

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

**May 19, 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
Absent	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 had no report.

**Public Works:** Ed Robinson reported spring clean up is completed, leaves and branches have been picked up. This year's town wide spring clean up used four, thirty yard dumpsters. Dumpsters are still available for use. Ed & JC helped the elderly and disabled picking up items for disposal at no cost to the town. The clean up of the public works facility is on-going in preparation for the MS4 inspection. Drainage swales and ditches, fueling stations need concrete pads for spill containment, facility plans for storage and confinement including proper marking of entrances and exits are needed to be completed. Spill response and contact information, training for all employees and vaccinations including hepatitis B and tetanus shots need to be done. Training needs to including Haz-Comm and Haz-Spill, blood borne pathogens and MSDS training. Ed Robinson stated that he has received three quotes for these trainings; one quotes was for \$285 per person for a total of \$4,275 and lunch needed to be provided, the second quote was for \$230 per person for a total of \$3,450 and Missal Environmental would charge for the costs of materials and lunch for a total of approximately \$700. Ed Robinson stated that he has been working with Mittal Environmental and the fire department to save money on these trainings. Motion by Pat Wisniewski and seconded by Bill Landske to approve the training, utilize the town hall for the training and close public works for one day for training which is planned to be in June. Ed Robinson reported that they are continuing to work on drainage problems around town, repairing pot holes around town, street sweeping and mowing. Denny Wilkening questioned if the total patcher is working correctly; Ed Robinson stated that he was training employees and that is why some spots have more stone. Greg Parker inquired if the two new employees have been hired; Ed Robinson responded that one is currently working and the other one will start next week. He is in the process of hiring two part time summer staff; one is coming in Tuesday and he is looking for one more. Applicants need to be at least eighteen years old.

**Parks & Recreation:** A written report was submitted to Council.

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

**Fire Department:** No report.

**Planning, Zoning & Building:** Ian Nicolini reported that for the month of April there were three new building permits and forty alteration permits. Weed and grass violations totaled \$2,280 for 2008 and \$1,963.15 has been collected to date; \$316.85 is outstanding. Ian Nicolini asked for direction in continuing this program for 2009; should he re-advertise the ordinance. Council agreed to continue enforcing the weed and grass ordinance.

**Town Administrator:** Ian Nicolini requested a vehicle replacement work session for June 9<sup>th</sup> at 6 pm.; this will be a public work session. Council agreed to the date and time. The new tax rate for the cumulative capital fund has been received. This work session will discuss police squads, public works equipment and other vehicles. This will preparation for the June 16<sup>th</sup> Town Council meeting. On May 27<sup>th</sup> at 9:30 am there will be a FEMA meeting at the Lake County Fair Grounds Industrial Art Building to discuss the new maps; Ian Nicolini invited all public officials to attend. Ian Nicolini reported that 7505 W. 129<sup>th</sup> Avenue, there was an unsafe building lien put on the property in 1981. Title reports do not show an amount due, but that there is a lien. Ian Nicolini and staff have researched this; minutes were reviewed and the lowest estimate was for \$850. The work was done in 1981 and the permit was closed in 1982. The property owner is looking for a resolution on this matter; she is selling the property and would like to close on the property tomorrow. There is no record of an amount due. David Austgen stated that per state statute the interest rate is 8%. This lien was from the unsafe building department and the lien was for cost. Denny Wilkening asked Marilyn if this was her property; she responded yes. Marilyn responded that she purchase the property from Robert Hawkinson who bought it at a tax sale. Ian Nicolini stated that they have an internal memo from the sewer department which was dated in 1995 that all liens are cleared; he believes this is just for their department. Sandra Dalkilic stated that Lake County does not have any other information other that it is from an unsafe building ordinance; this is the only record on title. She requested a letter from the town stating that the building was demolished and no amount is owed. Motion by Greg Parker and seconded by John Foreman to clear the lien.

**Roll Call Vote: 5 to 0**

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

Ian Nicolini stated that he will draft a letter this evening. Ian Nicolini reported to Council on west Lake Shore Drive. He stated that the use of a temporary traffic light keeping one lane open is not worthwhile; it would only allow a 150 foot work zone. Denny Wilkening asked for Ian Nicolini to reiterate what the project is. Ian Nicolini gave a synopsis of the project and referred to the map. This project would be the end of the 133<sup>rd</sup> current phase to the edge of Smith Ready Mix. The project includes widening, adding curbs and under drainage. Surface samples indicated that resurfacing this area without reconstruction would not be cost effective. This is the only major thoroughfare on that side of the lake. The road in this area is only getting worse. Bill Landske questioned if this would widen this area; Ian Nicolini responded that the roads would be widened but the area would remain two lanes with curbs and drainage; the viaduct would be improved, but remain at 28 feet wide. Greg Parker inquired if detour routes have been discussed; Ian Nicolini stated that discussions are occurring. Ian Nicolini stated that one option was to keep one lane open during reconstruction; the project would take eight to ten weeks and begin in mid August. Sandra Joseph, engineer, does not recommend this. There would be limited work space in the work zone; it would not be safe in the viaduct area with the grade difference. Denny Wilkening questioned having two work shifts working overtime and weekends; Sandra Joseph responded that we would be paying more for this. John Foreman stated that there would be more project management time, more man hours. John Foreman stated that he could not imagine the road being closed for more than four weeks. All options will leave limited access for fire and police emergencies and school buses if needed. Ian Nicolini stated that to be safe the road needs to be closed. There are funds available in the bond. An approval is not needed tonight; Ian Nicolini just wanted to present the information. Bids would include shutting down the road to construct the entire width leaving a route for emergency vehicles and a schedule. This will be an agenda item with his recommendation in the future. Ian Nicolini stated that he has met with the police and fire chiefs to discuss concerns with this project; both were supportive of this project. Denny Wilkening stated that it is better to do this all at once; Sandra Joseph stated that it will be a better product doing it all at once. Ian Nicolini asked if this was a project they would like to continue; Denny Wilkening responded yes.

**Town Attorney:** David Austgen reported that the closing on the utility acquisition will be on June 1<sup>st</sup>. He reported that a large amount of delinquent ambulance accounts are being collected on. He suggested that Council meet with Amy Sund to discuss the revenue stream from this. On June 3<sup>rd</sup> there will be an Indiana Public Access Laws workshop from 9 am – 11 am at Schererville Town Hall; this is free to municipal officers and employees.

**Town Council:** Pat Wisniewski stated that she went to the police luncheon on Friday and it was wonderful. Greg Parker inquired if Tim Warchol was in attendance; Tim Warchol responded that he was here; Greg Parker asked him to speak during public comment. John Foreman stated that kids from Jane Ball attending kindergarten next year will be bussed to Lincoln Elementary; Jane Ball is out of room.

**PUBLIC COMMENT:**

**Charlie Kaper, Diane Jostes and Sandra Dalkilic** of the Cedar Lake Chamber of Commerce stated that the Gala event raised extra funds and they have purchased \$1000 worth of American and Indiana flags. They purchased 288 new flags for the poles around town to continue the program. Ed Robinson has the flags. Pictures were taken.

**Tim Warchol** of W. 127<sup>th</sup> Lane in Wicker Meadows stated that the sump pump on the west side of his house goes to the park. He has previously spoken at a town meeting and has spoken with Ed Robinson on this. Ed Robinson stated that he has looked at the property with JC; they can not dig on private property. Mary Joan Dickson has given them permission to dig at the park. Tim Warchol stated that there is 20 feet from his house and then there is the detention pond; there is still standing water there. Ian Nicolini recommended installing riprap and day lighting it. Ed Robinson stated that this would have to be mowed around and maintained. Tim Warchol stated that the swale holds water. Denny Wilkening inquired if when working on the restoration we could cut the swale and go into that. Tim Warchol stated that there is a hump in the center of the swale; it is not draining right. Denny Wilkening and Ed Robinson are to go out there tomorrow. David Austgen stated that this could be a violation of sanitary sewer permits and ordinances. Greg Parker stated that we have been aware of this problem; he is looking for a way to discharge the water properly. Denny Wilkening and Ed Robinson are to report back to Ian Nicolini; Ian Nicolini will discuss with Mary Joan Dickson. Ed Robinson will see if it could be tied into the rear drain.

**Mitchell Dudlack** of Oak Street stated that there used to be a stop sign when people would come out of Don LaTulip's boat yard; cars are just flying out of there without stopping and there are children are in this area. He inquired as to what needs to be done to install the sign again; Denny Wilkening and Chief Roger Patz stated that it is a private drive. Bill Landske questioned if we had one there before; it was stated that one was there but it was not installed by the town. Ed Robinson stated that there are set back requirements for signs. John Foreman suggested installing a slow children playing sign. Ed Robinson stated that this is private property, but Meyer Manor could write a letter requesting that the sign be reinstalled. David Austgen stated that we can not put a stop sign on private property. Denny Wilkening suggested putting in a three-way stop sign on Washington Street. David Austgen stated that there are differences between controlling traffic and stopping traffic. Chief Roger Patz is to look into it. A slow blind curve or hidden driveway sign options were mentioned. Mitchell Dudlack questioned what the speed limit on Lake Shore Drive; is it 50 or 30. He stated that we should have an officer there writing tickets to generate revenue for the town. Chief Roger Patz responded that if he could find an hour per shift he would put someone on it. Mitchell Dudlack inquired if we are contacting any food chains to move into the area such as Aldi; Denny Wilkening stated that there have been inquiries. Ian Nicolini stated that with the economic downturn things have slowed down.

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Mitchell Dudlack stated that Marquette Street by Hunley's is torn up and there is equipment all over; Ian Nicolini stated that they are completely reconstructing the road. Sandra Joseph stated that we will have to make 131<sup>st</sup> Place acceptable first. Mitchell Dudlack inquired if the new flags will be placed on lighted poles; he inquired on the street light across from the funeral home. Ed Robinson responded that NIPSCO looked at this light and stated that nothing was wrong with the outlet. Ed Robinson stated that they tested this by covering the eye and it did not work. NIPSCO discovered corrosion on the meter. Ian Nicolini stated that the new street lights have flag pole holders on them. Mitchell Dudlack stated that he likes the new lights. Mitchell Dudlack inquired on officers taking their cars home; Chief Roger Patz stated that officers take their cars home and are called out they have all of their gear with them; he encourages them to drive their cars around town but out of town is restricted.

**Sandra Dalkilic** of Lake Shore Drive stated that she is the chair person for the Chamber's Beautification Committee. She asked council members to nominate at least one household in their wards. Only houses that are highly visible have received the awards. She stated to contact chamber members if there are any questions. This year there will be ten awards in ten categories; each award will receive a \$25 gift card. Sandra Dalkilic asked Council if they would be willing to donate for one of the awards. Judging will be July 13<sup>th</sup> and the awards will be on July 14<sup>th</sup>. Categories were listed.

**CONSENT AGENDA**

1. Minutes of the Regular Public Meeting of May 19, 2009.
2. Minutes of Town council and Park Board Joint Work Session. Motion by Pat Wisniewski and seconded by John Foreman to accept and waive the reading of the minutes and to accept the consent agenda.

**Roll Call Vote: 5 to 0**

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

**TOWN BUSINESS**

**1. Old Business**

**a. Garbage and Recycling Matters**

Ian Nicolini stated that at the end of the last meeting it was requested that this be on the agenda. Ian Nicolini gave a synopsis. He stated that we went to bi-weekly recycling in lieu of a rate increase; garbage will still be picked up weekly. There will not be recycling next week; this week began the alternating schedule. Motion by Greg Parker and seconded by Bill Landske to defer this to the next meeting. David Austgen stated that he has concerns with this. Ian Nicolini will request that a representative from Allied Waste be at the next meeting. David Austgen stated that we had action to move to bi-weekly recycling; this will cause confusion. The addendum to the contract is not complete; it has not been executed. David Austgen inquired as to what is being delayed; why is there reconsideration from the previous public decision.

**Roll Call Vote: 3 to 2**

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

The vote resulted in no action. David Austgen inquired of John Foreman and Pat Wisniewski on their decision. John Foreman stated that the Council asked the committee to meet to discuss the contract. The committee met. Due to the economic turmoil they did not want to raise the rates. The committee came up with a way to keep the rates essentially the same; the town will be paying for part of the bill. They asked for bi-weekly recycling. Why are we trying to rehash this; we had a committee and we came up with a solution. Denny Wilkening stated that he thinks the public ants weekly not bi-weekly. Bill Landske stated that as Bob Carnahan previously stated, been there done that it didn't work. John Foreman stated that Allied Waste began the new schedule, there is a level of disruption; weekly recycling would increase bills about one dollar per month, this is only twenty-five cents per week. David Austgen stated that this would be an additional consideration, it is a policy call. Greg Parker stated that he would like to have the full council together before making a decision. David Austgen stated his agreement; this is being fiscally responsible; it is a balancing act.

**2. New Business**

**a. Cooperation Agreement: Community Development Block Grant**

Ian Nicolini referred to a letter dated April 29, 2009 from Milan Grozdanich of the Lake County Community Economic Development Department to the Town. Ian Nicolini stated that action is needed on or before May 22<sup>nd</sup>. This is for the cooperation agreement between the county and the town. David Austgen stated that action is needed tonight or the town will loose funding for the next three years. David Austgen highly recommended entering into the agreement. Motion by John Foreman and seconded by Pat Wisniewski to approve the cooperation agreement.

**Roll Call Vote: 5 to 0**

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

**PUBLIC COMMENT:** No comments.

**FINAL COMMENTS:**

**1. Town Council:**

Greg Parker inquired of Sandra Joseph if 133<sup>rd</sup> is on schedule. Sandra Joseph responded that INDOT is in the process of approving the June 30<sup>th</sup> completion date. Walsh & Kelly will be milling the transition ends, by the shopping center, near the Burger King entrance and patch areas before installing the surface course. Sod is being installed and sidewalks are in. The drainage additions are being worked on by Casey's and then the sidewalk will be completed. We should be in good

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shape for July 4<sup>th</sup>. John Foreman inquired on a punch list. Sandra Joseph responded that one is being compiled for Surprise Park and one will be starting for Meyer Manor; the lists start as restoration work begins. Denny Wilkening inquired on 131<sup>st</sup> Place in Meyer Manor regarding the property on Marquette and Harding; this used to be private property regarding how an emergency vehicle is supposed to get around there; if there is an emergency this will be difficult. Ian Nicolini and Sandra Joseph are working on the possibility of widening the turnout and looking at options; Ian Nicolini stated that he was not sure if we could obtain an easement from the property owner.

**2. Town Administrator:** Ian Nicolini had no further comments.

**3. Town Attorney:** David Austgen had no comments.

**ADJOURNMENT:** At approximately 8:25 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, 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

\_\_\_\_\_  
Jerry Smith, Ward 4

\_\_\_\_\_  
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.