

**MINUTES OF THE REGULAR MEETING  
COMMON COUNCIL OF THE CITY OF HOBART  
LAKE COUNTY, INDIANA  
January 21, 2026**

**Call to Order:** Mayor Huddlestun called the meeting to order at 6:00 p.m. with the Pledge of Allegiance, and moment of silence, asking the public to remember the family of Monica Wiley, former 5½ term City Councilwoman, who passed away last week. The meeting was held in the Council Chambers, 2<sup>nd</sup> floor, Hobart City Hall, 414 Main Street and open to the public. The call-in number for the zoom connection was available and listed on the agenda and the website.

**Roll Call:** The following members were present in person: Mr. Kopil, Mr. Kara, Mr. Rodriguez, Ms. Winstead, Mr. Claussen and Mr. Waldrop. Absent: Mr. Brezik. Also present: Clerk-Treasurer Longer and City Attorney McCarthy.

**Reading of the Minutes:** Motion by Mr. Kopil, seconded by Mr. Kara to approve the minutes of the Regular Meeting of January 7, 2026 as presented. All aye, motion carried. (6-0)

**Correspondence:** Clerk-Treasurer Longer distributed the list of Old Outstanding Checks and reported to the Council that these checks have been cancelled as they are over 2 years old and the funds have been returned to the original fund from which they were paid.

Police Chief Ciszewski stated the crime statistics for 2025 will be available in February but as an overview, there were 26,900 calls for service which was a 1% increase over 2024 and officer-initiated calls increased 3%. 2 lateral-hires from 2024 will be released for full duty and there are 5 graduates from the academy that will be done with their field training in February. He also stated the K-9 Association fundraiser will be held on March 20, 2026 at County Line Orchard. Mr. Huddlestun stated the local drug task force team has been very active lately also.

Mayor Huddlestun stated there were 2 new Firefighters sworn in earlier this week and that brings the staffing level of the Fire Dept. to the highest level in recent history so we have continued to invest in public safety.

City Awards will be presented on January 28<sup>th</sup> at 6PM at Wildwood, honoring a number of individuals in our community who have done amazing things. Tickets are available online.

The Mayor's Youth Council is working on three initiatives this year: Recycling re-engagements, a food drive for Yohan's Pantry, and expansion to the Police/Parks CAP programs.

**Committee Reports:** Mr. Kopil announced that an Ordinance Committee meeting will be held at 7PM on Wednesday, February 4<sup>th</sup> in the Council Chambers. There were no other committee reports.

**Approval of the Agenda:** Motion by Mr. Kopil, seconded by Mr. Kara, to approve the agenda as presented. All aye, motion carried. (6-0)

**Unfinished Business:**

**Ordinance 2025-48 (2<sup>nd</sup> Reading):** An Ordinance of the City of Hobart, Indiana, providing that the Zoning Ordinance of the City of Hobart, Lake County, Indiana be Amended by Changing an Established B-1 & R-1 Zone to a PUD Zone Classification: SE of 10<sup>th</sup> St. & Lake Park Avenue (Sapper's property), 12.44 acres, Dan Tursman, Luke Land II LLC: The Ordinance was read. Motion by Mr. Kara, seconded

by Mr. Claussen to adopt Ordinance 2025-48 as presented. Roll Call Vote taken. All aye, motion carried. (6-0)

**New Business:**

**Resolution 2026-05: A Resolution Authorizing the Investment of Public Funds Pursuant to I.C. 5-13-9-5.** The Resolution was read. Ms. Longer stated the City has consistently invested some funds over the years in minimal amounts for short terms but due to the expected influx of funds the City would like to expand its investments in accordance with State laws for longer terms to maximize the possibilities of investments. This Resolution and the following two Ordinances establishes and memorializes the expanded investment policies of the City and authorizes investments to the greatest extent allowable by law for public funds. Motion by Mr. Claussen, seconded by Mr. Waldrop, to approve Resolution 2026-05 as presented. All aye, motion carried. (6-0)

**Ordinance 2026-01: An Ordinance Amending the Hobart Municipal Code regarding the Investment Policy for the City of Hobart.** The Ordinance was read. Mayor Huddlestun stated this ordinance just gives the ability to invest and provides the guidelines of investments, not the actual amount invested. Motion by Mr. Claussen, seconded by Mr. Waldrop to approve Ordinance 2026-01 on first reading. Roll Call Vote taken. All aye, motion carried. (6-0)

Mr. Claussen asked if there was a need to move this policy forward this evening. Ms. Longer stated there is an anticipated influx of funds due to the City within the next week and this policy should be in place prior to that deposit. Motion by Mr. Claussen, seconded by Mr. Waldrop, to suspend the rules, declare an emergency and proceed with the second reading of the Ordinance this evening. All aye, motion carried. (6-0)

**Ordinance 2026-01: An Ordinance Amending the Hobart Municipal Code regarding the Investment Policy for the City of Hobart.** The second reading of the Ordinance was held. Motion by Mr. Claussen, seconded by Mr. Waldrop, to adopt Ordinance 2026-01 as presented. Roll Call Vote taken. All aye, motion carried. (6-0)

**Ordinance 2026-02: An Ordinance Authorizing the Investment of Public Funds pursuant to I.C. 5-13-9-5.7** The Ordinance was read. Motion by Mr. Claussen, seconded by Mr. Waldrop to approve Ordinance 2026-02 on first reading. Roll Call Vote taken. All aye, motion carried. (6-0)

Motion by Mr. Claussen, seconded by Mr. Waldrop, to suspend the rules, declare an emergency and proceed with the second reading of the Ordinance this evening. All aye, motion carried. (6-0)

**Ordinance 2026-02: An Ordinance Authorizing the Investment of Public Funds pursuant to I.C. 5-13-9-5.7** The second reading of the Ordinance was held. Motion by Mr. Claussen, seconded by Mr. Waldrop, to adopt Ordinance 2026-02 as presented. Roll Call Vote taken. All aye, motion carried. (6-0)

**Announcements:** **Jessica Metros**, 1266 Medlee Dr., raised concerns regarding the continuing increase in NIPSCO utility bills and provided the following data:

- NIPSCO is the most expensive electric utility in Indiana. We pay about \$234 per 1,000 kWh. For the same power, people in Indianapolis (AES) or Southern Indiana (Duke) pay about \$158. That is 48% higher for the same electricity.
- NIPSCO rates are roughly 30% higher than the national average of 18 cents per kWh.
- Our rates are higher than almost every major utility in Illinois, Michigan, Ohio and Kentucky.
- The state recently allowed NIPSCO a 9.75% profit margin while the average household bill in our area is over \$400.
- The Power of Rule 10: Under I.C. 8-1-2-54, if just 10 neighbors sign a formal petition, the state is legally required to open a formal investigation into the utility rates. Rule 10 can also apply to local municipalities: the Indiana Utility Regulatory Commission (IURC) authority to investigate certain complaints against public utilities, including those filed

by municipalities or other "bodies politic", but it does NOT strip local governments of all regulatory authority. It applies to complaints against utilities filed with the IURC, not as a rule that local governments must always use the IURC instead of their own laws.

She noted that in her neighborhood of Barrington West, there are 84 households and approximately 168 residents. She stated she has received more than 20 calls regarding dramatically higher NIPSCO bills over the past month. She noted approximately 90% of their residents are retired, many live on fixed incomes of social security and four on Medicaid. The choices these people are forced to make between heat or food, medication or electricity, are devastating and throughout Hobart there are so many more faced with the same choices. She asked the Council to take a leadership role for all of Lake County and urge all municipalities to create a loud and urgent voice in Indianapolis of this crisis of overwhelming increases in utility costs. Mr. Huddlestun stated there is a coalition of elected officials getting together to strategize the approach in Indianapolis and Accelerated Indiana Municipal Partners (AIM) is also working on formulating some strategies for legislation to control utility costs. One of the immediate things the City must do is to continue to be good stewards by not passing on additional costs to residents on the rates that the City controls and be diligent in the approach to assessing fees impacting our residents. He stated it is a two-fold approach, both internally within the City and externally with other area officials to stop the crippling effects of the rate increases.

**Jessica Gadberry**, 322 W. Old Ridge Rd., questioned what the funds that Amazon is providing will be used for and whether the community will be part of the conversation regarding the spending plan. She asked also after the tax abatement goes away, what happens and what funding will we have. Mayor Huddlestun stated that once the tax abatement expires, the company will pay taxes just as the rest of the City. He noted that community engagement will be part of the planning process in how the community impact funds are spent and what projects will be undertaken. He stated there are a lot of needs the City has that haven't been addressed like infrastructure needs, fire trucks and capital improvement plans. He also stated that any time there is an expenditure the Board of Public Works goes through the process for payments but the Council sets the appropriations as to how the money will be spent and wants to make sure the public is engaged in the planning process. He also noted that one of the goals is to not have to pass an income tax that puts more of a burden on the residents. Ms. Gadberry stated that she believes the NIPSCO increases are a direct result of the data centers. Mr. Huddlestun stated those increases were coming well before the data center and as part of the agreements, Amazon agreed to pay 120% of their utility generation and infrastructure costs.

**Calvin Fulton**, 3425 W. 61<sup>st</sup> Ave., stated Mr. Kopil has not replied to his messages. He has had samples taken on his property that found e-coli present on his property and stated that the resident at 2963 E. 62<sup>nd</sup> Place has blocked the water flow in the creek causing a constant sewer odor and no fresh water moving through. He stated he has met with HSD Coordinator Tim Kinsgland who told him there was no funding and nothing the City could do. Mayor Huddlestun stated he would follow up with Tim and the HSD Stormwater Board and the Little Cal River Basin to review the problem and work on a solution.

**Barbara Koteles**, 6140 California St., requested the Council impose a moratorium for building any data centers, allowing a temporary pause on hyper-scale center to assure development is done to City standards. She noted that Home Rule under I.C. 36-1-3 and specifically I.C. 36-7-4 gives local plan commissions and legislative bodies the authority to regulate land use. A 6-month plan should be formulated including hiring consultants and experts, not Amazon hired people, to do an infrastructure audit, utility studies and tax assessments; holding public sessions regarding performance standards; require bonds for the end of life cycles; hold Plan Commission reviews and public hearings; and then once codified, the moratorium can be lifted. She provided the Clerk, City Attorney and Mayor with an outline of these steps provided by Phillip Carranco & Jessica Ayala, carrxenergy (*attached*).

**Angelita Soriano**, 1741 Imperial St., questioned the City Attorney as to why public records requests from her need to go through her attorney. Attorney McCarthy stated that due to the filed litigation, any requests from Ms. Soriano should come through her attorney. She reminded the Council of their responsibilities to the residents and to the public in general, to make the laws, set policy and to protect the people who live in the City in addition to the financial planning and budgeting which affects the City for years to come. She asked that the Council slow down the process to assure they fully understand what they are voting on especially when the commitments are so large and long-term. She stated that when the ERA was

approved along with the abatements and the Amazon agreements, those decisions were not based upon a site plan as no site plan has been presented and the public does not have a clear understanding on the full scope of the project. She stated she believed that by doing the approvals this way, any additional approvals needed from the Plan Commission or other bodies will be only procedural and not objective. She noted that the residents did file an appeal in the Lake Superior Court challenging the ERA designation and the related tax abatement resolutions. She noted that allowing this project to move forward while the appeal is pending places the City and the Council at a financial and public-trust risk. She also questioned in light of the Ordinance passed this evening, whether the financial commitments were driving the process without considering the investment processes. She requested the Council pass further action to move the project forward and engage with the public before any future decisions are made. Mayor Huddlestun stated that many development agreements are approved prior to any rezone taking place and the Plan Commission has a duty, responsibility and obligation to objectively consider all petitions that come before it, regardless of the financial terms of the development agreement that is already in place. Mr. Huddlestun stated the zoning and the financial piece within the development agreement are separate. Ms. Soriano stated the residents' group has been requesting a town hall meeting but keeps getting various excuses as to why that isn't happening and she asked that there be public input before the financial commitments is put into place. She stated the Statement of Benefits filed by Amazon was incomplete and did not show how many buildings or specific costs and it raises even more questions as to what this project involves. She asked the Council to hire the professionals to determine what is needed as to noise, generators, height requirements and make that our law to protect the public.

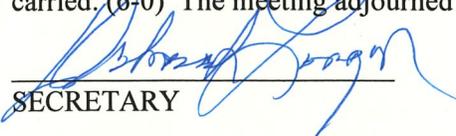
**Linda Berendsen**, 1221 W. 38<sup>th</sup> Place, encouraged the Council to take a walk through the woods, along the river at the site and ponder what could have been done better. She noted there has not been an environmental study done and we don't know what the effects will be if this project moves forward. She noted it took decades to find that living next to a golf course could improve your chances of contracting Parkinson's Disease and that microfiber jackets shed into the water supply and are found in the water we are ingesting. She is concerned about the impact on the natural environment and there is just too much at risk with the unknown. She also stated that Amazon didn't get to be the company they are by following the rules and they will lie to get what they want.

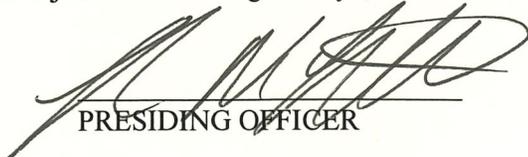
**Alice Pawlowski**, 2450 Crabapple Lane, questioned Mr. Kopil if he found out if Amazon would be doing dewatering on the site. Mr. Kopil stated that the engineer stated at the Plan Commission meeting that there would not be a need to dewater the site. Ms. Pawlowski read a list of counties, cities and towns that have rejected data center proposals or have had them withdrawn due to public input. In 2025, 12 sites outside of the surrounding states rejected proposals, 27 projects were stopped in surrounding states of Michigan, Wisconsin, Illinois and Ohio and in Indiana, 5 moratoriums were put into place and over 15 sites rejected projects. She stated that these were all rejected due to environmental impacts, noise pollution, water pollution, and other factors, the governing bodies listening to the residents. She asked the Council to rethink this project, expressed the need for 3<sup>rd</sup> party studies and asked them to listen to the residents and reject this project. She stated it has been reported that some data centers cause the utility bills to increase 257% and while we are only at 7% or 11% increase right now, she wondered what will happen down the road if this project goes through.

**Albina Venegas Roman**, 2083 Tawny St., stated that facts have been provided and although there has been a great deal of misinformation but the facts that are presented are not being considered. She stated the residents are being affected physically, mentally and emotionally as they try to fight these data centers. She asked the Council to think about the residents.

Mayor Huddlestun asked if anyone had any announcements and there was no response.

**Adjournment:** Motion by Mr. Claussen, seconded by Mr. Kopil, to adjourn the meeting. All aye, motion carried. (6-0) The meeting adjourned at 7:25 p.m.

  
SECRETARY

  
PRESIDING OFFICER

clerk

To: Local Governing Boards (Cities and Counties), Indiana

Subject: Strategic Implementation of Interim Moratoriums for High-Impact Infrastructure

In Indiana, as in neighboring states, the rapid influx of Data Centers, Battery Energy Storage Systems (BESS), Wind, and Solar facilities has outpaced many existing zoning frameworks. Local governments in Indiana have the authority to pause development to ensure these projects align with long-term community interests.

### 1. Legal Basis in Indiana: Home Rule and Zoning Authority

Indiana operates under the Home Rule (Indiana Code § 36-1-3), which grants local units the power to exercise all powers necessary to conduct local affairs. Specifically, under Indiana Code § 36-7-4, local plan commissions and legislative bodies have the authority to regulate land use.

- **Legal Standing:** While Indiana does not have a single "moratorium statute" as specific as Idaho's, courts have generally upheld temporary moratoriums if they are reasonable in duration and tied to a legitimate governmental interest (protecting public health, safety, and general welfare).
- **The "Vested Rights" Rule:** Indiana follows the "Stone" rule, meaning if a developer files a complete application that conforms to existing zoning before a moratorium is enacted, they may have a vested right to proceed. Therefore, speed and "Emergency Clauses" are critical.

### 2. The Importance of a Properly Written Ordinance

A poorly drafted ordinance is an invitation for a lawsuit. To withstand a "takings" claim or a challenge of being "arbitrary and capricious," the ordinance must include:

- **Findings of Fact:** It must explicitly state why the pause is necessary. Use data regarding grid strain, water table depletion (critical for data center cooling), and the insufficiency of current noise or setback standards.
- **A "Clear Nexus":** Link the moratorium directly to the development of a new, comprehensive zoning plan.
- **Specific Exclusions:** Define exactly what is being paused (e.g., "Utility-Scale Solar" vs. "Residential Rooftop Solar") to avoid claims of overbreadth.

### 3. The 6-Month Action Plan: A Detailed Roadmap

A 180-day moratorium is only legally defensible if the local government is actively working toward a solution. Here is the breakdown of what must occur during those six months:

### Month 1: Initialization & Data Gathering

- Enact Emergency Ordinance: Pass the moratorium with an "emergency clause" to ensure immediate effect.
- Hire Specialized Consultants: Engage third-party engineers and land-use attorneys to study specific impacts (e.g., hydrological studies for data center water usage or acoustic modeling for BESS/Wind).

### Month 2: Impact Assessment

- Infrastructure Audit: Meet with local utilities to determine if the current grid can support the requested load without increasing rates for residential citizens.
- Public Listening Sessions: Hold town halls to identify specific community concerns regarding "job-to-land-ratio" and visual impact.

### Month 3: Drafting New Standards

- Zoning Text Amendments: Begin drafting new ordinances. This should include specific "Performance Standards" such as:
  - Decibel Limits: Specifically for data center cooling fans or BESS inverters.
  - Decommissioning Bonds: Ensuring the developer pays for the removal of equipment at the end of its life cycle.

### Month 4: Internal Review & Revision

- Plan Commission Review: The local Plan Commission reviews the draft amendments to ensure they align with the county/city Comprehensive Plan.
- Legal Stress Test: Have legal counsel review the draft for potential conflicts with Indiana's "Senate Enrolled Act 411" (which provides voluntary standards for renewable energy).

### Month 5: Public Notice & Formal Hearings

- Public Notice: Publish notice of the proposed zoning changes as per Indiana Code § 5-3-1.
- Plan Commission Public Hearing: Hold the formal hearing where the public can comment on the proposed new rules, not just the moratorium.

### Month 6: Adoption & Implementation

- Legislative Vote: The City Council or Board of County Commissioners votes to adopt the new zoning text.

- Lifting the Moratorium: Once the new rules are codified, the moratorium is lifted, and any new applications must meet the updated, more stringent requirements.

#### Key Considerations for Indiana Officials

Note on State Preemption: Be aware that the Indiana General Assembly occasionally discusses state-level standards for renewables. Your local ordinance should be framed around local land-use impacts (noise, water, setbacks) rather than a flat rejection of the technology itself.

Sincerely,

Phillip Carranco & Jessica Ayala  
carrxenergy@gmail.com

*Barbara Koteles*  
6140 California St.,  
Hobart, IN 46342  
219-680-9751