

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



November 4, 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	
Absent	Chuck Becker Council Member	Ward 4	Present	Benjamin Eldridge Town Manager	
Present	Greg Parker Council Member	Ward 5	Present	David Austgen Town Attorney	

*Present via Zoom. **Chief Deputy Margo Nagy was present.

PUBLIC HEARING

1. Ordinance No. 1519 – Public Way Vacation – Yukon

- a. **Review of Legals** – Mr. Austgen reported this has been vetted for public hearing. It is before them on the continuance of the public hearing.
- b. **Opening Remarks** – Attorney Adam Sworden was present on behalf of the petitioner, Nicholas Yukon. Mr. Sworden stated they gave presentation last month concerning the Plan Commission's recommendation after several meetings as to improvements being made on the property on Polk Street. In addition, they discussed the title search that had been performed, issues over legal descriptions, and cursory review of the legal opinion his office had given concerning the nearly 110-year-old plat for Meyer Manor. He stated it had originally had every single street and access way in there not dedicated to the public. Private by way of restricted covenant. He stated for over 72 years, precedent in the State, and their legal opinion is that because the Town's been maintaining and improving those roads and areas, including the pathway to the lake, that those are within the jurisdiction of the Council to act on the petition to vacate. He stated the proposal that received favorable recommendation from the Plan Commission is to vacate the 2.75-ft public access walkway that is in multiple surveys in the last 15 years as a public walkway that is adjacent to the existing house. He stated it also includes the triangular portion of Polk Street that extends up to the public access. The vacation of those would be in exchange for the improvements that his client has already been working on with Tim Kubiak. That includes drainage improvements through the west ten feet of lot 16 and provides a ten-foot access into Potawatomi Park. He stated his understanding is the drainage improvements are already in. Improvements also included tree removal of unsafe trees. He continued that dedication of numerous trees and replacement of that to the tune of \$23,000. The recommendation from the Plan Commission was approval of the vacation with the condition of the improvements being completed by his client. He discussed surveys for the property that date back eight years that show the areas being asked to vacate as public right of way. He stated they also have specific exhibits from DVG prepared for the application that show those areas as dedicated right of way. He stated that references back to the chain of title and legal descriptions for the properties.
- 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 they have done all of the vetting that they were expected to do over the last couple of weeks. Mr. Austgen stated the answer is no. He stated his understanding was the research was in process for retrieval of deeds and legal instruments that would be used to compare and or evaluate against the parcels identified for vacation. He stated that has not happened. It was being done by others and he is still waiting for that information. Additionally, nothing else has changed. There is nothing new tonight from what they were discussing four weeks ago. Mr. Parker asked what are they waiting for and who are they waiting for it from. Mr. Austgen stated the deed documents and legal descriptions. That is what they are waiting on. Mr. Thiel asked if it was on the 2.75-foot triangle. Mr. Austgen stated it is. Mr. Sworden stated through the various meetings the months before the Plan Commission, Mr. Austgen was there. Mr. Sworden stated they were tasked with going out and doing the title work. They did do that. It was attached to the September 18th legal position letter that was sent. He stated he has yet to get a

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

response on it. He stated he attached the title work. He told Mr. Recupito he gave him a copy of that at last month's meeting. He stated they have never received a counter to the information given. He discussed the position he would take on this from a 1953 case. He stated that case is still binding precedent in the state. He read "acceptance by the public of a dedication may be manifested by some formal act of the public authorities, which would be you, or implied from the latter's improving or repairing same or from any other act with respect to the subject matter that clearly indicates an assumption of jurisdiction and dominion over the same." He stated they are talking about the public way. He stated acceptance may be established by public use. He stated he has not heard anyone come up and say the streets in Meyer Manor are not public. They are publicly used. He stated if they want to get down to concerns over ownership, in their packet is the 1926 Meyer Manor original deed that talks about the restrictive covenants. In that are all of the lots including the west ten feet of lot 16, which is in his client's updated survey that the Town is using for public access. He asked where is the authorization if they cannot take action on the 2.7 feet which is on here for the ten feet from lot 16. Mr. Sworden stated he does not get what they are getting hung up on. The law is what the law is. He stated they seem to have differing opinions depending on what area of the town that they are talking about. Mr. Sworden referenced another vacation decision that was made at last month's meeting. He stated it was the exact opposite position of the town. Those are not even showing up as platted or dedicated public right of way. But they acted on it. This one is different and should be easy. He stated he believes they have enough information. This was vetted hard by the Plan Commission and title work has been performed. He continued to discuss the matter and information presented. Mr. Parker stated he did not disagree with him. He does not see anything different between this and any other situation. Mr. Thiel stated there is a difference between lots two and three and lots fifteen and sixteen. He stated Plan Commission, after vetting, decided to go between lots fifteen and sixteen. He stated he did not see them being comparable. Fifteen and sixteen lead to a park. The other leads to the lake. He stated they are two completely different things. Mr. Parker asked if the park leads to the lake. Mr. Thiel stated yes but in past discussions regarding the park what is the guarantee it will always remain a park and have access. Mr. Recupito stated he understands where the petitioner is coming from. He believes there is other access to the lake with the subdivision. It was stated yes. He told Mr. Sworden he did not want to hang this up indefinitely. Mr. Thiel stated he gets it. He did not see them as comparable and wanted to state that. Mrs. Dickson stated at the last meeting it was stated the roads were maintained by the Town. She stated only after they were obtained in 1971. The lake front access has not been obtained by the Town. He stated none of those access points are maintained by the Town.

f. Town Council Decision

A motion to approve the first reading of Ordinance No. 1519 was made by Greg Parker with second by Julie Rivera. Roll Call: Carnahan – No, Rivera – Yes, Dickson – No, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 4 – 2.

PRESENTATION – Honoring the Retirement of Todd Wilkening

Town Manager Benjamin Eldridge discussed his family history in the fire service. He stated he knows the sacrifices made for the community. He recognized Mr. Wilkening's milestone of 40-years of service. He presented Mr. Wilkening with a plaque of appreciation. Mr. Wilkening thanked everyone for gathering and discussed his time in service.

PUBLIC COMMENT

Carol Kerr, 9900 W. 129th Place, discussed the new business item regarding the waiver from the development moratorium for Olthof Homes Blue Sky. She stated she wants to know about the water tower on the diagram. She asked who would pay for the water tower. She asked if there were permits from IDEM. Mr. Recupito stated those are items they will discuss and answer those questions when they get to the agenda item. Mrs. Kerr questioned voting occurring before comments which is why she called today to ask. She continued to voice concerns. Mr. Eldridge stated currently there is no plan to construct a water tower to go along with the wells the developer has offered to put in. They would control the production wells with SCADA controls or electronically. As more water is required in the distribution system, the SCADA will kick on wells in the series to provide pressure to the community. Again, he stated there is not a plan to construct a water tower. The production wells that will be put in will be controlled through electronics. Mrs. Kerr asked why they are voting on lifting it if they do not have any plan. Mr. Eldridge stated they will get into that when they get to the agenda item. Mrs. Kerr voiced concerns with them voting on it and her not being able to ask anything. She continued to voice concerns with plans and permits. Mr. Eldridge stated the plan is to put in a test well to make sure that they have a sufficient amount of water, groundwater in the area. Test wells do not have to be

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

permitted by IDEM. They will notify IDEM as a courtesy. Mrs. Kerr continued to voice concerns with no additional towers and being close to capacity. Mr. Recupito promised Mrs. Kerr they would have plenty of dialogue and would keep her in mind.

CONSENT AGENDA

1. **Claims:** All Town Funds: \$119,957.98; Wastewater: \$248,847.43; Water Utility: \$29,307.66; Storm Water: \$9,991.96; Payroll (10/23/25 and 10/31/25): \$309,339.04;

A motion to approve the consent agenda as listed was made by Greg Parker with second by Julie Rivera. Mr. Carnahan asked about a claim for Valley Fire Protection. He stated it is not a big amount. It is for \$1,150. He asked what it was for. Chief Mager stated that was for the water leak in the station. The system is pressurized. It was over 200 pounds of pressure. He requested an inspection for both fire suppression systems. Mr. Thiel asked Sue about the numbers discussed at the last meeting regarding the true-up. Mr. Carnahan stated the 2024 Annual Calculation was \$265,104. They approved paying \$170,652.53. Mr. Thiel stated he was asked questions about what they approved. Roll Call: Carnahan – Yes, Rivera – Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 0.

ORDINANCES & RESOLUTIONS

1. **Ordinance No. 1520 – Creation and Establishment of a Tree Board and Tree Program**

Mr. Parker read Ordinance No. 1520 by title only. Mr. Kubiak stated he had a chance to go over it with Cliff. There are provisions that the Tree Board does not have to approve every tree cut down. The Town can approve a tree to cut down. The only caveat is that if they do cut a tree down it needs to be reported to the Tree Board for record keeping and the stump will need to be removed. Mr. Parker stated this is only on public owned property. Mr. Kubiak agreed. After looking through it, trimming trees for right of way and brush, it will not affect that at all except for reporting. It is not a hinderance. Mr. Recupito asked about companies hired by NIPSCO for trimming and how would they know about the ordinance. Mr. Kubiak stated they would have to let them know. He discussed the crowning of trees by those companies and they really should be removed and replaced. He stated those trees are in the right of way but people assume it is there's because it is in front of their house. Mr. Recupito asked Ben or somebody communicating with NIPSCO. Mr. Kubiak stated they can let a representative of NIPSCO know.

A motion to adopt Ordinance No. 1520 was made by Richard Thiel with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 0.

2. **Ordinance No. 1522 – Amendment to Ordinance No. 1401 Fire and EMS Rates and Fees**

Mr. Parker read Ordinance No. 1522 by title only. Chief Mager explained an analysis was performed on the fee schedule. There has also been discussion on charging for lift assists. Within the ordinance, a proposal based on percentage has been put forth. That comes out to 95% of the average from local communities around them with like services. The other addition is a lift assist charge after three occurrences within thirty days. Also included is a fee for fire records for fire reports. Recupito stated he knows it is long overdue. He discussed the lift assists and the goal of trying to recoup some money but also curtail some of the perceived abuse. He asked about the three per month and if it was standard. Chief Mager stated it is standard as not every department does it. It is standard for an allotment of so many. Mr. Carnahan discussed individuals using an excess amount within a month. Mr. Recupito asked Mr. Austgen about the draft ordinance. Mr. Austgen stated he drafted the bulk of it. The staff did a tremendous job and getting to the numbers. Mr. Carnahan discussed the increased rates. He stated Basic Life Support is currently \$750 and will go up to \$1,010. Advanced Life Support Level One is currently \$800 and will go up to \$1,280. Advanced Life Support Level Two is currently \$1,000 and will go up to \$1,500. For the lift assist, you get three free for thirty days and after that it is \$100. Discussion continued on the EMS non-reverting fund and equipment.

A motion to approve the first reading of Ordinance No. 1522 was made by Greg Parker with second by Mary Joan Dickson. Roll Call: Carnahan – Yes, Rivera – Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 0.

A motion to suspend the rules and allow for a second reading was made by Julie Rivera with second by Richard Thiel. Roll Call: Carnahan – Yes, Rivera – Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 0.

Mr. Parker read Ordinance No. 1522 by title only.

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

A motion to adopt Ordinance No. 1522 was made by Richard Thiel with second by Julie Rivera. Roll Call: Carnahan – Yes, Rivera – Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 0.

3. Ordinance No. 1523 – Amendatory Ordinance to Cedar Lake Town Board of Safety Town Code Section 34.182

Mr. Parker read Ordinance No. 1523 by title only. Mr. Austgen explained this is a very well schemed piece of legislation. It takes the Board of Safety terms and provisions and clarifies them more as to the duties and responsibilities of the Board of Safety and is transferred to the Town Council. It shrinks it. The Board of Safety is identified and recognized as the policymaking body. They will adopt and monitor and oversee the policies of the Town’s police and fire departments. That has been clarified by this proposal. Mr. Eldridge stated he has had several discussions with both the police and fire department. He stated they researched the state statute and other municipalities and their safety board ordinances. This brings the ordinance in line with what the state statute allows for a board of safety. He read Section One into the record.

SECTION ONE: That Cedar Lake Town Code §34.182, entitled **POWERS; AUTHORITY**, of the Town Board of Safety Powers and Authority Town Code Section, be amended to read and provide hereafter as follows, namely:

“§ 34.182. Powers; authority.

The Board of Safety shall have and possess all of the rights, power, and authority to the extent and in the manner provided a Board of Metropolitan Police Commissioners by I.C. 36-8-9-1 et seq., I.C. 36-8-3-4, and as provided by any other State law or legal regulation or requirement, as the provisions are now in force and effect, or as such provisions may be hereafter amended, except that civilian radio operators and other non-sworn members of the Police and Fire Departments shall be appointed by the Chief of the respective Public Safety Department. The Board of Safety shall adopt rules and regulations concerning policies and procedures governing the hiring, firing, promotion and demotion of members and employees of the Police and Fire Departments. The appointment of employees shall be subject to approval by the Town Council. The rules and regulations of the Board of Safety are made a part of this Section, and the Board of Safety may amend said rules and regulations from time to time as it sees fit.”

Mr. Eldridge stated what they are doing is amending the ordinance to align the Town ordinance with the state statute. Mr. Recupito asked about what responsibilities would now be the Town Councils. Mr. Eldridge stated the Lexipol policies will be discussions between the Chief’s and the Town Manager’s Office. The Town Manager’s Office will return and report to the Town Council. When it comes to financial matters, those will be discussions between the Chief’s, Town Manager’s Office, and Clerk-Treasurer’s Office. They will return and report to the Town Council. The safety board as it states in the state statute, will be responsible for the hiring, firing, promotion, and demotion of members of the police and fire departments. He stated there is no more added burden to the Town Council. Currently, the policies are between the safety board and the Chief’s. They return and report to the Town Council. The state statute, they are operating outside of that realm. Mr. Recupito discussed the functions aligning with the state statute and other departments.

A motion to approve the first reading of Ordinance No. 1523 made by Richard Thiel with second by Greg Parker. Mr. Carnahan stated it was not in the packet tonight and he has not had an opportunity to read it. Roll Call: Carnahan – No, Rivera – Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 5 – 1.

NEW BUSINESS

1. Y2025/Y2026 Moto on Ice Agreement

Mr. Recupito stated this is a yearly thing they do. He asked Moto on Ice to come up. Tim Jenkins and Chris Brown were present and representing Moto on Ice. Mr. Recupito asked if anything changed other than dates. Mr. Austgen stated he prepared the document. It rolls over. He recommended the Town Manager’s Office review the insurance provision with them to make sure it is compatible. It is his understanding there may be some coverage items for neighbors or ad joiners that needs to be looked at. He recommended review in advance of an event. Mr. Jenkins discussed that being the illegal use of public during the winter. Mr. Recupito stated a handful of emails were received from neighboring subdivisions and the yacht club. Discussion was regarding use of property by foot and off-road vehicles to get to the event. They asked to be additional insured on the policy. Mr. Recupito stated he wanted to bring that up to them. Mr. Jenkins stated he does not see how they can cover the additional property because they are paying for use of the grounds. Their spectators come through the gate, pay, and sign the waivers. He stated he

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

did not know how they would police anyone else. He stated they do not let their people use the yacht club. In the past, members would be out on the pier. Mr. Austgen stated the liability coverage is for mutual benefit. If there is some definition in policy or some additional definition of coverage. Mr. Austgen told them to check with their insurance. Mrs. Dickson asked how they make them insure those other properties.

A motion to approve contingent on insurance policy review by the Town Manager was made by Greg Parker with second by Richard Thiel. Mr. Thiel stated this will be communicated between the individuals and Ben. He asked how it would look once discussions were had. How would they know. Mr. Parker stated he made his motion based on insurance policy review, whatever that means. He tends to agree with them about additional coverage. Just because there are other motorized vehicles on the lake, those have nothing to do with them. Mr. Thiel stated he agrees with that. He asked for something during another meeting and possibly Town Manager report for when it does happen and that they are good to go. Mr. Jenkins stated he sent items to Monica. They can review last years. They pay for 2025 in 2025 per race. A brief discussion continued. Roll Call: Carnahan – Yes, Rivera – Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 0.

**2. Consider Waiver of Developmental Moratorium – Olthof Homes Blue Sky
Development – 14517 Parrish Ave, Cedar Lake**

Mr. Recupito stated this located at the southwest corner of Parrish Avenue and 141st Avenue. Mr. Carnahan stated he does not like the title. He does not think they are going to consider lifting the moratorium. He feels they look at individuals over an acre on a case-by-case basis. He does not want to consider lifting the moratorium. Mrs. Rivera stated it is just for Olthof Homes at this point. It does not say a blanket lift of the moratorium. Mr. Carnahan again voiced concerns with the title. Mr. Thiel stated for them specifically not as a whole. Mr. Recupito stated it is a request specifically for the parcel stated. Mr. Carnahan continued to voice concerns. Todd Olthof with Olthof Homes stated they are present to request a waiver just for this community. It is so they can proceed with other work to coordinate an additional well for the town. They will be advancing funds for that work regarding water supply challenges. He discussed being part of the solution to the water challenges. He stated they started with a fracture trace analysis. They will be drilling wells and testing it all at their cost. If they are successful, the earliest they would move customers into new homes would be 2028. The water would be in place and the supply would be there before they ever get to that point. Ed Recktenwall with Olthof Homes stated they began proving out the wells. They did a fracture trace analysis that showed two a locations. That means those are potential areas with great capacity and water quality. He stated they met with Peerless Midwest at the site this past week. They will be coming in with Sheehy the week of the 10th to actually put the well in. They will start pumping and measuring for capacity as well as water quality. Within the next 60 to 90 days, they should have a good idea of how the wells may produce for the Town. He spoke to Mr. Carnahan's concerns and stated they are just looking at this particular property. He discussed the way it has worked for them in other municipalities. He discussed siting infrastructure on their parcels. They felt it is good practice for them to plan their development along with the potential municipal use on the site as well. It helps protect the municipal use and make everyone aware and allows them to plan around. Mr. Carnahan asked if they do not get quality water they probably would not move forward. Mr. Recktenwall stated that was correct. Mr. Carnahan asked how would it help the west side with the water situation. Mr. Recktenwall stated it would increase the firm capacity that is necessary. Within the system, when water demand is higher, the wells will kick on through the SCADA system and help regulate the towers in place better as well as flow in the system. It would hopefully prevent any low water or alerts in the tower. It would provide more capacity in the system. Mr. Carnahan stated he received a comment that Lowell would not issue any connections to the plant. He does not know if that is fact or not. Mr. Eldridge stated they had a discussion about that this morning. They need to get Lowell the paperwork and they will sign off on it. Mr. Thiel agreed. He stated there was a meeting this morning. It lasted a few hours. There was a lot of discussion on the stuff that they would be required to sign for NOI for wastewater. It would need to go down to Lowell. He stated there was some discrepancy as far as what they had on their inventory and what they had on their books. They are still trying to figure that out. If this were to pass or not, everything would still have to go to Plan Commission. He stated it would require all the engineering and usage. Even if it were to pass today, it would still have all of the vetting through Plan Commission and engineering. He referenced past discussions with engineers on the feasibility of something more centrally located at the Blue Sky parcel or Howkinson as it fits better with the water master plan for feeding the current

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

tower. That is why original plans discussed a tower there. There is no need for that at this time. It just needs to feed the rest of the system. He continued to discuss the steps involved before building occurs. Mr. Eldridge discussed peak demand being in the summer not winter. He stated they are opting to not construct a water tower at the time and control it with the SCADA system. If they had a water tower, they would have 200,000 or 500,000 gallons of water sitting in the air for nine months out of the year with very little turnover. That is why they are choosing to control with SCADA and not a water tower as the peak demand is summer months. This is to keep the water quality good and not worry about turnover through the winter. Mr. Carnahan stated the layout lists a water tower. Mr. Recktenwall stated that layout was from two years ago. When originally planning the community, they have always tried to have a municipal facility on it. It was the northwest corner at one time and at one time was a water tower. The needs have changed. He stated that plan is not really what a new plan would look like. Mr. Carnahan stated there is no guarantee that they would get paired villas and cottages. That all has to be approved by the Plan Commission. Mr. Carnahan stated his concern is if the wells pan out with quality and quantity, that they can help the west side of the lake. He discussed the SCADA system. He asked how many wells they have. Mr. Eldridge stated they have four wells on the west side and this would be well number five. Mr. Parker stated he does not want to diminish the amount of work that has been done so far. He stated for him personally, erring on the side of caution and learning from past mistakes, he would like to see the test well put in and the results. They can bounce that off Kevin Baldwin to see what they need to do to enhance that to create a long-term solid solution for more growth on the west side. He stated he would like to see that happen before they consider any kind of waiver. He stated to be responsible and thoughtful going forward. Mr. Recupito stated he shares his feelings. They have granted relief from the moratorium for smaller projects. He discussed vetting of usages before it moved on. They do not have that now. He stated he too would like to see the results before they go to Plan Commission. Mr. Parker stated they would like to make the decision knowing what they got. Mr. Thiel asked about a potential timeline and expectation moving forward. Mr. Parker asked if it would still be 60 to 90 days. Mr. Recktenwall stated yes. They will have reporting within 60 to 90 days. Discussion continued on potential results and future growth. Mrs. Rivera stated the moratorium has been going on for 20 months. She stated she feels they wring their hands and say, what are they going to do about the water situation. She stated they have had meetings with builders such as Diamond Peak, Schilling, Olthof Homes, and Henn. She stated there is so much the builders are willing to bring to the table. She does not see the harm in approving the lifting of the moratorium. She stated it would not only benefit Blue Sky. It would benefit the west side. She stated they are doing things that they have not done for other towns. She voiced concerns with kicking the can down the road. Mr. Parker stated they are not considering kicking the can they just want to know what is there. That way they can make a decision on that. He stated they have to do something different. Mrs. Rivera stated they do. It still has to be vetted by the Plan Commission. Mr. Parker stated he is on the Plan Commission and he knows how they think. He is confident they will not approve anything not knowing what the water supply is like. Mr. Thiel discussed three Council members being on the Plan Commission. It is great in that they can communicate with the rest of the members regarding the Council's decision moving forward. Nothing will get passed until all of the criteria is being met. A very lengthy discussion continued on next steps, potential contingencies, and plan approvals.

A motion to defer for 30 days was made by Greg Parker with second by Richard Thiel. Roll Call: Carnahan – Yes, Rivera – Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 0.

REPORTS

1. **Town Council** – Mr. Carnahan stated the Legacy Foundation will have a luncheon on Friday, November 21st. Registration begins at 11:30 with luncheon at 12:00. Business leaders will be discussing the 2026 outlook. It will be at Avalon Manor. Mr. Thiel referenced Olthof and Blue Sky and asked if the Council was interested in having Kevin Baldwin present for items being discussed and concerns presented. Mr. Parker discussed concerns with approved lots and capacity. Mr. Thiel discussed water modeling and percentages discussed. Mr. Parker stated that is the kind of thing they bounce off of the engineers. Mr. Thiel stated this is something they can request of Kevin. Mr. Parker agreed. Discussion continued on having the engineer present to answer questions at future meetings.
2. **Town Attorney** – No report.
3. **Clerk-Treasurer** – No report.
4. **Town Manager** – Mr. Eldridge stated the Parks Superintendent has been actively pursuing donations to beautify the community. Aron Schurke from State Farm Insurance has donated two nine-foot Norway Spruce trees to be planted on the Town Grounds to

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

replace the two crabapple trees. Also, with the passing of the tree ordinance, Leo's Garden Center has pledged to donate one ten-gallon tree planted for the next three years. Clerk-Treasurer Jennifer Sandberg received her certified municipal official certification and was recognized at the AIM Summit in French Lick. Mr. Carnahan stated they used to have a Christmas tree up by the utility pole in the center of the grounds. Someone weeded whacked all of the bark off and killed the tree. He would like to get a tree back up there. Mr. Eldridge stated they have a meeting with the Chamber tomorrow on the Christmas tree lighting and placement. He stated as part of the new fire department and police department agreement, they were going to plant a certain number of trees to replace trees that were removed. It has already identified where they will go. They will go up by the fire department. They will have discussion on one of the spruces and utilizing that as a Town Christmas tree. Mr. Carnahan discussed the possibility of multiple trees. He stated he received a message from Chuck Abraham asking if they would be having a Veterans Day Program. Mr. Carnahan stated he was unaware of any. The Town has not done anything in the past. He does not know if the American Legion would be having anything.

WRITTEN COMMUNICATION

None

PUBLIC COMMENT

Terry Broadhurst, 631 North State, Lockport, IL, representing his property at 14513 Morse, stated he wanted to backtrack to considering the waiver of development moratorium. What worries him is discussion about volume and capacity. He stated volume is what replenishes capacity and capacity is what the residents use. He stated even though the wells will have volume and put capacity into existing tanks, that still will not create more capacity for more houses. He stated they will not have more capacity to feed 1,000 or 500 homes. He stated the talk was the tower was not needed right now. Discussion was on building occurring in 2028. He stated it would probably take that long to build a water tower. Mr. Broadhurst stated he has watched the ratepayers build towers based on infrastructure undone. He voiced concerns with infrastructure upgrades falling back on taxpaying citizens.

Barb Orze, 10290 W. 138th Place, stated there was an election today for the Hanover Township School referendum. She stated it passed by 52.7%. She stated she wanted to let people know. It is somewhat of a hollow victory. Out of the thousands of registered voters, they had approximately 16.25% show up. She stated this is typically what they have in the Town and the State. She stated she wished there was more civic engagement.

Carol Kerr, 9900 W. 129th Place, stated she questioned the agenda earlier today. She voiced concerns with giving an opinion on something without hearing what others have to say. She asked why is it their fault that Olthof Builders bought land that they did not check out if they could put water on or sewer. She stated the Town Council relies on Kevin Baldwin mainly and Christopher Burke Engineering. She stated they did not do the actual dredging. She stated they lost \$8 million dollars. She stated altogether from the past Town Council they lost \$32 million dollars. She asked if that was a correct statement. Mr. Recapito stated he did not know. She asked them not to sell them out. She continued to voice concerns with the sewer and water.

Randy Niemeyer, 13610 Ivy Street, Lake County Councilman District 7, stated he wanted to talk a little about SEA 1. He stated the financial director at Lake County, Scott Schmal has been working on this. Mr. Niemeyer stated he has been working on it with him. They are looking at opportunities to improve some of the legislation moving forward. Looking at projections, he did an analysis on the minimum amount of LIT each community would need to replace the distribution of funds from the County through CEDIT and Public Safety LIT. Currently, it is structured by a 1.5% income tax countywide. 1% gets applied directly to property tax replacement credits. That lowers every parcel property tax by 18%. For example, you see it in credit as PTRC on the property tax bill. It is generated by income taxpayers to subsidize property tax bills. That was a 2013 mandate as part of adopting the local income tax here. There was a distribution formula attached to it. In 2027 for 2028, that distribution formula disappears. Lake County will not need the 1% for the PTRC. Right now, there is approximately \$250 million a year in collections of income tax. \$165 or \$170 million goes directly to property tax replacement credits. Which lowers the parcels even of people who do not pay income tax. Once it goes away, the County will not need to apply it anymore. That means municipal government that experiences cap loss will experience even more cap loss. Lake County will take up a bigger chunk of the tax levy. They are trying to combat some of it by getting rid of 1% of the LIT to give each municipality a little more space if they need it to issue local income tax without going over where they are currently at of 1.5%. The projection on Cedar Lake to replace the CEDIT and Public Safety LIT is .11. That is the minimum amount of tax they would need to issue on LIT in order to replace the current distribution that comes from the County. That does not include the loss of property tax revenue through the adjustments through SEA 1. Those projections and revenue streams will have to be by LIT or they may want to look at other sources. He stated they had their attorneys go through an analysis of every revenue stream for County and the enabling statutes of those revenue streams. What they found is they have some pretty narrow lanes of revenue that

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

come into County that they cannot use for operations purposes even within departments. They are working with legislators to adjust some of that too to reduce the general fund burden that the County has on the tax levy. That will help to loosen the cap space for them to collect the full levy. Mr. Niemeyer stated he has spoken to Scott and other communities; they are trying to collaborate. They want to work together to minimize the negative impact that could happen. He stated he is happy to be helpful as much as they want him to be. Mr. Carnahan stated they were told at the last meeting that they would lose \$826,800 in 2026. They do not have an option of any local income tax until 2027. He asked him how does he think that will affect the loss. Mr. Niemeyer stated it will not affect their loss next year. None of that starts until 2027 into 2028 to where municipalities can issue an income tax. The next eighteen months will be bumpy. Adjustments will have to be made. Mr. Niemeyer stated County eliminated \$2 million dollars' worth of positions at Lake County. Mr. Carnahan stated Julie Olthoff told him they were working on adjustments. Mr. Niemeyer stated what they are working on is the allocation within the levy. A lengthy discussion continued.

ADJOURNMENT President Recupito called the meeting to adjournment at approximately 9:13PM.

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