown. He was in charge of that. Mr. Parker stated a walking path would be well utilized by people. He does not know if it needs to be engineered. Mrs. Dickson stated she was concerned about the water flow. Mr. Parker stated he does not want to make it cost more and price themselves out. Mrs. Rivera asked Mr. Kubiak if he knew anything about the water flow. Mr. Kubiak stated no. He spoke with Mary Joan about it briefly. He does not see there being a problem with water initially but he has not seen the exact situation of where it will go. A five-foot paved area that is flush with the grass is not going to stop water. He understands Mary Joan's concern with low spots but at the end of the day all of that water runs at the top of Morse down to the lake. There may be a couple pockets but there is no water problem per se. He would not assume there would be one but without seeing the proposal it is hard to give an answer. Mrs. Dickson continued to voice concerns with water pocketing by the electric service. She voiced concerns with it being blocked by a walkway. Mr. Thiel stated his thoughts were on the base and if cars are driving over, it for Summerfest. Mr. Kubiak stated the base would be six inches of

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stone and two inches of asphalt for the walking path. They also began to talk about extending the Summerfest Midway Road to the east and north. It would be dual purpose. The proposal was decent construction. It would withstand most. Mr. Recupito stated he supports moving forward with it. Mr. Kubiak gave an update on the Fleming residence. The new owner will be in this week to obtain a permit and relocate the generator out of the five-foot setback. He was unaware there was a permit needed. They understand now with the variance and nothing is to be in the setback. They will be paying three times the fee of the permit because it is after the fact. He stated it is being corrected.

WRITTEN COMMUNICATION

Mr. Recupito stated he has a letter that was asked to be read during public comment. A copy of the letter can be found at the end of the minutes.

PUBLIC COMMENT

Joyce Ivey, 13874 Hattaras Lane, stated this is the happiest meeting she has been to. She congratulated Chief Mager. She asked if there is any plan at all for a turning light at 133rd and US 41. Mr. Carnahan stated he has tried and tried. He contacted the Indiana Department of Transportation at the NIRPC meetings. They send an engineer out and they cannot see justification for it. He keeps trying. Mr. Parker stated they need to send them at 4:00PM. A brief discussion continued.

ADJOURNMENT President Recupito called the meeting to adjournment at approximately 9:19PM.

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

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Please read during public comment

Dear Town Council,

This weekend I listened to the Planning Commission meeting of October 01, 2025 and would like to know if the town is going to follow through with the \$7,500.00 fine imposed for the car infractions that he has incurred. His landlord Mr. Henn started to defend him, but it is clear that the fine is substantiated.

Please advise if fines are just paperwork or is the fine enforced and PAID.

Another issue is that of safety. The owner of the burnt tavern on Lake Shore Drive was instructed to have a fence around the debris for safety purposes. The house on Bell and 128th, that was being demolished, did not have a fence around it. Two of the neighbors complained that children have been playing on the debris during a planning commission meeting. Should not all construction sites have fences for safety purposes?

Please advise as to why we do not have consistent laws in Cedar Lake.

Unfortunately, I must be anonymous do to retaliation.

Sincerely,

Anonymous