

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

April 21, 2009

**Public Meeting 7:00 PM at the Cedar Lake Town Hall  
Pledge of Allegiance & Moment of Silence**

**Roll Call:**

Present	Patricia Wisniewski Council Member	Ward 3	Absent	Robert Carnahan Vice President	Ward 1
Present	John Foreman Council Member	Ward 2	Present	Dennis Wilkening President	Ward 5
Present	Jerry Smith Council Member	Ward 4	Present	Amy J. Sund Clerk-Treasurer	
Present	William Landske Council Member	Ward 6	Present	Ian Nicolini Town Administrator	
Present	Greg Parker Council Member	Ward 7	Present	David Austgen Town Attorney	

**DEPARTMENT REPORTS**

**Police:** Chief Roger Patz reported that staff met Monday to discuss the purchase of three new squad cars; the meeting included the town administrator and clerk-treasurer. Amy Sund reported that three squads have been paid off and there is an increase in the fund that these were paid from. Ian Nicolini recommended council approve the purchase of three squads through a lease purchase agreement. Motion by Pat Wisniewski and seconded by Greg Parker to authorize the purchase of three squads through a lease purchase agreement. Jerry Smith stated that he thought there was going to be a work session to discuss this. Ian Nicolini stated that at the last meeting this was discussed and he was to get back to council after staff met. Ian Nicolini stated that there would be a work session to discuss this if it is to be part of the HELP lease. The CCD fund can support a purchase in excess of three squads at this time. Ian Nicolini stated that if you want to postpone it and discuss goals you can. Three squads have been requested and we discussed how to use the increase in the tax rate from the DLGF.

**Roll Call Vote: 4 to 2**

Wisniewski	Foreman	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	NO	NO	YES	ABSENT	YES

Chief Patz stated that this will not take place immediately; it will be one to two months out. He will bring the information to the police commission. The COPS grant has been submitted to the DOJ; we should hear in September. The justice assistance grant has been submitted; we should hear on that in late September or early October. John Foreman had a question on the cars; since we need to get quotes will we use the dealership in town. Chief Patz stated that we used them for the last purchase. He stated that the state purchase agreement currently is for Dodge Chargers; he will share this information with the local dealership as a negotiation point. Chief Patz stated that traditionally the squads are Chevy Impala, Ford Crown Vics or Dodge Chargers. Denny Wilkening inquired as to what he has in mind; Chief Patz responded that he would recommend one SUV. The state bid for these is two to three thousand dollars higher. SUV's have been valuable in the past; up to last year there were two in the fleet. Bill Landske questioned the ratio of population to the number of officers in the town. Chief Patz responded that the town's governing body sets this; there is no law from the state or federal. There are guidelines from the FBI and justice department; one officer per five hundred population. David Austgen stated that he has heard this number consistently and that Chief Patz is right, it is your call.

**Public Works:** Ed Robinson had no report.

**Parks & Recreation:** Mary Joan Dickson submitted a written report to Council. She reported that the clean-up went well, however there were not enough volunteers and clean up will continue.

**Clerk-Treasurer:** Amy Sund had no report.

**Fire Department:** Todd Wilkening had no report.

**Planning, Zoning & Building:** Ian Nicolini had no report.

**Town Administrator:** Ian Nicolini reported on the sidewalk work regarding the south side of 133<sup>rd</sup> from Burger King – CVS area to Casey's. Additional funding has been approved at an 80/20 share. He would like to pursue this with this funding and clean-up the rest of the project and tie it all together. Motion by Pat Wisniewski and seconded by John Foreman to use the additional funding for the sidewalks. Ian Nicolini stated that this is the south side including the north-south stretch by the trustee's office. Greg Parker inquired of Amy Sund if this will be harmful to the budget; she stated that INDOT reimburses 80% and this comes out of TIF funds.

**Roll Call Vote: 6 to 0**

Wisniewski	Foreman	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	ABSENT	YES

Ian Nicolini spoke on ideas for roadwork on west 133<sup>rd</sup>. Ian Nicolini referred to the map regarding 133<sup>rd</sup> phase one to past the viaduct; to make the viaduct 13 feet. The core samples have indicated that the sub-grade is in bad shape. If you only widen and resurface there will be a lack of longevity. Adding curbs, gutters, storm water and reconstructing will put constraints on traffic. There will have to be a temporary signal for one lane of traffic. We are looking at conservative budget estimates and he is working with the engineer on this; he just wanted to brief everyone on this. The goal is to have a 13 foot underpass. Upstream detention will be at Jane Ball. Full reconstruction will be needed due to the current damage. The viaduct is currently 12'6". John Foreman inquired if a sign could be put on Cline notifying truck drivers of the low viaduct; otherwise they do not know until they are already on Lake Shore Drive and have to turn around; Ed Robinson will see if a sign with a directional arrow could be used. Greg Parker stated that 13'6" is required for a semi-truck; Ian Nicolini responded that they will not be able to lower it that much without a large cost or involving the railroad. There is a gas

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line on one side and a fiber optic cable on the other side. We will be able to gain about six inches; twenty four inches of materials would need to be removed. Ian Nicolini stated that there are funds in the bond. Ed Robinson will look at the repair work that has been done. Bill Landske stated that there will be one heck of a bottle neck; Ian Nicolini stated that we are constrained by the current conditions. April 30<sup>th</sup> is a work session for the council and park board at 7:00 pm and there is a NIRPC small towns and cities meeting.

**Town Attorney:** No report.

**Town Council:** Greg Parker stated the Bob Carnahan is out of town.

**PUBLIC COMMENT:**

Greg Hegyi of Polk Street in Meyer Manor stated that he is pleased with the paving of the roads; the curbs and drainage are well, but they have created a safety hazard for kids. The new drainage towards the lake stops ten to fifteen feet before the lake; a pit was dug and filled with rock and then overflows to the lake. A small child could fall in this pit and drown. Pipes are needed all the way to the lake or curbing around the rocks and grading. These open pits reduce access of the fire department to the lake water. Ian Nicolini stated that these are the flare ends sections; he has met with Burke regarding this as it was not the best solution in this area. They are currently working on a solution for this. It was suggested that this will need to be covered-up or encased to prevent entry. Ian Nicolini stated that Meyer Manor is unique in nature; we have to see how something works and changes may need to be made in the field. This is a unique project and we need to be flexible. Greg Parker stated that if this is a hazard to a child it needs to be addressed immediately. Ian Nicolini stated that he is actively working on this. Todd Wilkening stated that he has met with the town engineer; it is a pretty deep area; they are going to install grating that grass can grow through and support the weight of a fire truck. Ian Nicolini recommended Council authorize a change order for the project subject to final review to allow the improvements. Denny Wilkening asked Ed Robinson to check the area out and barricade it some how; use snow fence or something. Motion by John Foreman and seconded by Greg Parker based upon Ian Nicolini's advice.

**Roll Call Vote: 6 to 0**

Wisniewski	Foreman	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	ABSENT	YES

Greg Hegyi spoke on the installation of 131<sup>st</sup> Lane and 132<sup>nd</sup> Avenue where they meet Polk Street; currently they are just filled with gravel. He would like to propose the town considers paving Polk Street and 131<sup>st</sup> Lane. Ian Nicolini stated that he could get cost estimates for milling and paving of Polk Street and bring it to Council. David Austgen stated that if there is a reasonable connection of the streets; we could probably make the bond funds work. These roads were not on the roads selected from the road inventory when we got the bond. Ian Nicolini will get cost estimates and look at the connection. John Foreman stated that since we have paving equipment it is a shame not to use it. Greg Hegyi stated that this is a resort community with a lot of boats, campers and RV's. He heard that there is an ordinance to limit where people can park these on their own property. He urged Council to reconsider this; we lost a former police chief. People should be able to do what they want with their property as they pay taxes on it. Bill Landske expressed his agreement. Greg Parker thanked him for bringing the safety concern to their attention.

Wilmer Loudermilk of 131<sup>st</sup> Place stated that he brought the water thing up to Ian Nicolini over a week ago. The two pipes are completely underwater. If these freeze, the basketball area could flood and if they freeze it could stop all the drainage behind Hunley's. Bill Landske asked for the measurement of the pipes to the average lake level; Wilmer responded that it is about six inches below the average lake level. Denny Wilkening questioned if it used to flood; he responded that it did right after they put the sewers in about twenty-five years ago. He believes it will flood again because they replaced a twenty-four inch pipe with two twelve inch pipes.

**CONSENT AGENDA**

- Minutes of the Regular Public Meeting of April 7, 2009.
- Docket: Town Claims 64684 - 64746 for \$256,959.05; Wastewater Claims 24929 - 24958 for \$172,840.55; Storm Water Claims 64694 - 64695, 64704 - 64707 for \$29,089.52. Motion by John Foreman and seconded by Pat Wisniewski to accept and waive the reading of the minutes and to accept the consent agenda.

**Roll Call Vote: 6 to 0**

Wisniewski	Foreman	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	ABSENT	YES

**UTILITY BUSINESS**

**a. Proposal for Professional Services – Water Utility Master Plan Phase I: Facility Review**

Ian Nicolini stated that this item is not ready for consideration and will be on the next agenda.

**b. 2009 Garbage Contract Renewal**

Pat Wisniewski stated that she has received a lot of calls against bi-weekly recycling. She stated that people will just throw out their recyclables. Ian Nicolini referred to the meeting packet and the letter from Allied Waste Services. The new contract would reduce the number of free roll off containers from 104 to 32 and weekly recycling to bi-weekly. They currently have a \$13,500 credit owed to us for roll offs we were charged for last year. The original rate proposed for 2009 was \$15.82; currently the rate is \$15.07 with a \$.07 subsidy. The proposed rate of \$15.50 would be with bi-weekly recycling and with our credit will result in a rate of \$15.18. Motion by Pat Wisniewski to keep the recycling; motion died with lack of a second. David Austgen stated that if you continue full service and need a rate increase, you will need a public hearing on this. Motion by John Foreman and seconded by Greg Parker for the agreement with Allied and bi-weekly recycling. Greg Parker commented that they negotiated this and otherwise there would have been a substantial rate increase; this is not the time in our community for this. David Austgen stated that there will need to be an official legal agreement to modify the contract and amend the

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current agreement and terms. Motion amended to be contingent upon an amendment to the form and allowing the Town Council President and Clerk Treasurer to attest to the form when presented. Ian Nicolini will have the pick up dates on the sewer bills and prepare a press release. A comment was made from the public stating that wouldn't it be better to promote recycling. John Foreman stated that Allied will make more recycling bins available.

**Roll Call Vote: 5 to 1**

Wisniewski	Foreman	Smith	Landske	Parker	Carnahan	Wilkening
NO	YES	YES	YES	YES	ABSENT	YES

**c. Utility Mapping Equipment Proposal**

Ian Nicolini referred to the sales quote from Seiler for equipment for inflo reduction into the sanitary sewer. This is for the GPS portion of the GIS system. This would help develop infrastructure maps and locations. The proposal is for \$11,810 which would be paid for by the utilities and CCI. This equipment would be used to locate manholes and complete sewer maps. Ian Nicolini stated that Ed, Frank, JC and himself have met on site and are satisfied with the results of the equipment. Ian Nicolini recommended approving the proposal and purchasing the equipment so that the public works department can begin mapping. Motion by Pat Wisniewski and seconded by Jerry Smith. David Austgen stated that the public record should have a summary of the equipment. Ian Nicolini stated that the proposal includes a GeoXh Standalone System for \$5,410, TerraSync Professional Software for \$2,845, and Antenna Kit for \$660, GeoBeacon Receiver for \$1,295, Pole Segment for \$25, Case – no cost, Software Maintenance Extension for \$700, Warranty Extension for \$450, and a half day TerraSync Training for \$250. A copy of the proposal will be included at the end of the minutes. John Foreman stated that we have a GIS system which is used for parcel mapping; we should put more money towards more training. Ian, Frank (IT consultant) and Ed are all familiar with this system. Greg Parker inquired on who would be trained; Ian Nicolini responded that it would be Ed Robinson and two guys. Denny Wilkening asked how it would be paid for; Ian Nicolini responded that it would be a 60/40 split between wastewater and CCI.

**Roll Call Vote: 6 to 0**

Wisniewski	Foreman	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	ABSENT	YES

**TOWN BUSINESS**

**1. Resolutions**

**a. Resolution No. 977: Transferring Money in the Cumulative Capital Improvement Fund**

**i. \$6,000**

Amy Sund read Resolution No. 977 in its entirety. Motion by Pat Wisniewski and seconded by John Foreman to accept Resolution No. 977.

**Roll Call Vote: 5 to 1**

Wisniewski	Foreman	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	NO	YES	YES	ABSENT	YES

**2. Ordinances**

**a. Ordinance No. 1053: Establishing Handgun Permit Registration Fee Regulations, First Reading**

Motion by Pat Wisniewski and seconded by Jerry Smith to read Ordinance No. 1053 by title only.

**Roll Call Vote: 6 to 0**

Wisniewski	Foreman	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	ABSENT	YES

David Austgen read Ordinance No. 1053 by title only. David Austgen stated that this is a permit process request to consider. It is for the adoption to waive the gun permit fees for retired Indiana sworn officers. The state portion is already paid for. Amy Sund questioned section two in regards to the clerk-treasurer shall make proper verification of applicability of exemption qualification of such individuals and shall make appropriate record with documentation of same; David Austgen stated that she would make verification if an inquiry if made. Motion by Jerry Smith and seconded by Pat Wisniewski to accept the first reading of Ordinance No. 1053.

**Roll Call Vote: 6 to 0**

Wisniewski	Foreman	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	ABSENT	YES

David Austgen stated that as this was a unanimous decision and Bob Carnahan was aware of this, you could have a motion for a second reading tonight. Motion by Jerry Smith and seconded by Pat Wisniewski to have the second reading by title only.

**Roll Call Vote: 6 to 0**

Wisniewski	Foreman	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	ABSENT	YES

David Austgen read Ordinance No. 1053 by title only. Motion by Jerry Smith and seconded by Pat Wisniewski to accept the second reading of Ordinance No. 1053.

**Roll Call Vote: 6 to 0**

Wisniewski	Foreman	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	ABSENT	YES

**3. Old Business**

**a. Engineering Proposal: Safe Routes to School Sidewalk Project**

This item is not ready for consideration tonight.

**b. Community Development Block Grant Project**

Ian Nicolini stated that at the last meeting options for this grant were discussed; official action needs to be taken to submit the proposal for \$38,000. Options discussed were ADA compliance

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at the entrance and restrooms at Monastery Woods and \$15,000 for the South Lake County Community Services. Relocating 130<sup>th</sup> Place was discussed at the last meeting, but it is not feasible to survey the entire membership of the Boys & Girls Clubs at this time. Ian Nicolini suggested looking at major moves and transportation funding including stimulus funding for 130<sup>th</sup> Place. Jerry Smith questioned the bus service SLCCS provides and how they arrived at \$15,000. John Foreman stated he thought it was based upon ridership; Amy Sund stated that she watched the Crown Point meeting they asked for the same amount from Crown Point; they have more riders than Cedar Lake. Mary Joan Dickson stated that she is on their committee and it is based upon the number of riders and mileage. This is a two year amount and the transportation is not just for seniors. Motion by Jerry Smith and seconded by Pat Wisniewski to accept the projects based upon the town administrators recommendation.

**Roll Call Vote: 6 to 0**

Wisniewski	Foreman	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	ABSENT	YES

**4. New Business**

**a. Bid Award: Reconstruction of 126<sup>th</sup> Avenue and Reeder Road**

**i. Apparent Low Bidder: Walsh and Kelly**

**Bid for Roadway \$515,655.00**

**Bid for Drainage \$217,279.00**

**Total Bid \$732,934.00**

Ian Nicolini stated that the apparent low bidder was Walsh & Kelly and read the above information. He stated that the award letter is not in the meeting packet, but Amy Sund has it for approval. The engineers estimate on this project was for \$1.1 million. David Austgen stated that the specifications, time to commence and complete were completed on how the engineers designed. Ian Nicolini stated that the other bid amounts were in the memo. John Foreman questioned Walsh & Kelly being the responsible bidder; their past work seems that they fit us in when they can. David Austgen stated that they were the lowest responsive and responsible bidder. David Austgen stated for the record the he reviewed the notice to bidders and the packages were responded to completely; all items were in order. Motion by Jerry Smith and seconded by Pat Wisniewski to award the contract to the low bidder of Walsh & Kelly. Jerry Smith stated that he was in favor of this as it is already done. He has spoken to the town administrator and he will not vote in favor of any other road projects until the conditions of 134<sup>th</sup> Place from Fir Street to Hilltop and Knight Street from 134<sup>th</sup> to 135<sup>th</sup> Place in Cedar Point Park are addressed. The drainage made some of the roads impassible this winter due to ice. The ruts in the roads are causing damage to cars.

**Roll Call Vote: 6 to 0**

Wisniewski	Foreman	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	ABSENT	YES

**b. Appointment of Officer – Police Department**

**i. Police Commission Issued Favorable Recommendation**

Chief Roger Patz spoke on behalf of the police commission. On April 11<sup>th</sup>, the commission held a special meeting and voted favorable 4 to 0 to appoint Douglas Machalk to a full time officer. Chief Patz gave a background on Douglas Machalk. Motion by Jerry Smith and seconded by Greg Parker to accept the favorable recommendation of the police commission and appoint Douglas Machalk.

**Roll Call Vote: 6 to 0**

Wisniewski	Foreman	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	ABSENT	YES

**c. Designation of Employee in Responsible Charge**

**i. INDOT LPA**

Ian Nicolini stated that as part of the LPA guidance document, an employee needs to be appointed to go to the LPA project development training. Ian Nicolini and Ed Robinson are going to the training. He recommended appointing him as the LPA, this is a requirement for federal stimulus and safety loop funding. Motion by Jerry Smith and seconded by Pat Wisniewski to appoint Ian Nicolini.

**Roll Call Vote: 6 to 0**

Wisniewski	Foreman	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	ABSENT	YES

**d. Contract renewal for Information Services Agreement**

Ian Nicolini recommended adopting the contract extension for one year. Greg Parker questioned the IT support. Ed Robinson and Chief Patz responded favorably, his service has been great. He has been fair with his hours charged. Motion by Pat Wisniewski and seconded by John Foreman to accept the renewal for the information services agreement.

**Roll Call Vote: 6 to 0**

Wisniewski	Foreman	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	ABSENT	YES

**PUBLIC COMMENT:**

Greg Hegyi of Polk Street spoke on the drainage of the roads and the pits are holding back drainage and freezing.

**FINAL COMMENTS:**

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1. **Town Council:** Bill Landske referred to the map in regards to mobile homes only paying for one sewer tap; there are 4 or 5 homes. Ian Nicolini stated that this will be addressed and he will meet with the owner; this is the first time it has been brought to his attention. Bill Landske stated that it has been going on for several years.
2. **Town Administrator:** No comment.
3. **Town Attorney:** Executive session.

**ADJOURNMENT:** At approximately 8:40 pm President Wilkening called for adjournment.

An Executive Session was advertised and conducted pursuant to IC 5-14-1.5-6.1(b) for 5:30 PM and after the meeting with discussion consisting of personnel matters, litigation issues and land acquisition concerns. Those in attendance were John Foreman, William Landske, Greg Parker, Jerry Smith, Dennis Wilkening, Pat Wisniewski, Town Administrator Ian Nicolini, Clerk-Treasurer Amy Sund and Town Attorney David Austgen.

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

\_\_\_\_\_  
Dennis Wilkening, President, Ward 5

\_\_\_\_\_  
Patricia Wisniewski, Ward 3

\_\_\_\_\_  
Robert H. Carnahan, Vice President, Ward 1

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John Foreman, Ward 2

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Jerry Smith, Ward 4

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William Landske, Ward 6

**ATTEST:**

\_\_\_\_\_  
Greg Parker, Ward 7

\_\_\_\_\_  
Amy J. Sund, 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 IC 5-1.5-2-2.5.