

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

**June 2, 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	Present	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	

\*Jerry Smith arrived at 7:40 pm

**DEPARTMENT REPORTS**

**Police:** Chief Roger Patz reported that there have been thefts reported on the west side from 134<sup>th</sup> to 141<sup>st</sup>. He stated that he had officers on foot patrol on Saturday; there is a limited time that he is able to do this. The annual Fallen Officers Blood Drive will be on Wednesday, June 10<sup>th</sup> at the Lake County Fair Grounds in building B. There is a competition between Lake and Porter County for this; there is a drawing for those who give blood. Thursday, June 25<sup>th</sup>, the South Shore Convention Center will be holding a Model A Ford Parade. This will start in Merrillville at 9 am and run through Cedar Lake. There are currently 400 registrations; VIPS, Public Works and the Fire Department will assist the department with traffic control.

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

**Parks & Recreation:** A written report was submitted to Council from Mary Joan Dickson. Mary Joan Dickson reported that the Summerfest Committee will be upgrading the electric box, adding spigots to the museum, add a back to the stage, and fix plumbing under the museum this summer after Summerfest. All projects will be funded by Summerfest.

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

**Fire Department:** No report.

**Planning, Zoning & Building:** Ian Nicolini reported that for the month of May there were four new building permits and forty-five alteration permits. Year to date there are twelve new and one hundred thirty-seven building permits. This is six less than last year at this time. Excluding the restaurant, we are currently on \$104,000 short on approximate value compared to last year. There have been twelve new permits this week.

**Town Administrator:** Ian Nicolini stated that the vehicle replacement program work session will be on June 9<sup>th</sup> at 6 pm. Funding will be from the Cumulative Capital Development Funds; all departments will be considered. Ian Nicolini stated that the fire chief would like to schedule a meeting with the emergency services committee; Ian Nicolini will coordinate this. The West Lake Shore Drive viaduct project, which is from Smith Ready Mix to the east edge of the 133<sup>rd</sup> Avenue project, schedules and costs are being worked on by Christopher Burke. The estimated time of closure will be four weeks; this will be worked on with two eight hour shifts per day. Work could begin in August with the closure in September. Additional core samples are to be taken. This will bid with the reconstruction of Huseman and east Lake Shore Drive drainage. Bob Carnahan questioned if this could be done sooner to not interfere with school. Ian Nicolini stated that the highest traffic flows are before Labor Day. Mary Joan Dickson stated that school begins on August 20<sup>th</sup>. The schedules will show emergency vehicle passageways. Denny Wilkening stated that this is the safest way to work under the viaduct. Bob Carnahan questioned the length of the project; Ian Nicolini responded approximately 900 square feet. Reconstruction will occur under the viaduct and on parts of 133<sup>rd</sup>; we will mill and resurface some of the areas. Ian Nicolini stated that he is working with Trudy at Christopher Burke and stressing the importance of the budget and schedule. The bid with contractors will include a schedule with ramifications if work is not completed on time. Ian Nicolini recommended moving forward with this project. Greg Parker inquired if a temporary route could be over the tracks; Ian Nicolini responded that the property east of the railroad is private and there are no crossing arms there. Ed Robinson stated that we would not be able to get permits from the railroad in time for this project; it would take two years minimum for the engineering alone. Concerns on cutting off the east side from the west side were discussed. Ian Nicolini stated that bond funds are available for this project and need to be spent in 2009. Changes in legislation regarding TIF bonds are coming. s. Denny Wilkening stated that we should do it now; we need to do it right. Bob Carnahan inquired if there is an incentive for completion; Ian Nicolini stated that he recommends including one. Motion by Pat Wisniewski and seconded by Bill Landske to move ahead with the viaduct project with an incentive for early completion.

**Roll Call Vote: 6 to 0**

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

**Town Attorney:** David Austgen reported that the water acquisition was completed yesterday. A formal notice will be sent to customers identifying the dates, contacts and rates.

**Town Council:** Bob Carnahan stated that June 14<sup>th</sup> is Flag Day. There will be a parade from Dairy Queen to the Chamber. At 6:00 pm the pledge will be said across the nation. Greg Parker inquired on the status of the purchase of the mini excavator for the street department; Amy Sund responded that she has received two quotes on rates and is awaiting a third one. Ian Nicolini stated that a recommendation will be made prior to the meeting next week. Cumulative Capital Development rates have increased this year. John Forman inquired if used equipment can be purchased; David Austgen responded yes. Ian Nicolini has met with department heads to discuss pressing needs; this will be a starting point for the replacement program. Greg Parker asked Ed Robinson if he could check on the

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build up on the road next to Pier 74. Lincoln Plaza would like to meet to discuss concerns and the parking lot; meeting will be June 17<sup>th</sup> at 5 pm. Ian Nicolini stated that this might need to be advertised and he offered assistance to Greg Parker on scheduling this.

**PUBLIC COMMENT:**

**Gary Bender** of Morse Street, unincorporated Lowell, stated that he requested to be put on the agenda to present the Buy American Resolution. Denny Wilkening stated that it will be added to the next agenda. Motion by Bob Carnahan and seconded by Pat Wisniewski to have the town attorney read it and consider it now.

**Roll Call Vote: 6 to 0**

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

This resolution stated that if the town receives stimulus funding they will utilize American workers and American products whenever possible. Gary Bender stated that Lowell passed this unanimously; there is no cost with this. Ian Nicolini stated that the AARA buy American provisions are in the funding requirements. David Austgen inquired of Gary Bender who he represents since he stated "we" not "I". Gary Bender responded that he represents himself as an American worker, Union Local #9481 from Riverdale, Illinois and workers of Arcelor Mittal Steel. David Austgen stated that the record should reflect who he represents and where he lives; it was noted that he lives in unincorporated Lake County. David Austgen read the resolution in its entirety. Jerry Smith arrived during the reading of the resolution. Motion by Bob Carnahan and seconded by Bill Landske to approve the Buy American Resolution.

**Roll Call Vote: 7 to 0**

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

**CONSENT AGENDA**

- Minutes of the Regular Public Meeting of May 19, 2009.
- Docket: Town Claims 64852 - 64947 for \$495,308.89; Wastewater Claims 25011 - 25043 for \$138,118.34; Storm Water Claims 64855 - 64856, 64874 - 64875, 64889-64896 for \$102,115.15. Motion by Bill Landske and seconded by Pat Wisniewski to accept and waive the reading of the minutes and to accept the consent agenda.

**Roll Call Vote: 7 to 0**

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

**UTILITY BUSINESS**

**a. Independent Contractor Consulting Agreement**

**i. 7317 W. 138<sup>th</sup> Lane**

Ian Nicolini stated that this is a request for the elimination of sewer utility billing. The inspection record and demolition permit were reviewed. Ed Robinson verified that this has been tapped. Motion by Jerry Smith and seconded by Pat Wisniewski to accept the elimination of sewer billing for 7317 W. 138<sup>th</sup> Lane.

**Roll Call Vote: 7 to 0**

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

**b. Water Utility Facilities Master Plan Phase I**

Ian Nicolini referred to the proposal from NIES Engineering for the Water Utility Master Plan Phase I. This phase will include a general inventory of the water system with projected functional life and system limitations, recommend methods to obtain additional production capacity in the water system, discuss methods and costs for treatment of raw water, prepare a boundary map of the water district based on the existing service area using the town's GIS, address operational and utility management issues, prepare phase 2 and future master plan scope, meeting attendance and planning discussions with town staff. The proposal is for a not-to-exceed engineering fee of \$24,500. Ian Nicolini recommended adopting this proposal. David Austgen stated that the general provisions of the contract are in good order. Motion by Pat Wisniewski and seconded by Jerry Smith to accept the proposal from NIES Engineering. Bob Carnahan questioned the clerical rates; Ian Nicolini stated that these are rates for the engineer. John Foreman stated that NIES is on the lower end of the engineering firms that he has reviewed.

**Roll Call Vote: 7 to 0**

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

**c. Potable Water Specification Revisions to Development Standards Manual**

Ian Nicolini referred to the proposal from NIES Engineering for potable water specifications. The proposal includes material selection and installation methods for water mains, valves, fire hydrants, service lines, shutoff valves, etc, testing procedures, flushing and disinfection procedures, corrosion protection, drawing figures and tables for clarification, development and plan submission requirements, and meeting attendance and planning discussions with town staff. The proposal is for a not-to-exceed engineering fee of \$8,700. This will need to go to the plan commission for inclusion in the subdivision ordinance. Ian Nicolini recommends this proposal. Motion by John Foreman and seconded by Jerry Smith to accept the proposal from NIES Engineering for potable water specifications.

**Roll Call Vote: 7 to 0**

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

**TOWN BUSINESS**

**1. Old Business**

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**a. Garbage and Recycling Collection**

Ian Nicolini stated that at the end of the last meeting it was requested that this be on the agenda. Ian Nicolini stated that he has met with Jim Metros and he is willing to work with us on getting an approved contract. We will need to advertise to raise rates if we go with weekly instead of bi-weekly. Bob Carnahan stated that residents in Lemon Lake Estates would rather pay a dollar more per month for weekly recycling. Motion by Bill Landske and seconded by Bob Carnahan to keep it going as it is. Ian Nicolini asked for clarification; if we keep it the way it is going that is bi-weekly. Motion amended to redo contract with weekly curbside recycling and direct the attorney for a public hearing and staff to evaluate the rates. David Austgen stated that the motion should be withdrawn; Bob Carnahan and Bill Landske withdrew their motion. Ian Nicolini stated that if we move to weekly recycling and have a rate increase, we will need to advertise, have a public hearing regarding rates; staff and consultants will need to review rates. The last rate was based upon two years ago. Discussions occurred on the length of the contract and pursuing bids from other contractors. Discussions occurred regarding rates and subsidies. Last year we were subsidizing about \$3,000 per month from the general fund. Ian Nicolini stated that the number we need to be multiplied by the increase; about an additional eighty cents. David Austgen stated that this is a complicated issue. David Austgen recommended Ian Nicolini and Denny Wilkening meet with Allied management to discuss this and bring a recommendation back to the next meeting. Ian Nicolini recommended continuing with weekly for both. Motion by Bob Carnahan and seconded by Bill Landske to move this to the next meeting with a recommendation to be presented.

**Roll Call Vote: 7 to 0**

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

**PUBLIC COMMENT:** Dave Tokar of 9577 W. 156<sup>th</sup> Place spoke regarding Lake County Trust 3875 Westdale Market Place at 159<sup>th</sup> & Morse. He would like to coordinate a meeting between himself, the trusts attorney and Town Council. The meeting was scheduled for June 17<sup>th</sup> at 6 pm. Denny Wilkening, John Foreman and Greg Parker are on this committee. This pertains to the sewer. If the date needs to be changed, Dave Tokar is to contact Ian Nicolini.

**FINAL COMMENTS:**

- 1. Town Council:** Jerry Smith thanked all who helped with the DARE graduation; 238 students participated. Greg Parker stated that he has been waiting for all to be in attendance. Motion by Greg Parker and seconded by Bill Landske to remove and replace Larry Nagy from the Plan Commission for reasons listed in a letter addressed to Town Council.

**Roll Call Vote: 4 to 3**

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

Jerry Smith inquired on replacing him; Ian Nicolini stated that he will get a list from the applications from the beginning of the year.

- 2. Town Administrator:** Ian Nicolini had no further comments.
- 3. Town Attorney:** David Austgen stated that there is a notice regarding the utility acquisition, rates and information. Amy Sund will distribute information to the press. David Austgen asked for the assistance from the press to help us notify our customers by publishing this information.

**ADJOURNMENT:** At approximately 8:10 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 before the meeting with discussion consisting of personnel matters, litigation issues and land acquisition concerns. Those in attendance were Robert Carnahan, 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

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Patricia Wisniewski, Ward 3

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Robert H. Carnahan, Vice President, Ward 1

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John Foreman, Ward 2

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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.