

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

August 18, 2009

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

Roll Call:

Present	John Foreman Council Member	Ward 2	Present	Robert Carnahan Vice President	Ward 1
Present	Patricia Wisniewski Council Member	Ward 3	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 school is starting and speed zones will be enforced especially by the high school. The speed limit is thirty, but if kids are present it is twenty. They will be checking the parking lots looking for Illinois registrations; if they are attending the schools, the vehicles should be registered in Indiana. Chief Patz encouraged all to register on nixle.com; this is a service we are utilizing to notify the public of happenings such as thefts in the area and road construction and closure. The tip line is 374-GOT1 (4681); all calls are anonymous. Chief Patz stated that he had a conversation with Bob Carnahan regarding photo identification badges for all employees. Chief Patz stated that the police department has the capabilities to produce these, but clips or lanyards may be needed. John Foreman inquired if the Town buys uniforms for the employees. Ed Robinson responded that they are imprinted with the Town logo, but this would be for picture ID's for employees. Motion by Bob Carnahan and seconded by Bill Landske to have Chief Roger Patz proceed with making photo ID's for Town employees.

Roll Call Vote: 7 to 0

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

Ian Nicolini stated that Police Chief Roger Patz and Fire Chief Todd Wilkening have met to discuss the utilization of the fifteen preemption devices which were allowed from the 133rd project which was an 80/20 federal/town cost share. Chief Roger Patz reported that the police will be receiving nine of them and the fire department will receive six to start. He stated that as non-reverting funds build up the department might be able to purchase more devices. John Foreman stated that we could use one on US 41. Ian Nicolini stated that they needed to stay within the contract boundaries of the 133rd project. Bob Carnahan stated that we could possibly include this in the second phase of 133rd; Ian Nicolini responded if we get there. Denny Wilkening stated that even with the devices emergency vehicles still need to stop at US 41, but it would be nice to have them.

Public Works: Ed Robinson stated that they are down to the last two storm water projects. A new project in Utopia has begun. 142nd Avenue still needs to be completed; we are in need of an easement. Wicker Meadows has been completed up to the farmer's fence. Ian Nicolini stated that the farmer is going to tie into the new twelve inch pipe to the breakage where the sinkhole is and he is going to install a trash rack to help control some of the manure. Denny Wilkening stated that he has been involved with this project and that public works is doing a good job all over town. Ed Robinson stated that Wicker Meadows will be reseeded once we have more rain and it cools off. The project on 136th is complete and residents are happy with the results. Ed Robinson stated that IDEM did a walk through in April; our audit will be next month. Everything has been gone over and we hope to get a good grade next month. Bob Carnahan stated that he has received a request from Krystal Oaks for finer mulch around the playground. Ed Robinson stated that this is the wrong time of year for mulch, but he will add it to the list for fall. John Foreman inquired if we can mow the retention pond between CVS and Burger King; Denny Wilkening stated that we do not own it; it is a Kennedy property. Ian Nicolini stated that he will have Doug Wynkoop contact the property owner.

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

Clerk-Treasurer: Amy Sund reported that the 2010 budget public hearing will be at the September 1st Town Council meeting with the adoption on October 6th. The reason for the lull is the County Council has forty-five days to review the budgets and make a non-binding recommendation. Amy Sund stated that she attended the Department of Local Government Finance workshop last week at the Lake County Public Library.

Fire Department: No report.

Town Administrator: Ian Nicolini reported on road projects. The Huseman Street project started today. West Lake Shore Drive will have some lane restrictions leading to the closure which is schedule to begin on September 8th with an allotted closure period of four weeks. This closure will be from the viaduct by Smith to the other side of the active CSX viaduct. The East Lake Shore Drive storm water project will begin mid September. Funding under the American Recovery and Reinvestment Act, the stimulus project, was originally for the drainage outfall project on Parrish Avenue and 133rd will not fit into the timeframe needed. The funds are being shifted to resurfacing Vermillion Drive. This is an INDOT eligible project for the 2010 construction season. The Redevelopment Commission and staff have been looking



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at the second phase of 133rd from Industrial Drive to US 41. The first step of the requirement is the design firm selection. Ian Nicolini requested that Council direct staff to initiate the steps outlined for the local public agency requirements for firm selection. This would be followed up with the Redevelopment Commission meeting to do the same. We have been working on moving this forward with the Redevelopment Commission for the past few months. Bob Carnahan inquired what a firm selection process is; Ian Nicolini responded that it is a request for proposal, a qualitative proposal. From the proposal price is negotiated and we go from there. David Austgen stated that this is a statutory process. Motion by Bob Carnahan and seconded by Pat Wisniewski to start the procedure.

Roll Call Vote: 7 to 0

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

Jerry Smith stated that he voted yes, but he would still like to see Cedar Point Park on the road projects. Ian Nicolini stated that by locally funding the Vermillion project we will be able to free up some of the bond funding. Resurfacing and drainage work will be done on Fulton and 129th by Hilltop and 133rd Place south of 133rd & Morse from whatever funds are remaining in the bond. Bob Carnahan inquired if these were on the original 2007 bond proposal; Ian Nicolini responded yes these are the only roads left. Ian Nicolini stated that the Ecosystem Restoration Committee should be having a meeting scheduled soon to discuss the lake dredge project and the summary draft feasibility report. Ian Nicolini recommended Council appoint Bob Gross of the Cedar Lake Enhancement Association to the committee. Motion by Bob Carnahan and seconded by John Forman to appoint Bob Gross to the Ecosystem Restoration Committee. Denny Wilkening inquired if Ian Nicolini had contacted Bob Gross about this appointment; Ian Nicolini responded yes.

Roll Call Vote: 7 to 0

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

Town Attorney: David Austgen had no report.

Town Council: Bob Carnahan stated that paper recycling container here at the Town Hall and encouraged all to participate. The funds received will go to the park department. We need to generate two tons of paper monthly to keep the recycling here. Bob Carnahan stated that the Complete Count Committee will have a float in the Lowell Labor Day Parade. Bob Carnahan and Eileen Hunley are going to attend the August 26th Eagles meeting and request a donation for another sign for the float. The theme of the parade is "It's in Your Hands." Bob Carnahan stated that the food pantry served over 808 people in July. He stated that at the Indiana United Methodist Conference it was announced that there will be no more funding effective January 1st for the food pantry. Denny Wilkening stated that they will be holding their annual bag donation and have their boot drive for the food pantry in October. Bob Carnahan stated that South Lake County Community Services prepared 167 meals at Holy Name Church in July for the seniors, but only served 131 meals. Motion by Bob Carnahan and seconded by Jerry Smith to utilize the census logo on all agendas and materials sent out by the Town. Ian Nicolini inquired for clarity; Bob Carnahan responded that this is for items that the public views such as agendas. Denny Wilkening inquired what the cost is; Bob Carnahan responded that there is no cost to us.

Roll Call Vote: 7 to 0

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

Motion by Greg Parker and seconded by Bill Landske to refund South Side Pizza's permit fees.

Roll Call Vote: 7 to 0

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

PUBLIC COMMENT: Ron Cook of 117th in Crown Point spoke on his variance request for 7602 W. 126th Avenue. Ian Nicolini stated that this is on the agenda for this evening. David Austgen stated that the public hearing was at the BZA meeting; this needs to be done now. Ron Cook stated that there were two reasons they voted unfavorably; it did not fit in with the Town Plan and the drainage under the road. Ron Cook presented information to Denny Wilkening and Council for review. Ron Cook stated that he is following the master plan; Ian Nicolini confirmed that the information was from the master plan. Ron Cook stated the acreage is low density which would be utilized for a single family home with a rural setting; country living. He stated that he spoke to each of his neighbors and none were opposed to this; he submitted a statement and a listing of his neighbor's signatures indicating this to Council. John Foreman inquired if he submitted this listing at the BZA meeting; Ron Cook stated that he did not have it at that time. Bill Landske inquired on the number of acres; Ron Cook responded 10.45 acres. Ian Nicolini stated that the neighbors would have been notified as part of the public hearing. John Foreman inquired if there were any remonstrators at the meeting; Ian Nicolini stated that he was not at this meeting, he was on vacation and Greg Parker stated that there were no remonstrators at the BZA meeting. Bill Landske inquired on the number of horses; Greg Parker responded three to four, currently two horses and one pony. A copy of the plan was reviewed by Council. John Foreman inquired if access to the house is off of Vermillion; Ron Cook responded yes. Denny Wilkening inquired on the lake on Salesian's property; Ron Cook stated that his property cuts through the lake on the east side of it. **Ed Brumfield** of 135th Place spoke on the increase in his water bill now that it is under the Town. He stated that the 4,000 gallon minimum has increased to 6,000 gallons. David Austgen stated that the water rates are the same as they were. David Austgen stated that consumption is now being recorded on meters. Ed Brumfield stated that his meter was checked inside and outside. Ed Brumfield spoke on his consumption. Bill Landske inquired if he has checked his tanks for leaks; Ed Brumfield responded that there are no leaks. **Bob Elliott** of 135th Place spoke on his water usage. His meter was checked inside and outside. Ian Nicolini recommended they give their addresses to Ed Robinson so staff can check on these households.



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Bob Elliott stated that the meter from the street has numbers on it. He stated that during conversations with Utilities Inc. he was told that the last number stays at zero (0). He stated that he never had trouble with his bills from Utilities Inc. Bob Elliott stated that there is rust in the water. He stated that he inquired of the water guy if they ever flush the hydrants and was told that we have never flushed the hydrants. Ian Nicolini stated that we will need to check on these. Ed Robinson stated that it sounds like these are estimate bills, not actual bills. Bob Elliott stated that he had Utilities Inc. out every month about his bill. Ian Nicolini stated that his bills sound like they are for the minimum charge. He stated that we can not do anything here, but we will get the addresses and check on it. Bob Elliott stated that there is rust in the water; the cold water is rusty and the hot water is dirty. Denny Wilkening stated that this is a newer house. Greg Parker stated that we will have someone check it out. Ian Nicolini stated that we will calibrate the meters if necessary. **Linda Ramirez** of Euclid stated that her water bill went up last month as well. She inquired if the license has been pulled for Andy Moore of AJP Homes; Ian Nicolini responded that it was not. She thanked Bob Carnahan. She stated that they brought Ian Nicolini the documents regarding their problems. Ian Nicolini stated that most of the problems were with the taxes. Ian Nicolini stated that he could not make recommendations based upon the information that he was given as most of it related to taxes and that was the last he heard of it. The homeowners brought their complaints on AJP not fixing their work to Council for advice. She stated that David Austgen had advised them to hire an attorney. She stated that Andy Moore did not show for small claims court. She stated that he did fix the pipe in the wall, but the drywall is horrible. She wanted to update Council on considering pulling his permits. It is a horrible mess and he does not care. She spoke on the high weeds and garbage dumped in Lynnsway. Ian Nicolini responded that state law allows us to require that grass gets cut. Ian Nicolini stated that she should get with Doug Wynkoop or the police department on anything over nine inches. Bob Carnahan stated that the same thing is in Krystal Oaks. It has been cut, but there is still standing water that residents are complaining about. Ian Nicolini stated that Linda Ramirez is following the best course of action. Linda Ramirez stated that he does not return phone calls. Bob Carnahan stated that at the July 21st meeting he wanted it recorded that the grass was not cut in Krystal Oaks. They did get out there, but there is still standing water. Greg Parker stated that he has not seen this. Ian Nicolini stated that Linda should call him to discuss this. It was noted that there at the end of 147th & Euclid there are mounds of dirt, garbage and weeds. Linda Ramirez stated that she wished no ill will to Andy Moore. She would like them to consider not letting him build in Cedar Lake. She thanked all for their guidance. Bob Carnahan inquired of David Austgen if there is anything we can do; David Austgen stated that we can take action on an interim basis by withholding permits pending the review of the documents from residents by Ian Nicolini and David Austgen and having Doug Wynkoop going out to inspect the area. Motion by Bob Carnahan and seconded by Greg Parker to hold permits for Andy Moore, AJP Homes, pending review of documents and the area.

Roll Call Vote: 7 to 0

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

David Austgen suggested having Doug Wynkoop take a police officer with him and do a code inspection sweep through the neighborhood. **John Couwenhoven** of Euclid stated he has problems with AJP as well. He stated that he had a water problem for over a year regarding water pressure. He stated that in the subdivision last year there was a problem with ice in the roads. He stated that the streets were not being plowed because they were below the curb. Ian Nicolini stated that these are not public roads; they have not been dedicated as public improvements; they are private property and are the responsibility of the developer. Greg Parker stated that an ordinance was adopted for this. Ian Nicolini stated that if they are within the range they can pull permits and fine them. Bob Carnahan inquired what will happen if they go bankrupt. Ian Nicolini stated the performance and maintenance bond will be used. David Austgen stated that this is difficult. Ian Nicolini stated that AJP is the builder, but Hawk is the developer. Hawk would need to maintain the road. He stated that there are a lot of kids in the area, but there is not a park. Bob Carnahan stated that Mary Joan Dickson stated that the park got money for the land but there are not funds in the budget for equipment. John Foreman stated that at the time, this was allowed and they did not have to put in a park. It was stated that from 142nd to 147th and Parrish there is a big dip in the road by the farm. Ian Nicolini stated that this was patched two years ago; he will have Ed Robinson look at it. Denny Wilkening stated that the bridge there is still settling. **Dan O'Brien** of 135th place inquired if there will funds for sidewalks from Jane Ball heading south. Ian Nicolini stated that the Town has received a \$250,000 grant as part of the Safe Routes to School. This is for sidewalk within a one mile radius of schools and will be available in for the 2011 construction season. Sidewalks will go from Winding Creek to Jane Ball. Ian Nicolini stated that we are entering into the design phase and requirements. These will tie into Kiwanis Park. Dan O'Brien inquired if police can be out when children are walking from school; Denny Wilkening responded that there are only two officers on at a time. Ian Nicolini stated that it is going to be done, but it is going to take some time.

CONSENT AGENDA

- Minutes of the Regular Public Meeting of August 4, 2009.
- Docket: Town Claims 65301 - 65371 for \$361,924.78; Wastewater Claims 25165 - 25197 for \$245,401.95; Storm Water Claims 65303, 65306 – 65307, 65321 - 65325 for \$116,826.55; and Water Utility Claims 80030 - 80037, for \$29,757.07. Motion by Bob Carnahan and seconded by Bill Landske to accept and waive the reading of the minutes and to accept the consent agenda and claims.

Roll Call Vote: 7 to 0

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

PUBLIC HEARING

1. Public Way Vacation



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- a. **Town Attorney Comments** – David Austgen stated that all documents were reviewed and checked at the July 21st meeting and is part of the public record of that meeting.
- b. **First Reading of Ordinance No. 1056** – David Austgen stated that the 1st reading was made at the July 21st meeting, but there was no action at that meeting. Motion by Pat Wisniewski and seconded by Bill Landske to read Ordinance No. 1056 by title only.

Roll Call Vote: 6 to 1

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

David Austgen read Ordinance No. 1056 by title only. This was the 2nd reading of the 1st reading.

- c. **Remonstrations - Wes Jenkins** stated that he opposes the vacation of the 127th Avenue easement. This is an asset to the Town and they should keep it for future development. It could be used for utilities rather than tearing up the streets.
- d. **Council Discussion** – John Foreman stated that that Wes Jenkins has a valid point. John Foreman stated that the first time this was discussed it was noted that a thirty foot wide road would probably not be approved by INDOT for a road to 41. John Foreman stated that if water lines were needed to the west, there is rough terrain. We should not vacate the entire road for a unique business purpose; maybe we should just vacate a portion of it. Ian Nicolini stated that the thirty foot wide section would allow for utilities, but not a road. Ian Nicolini stated that 126th Avenue is the road right of way. Jerry Smith stated that if we were to run water to the front of the houses, we would need to tear up the road. Ian Nicolini stated that there is a sixty-foot right of way on 126th.
- e. **Council Decision** – Motion for approval of the first reading while maintaining the utility easement and only vacate two lots in the event we ever need to run lines. Motion by Greg Parker and seconded by Jerry Smith. David Austgen stated that he will prepare an amended ordinance for the next meeting which will be the second reading and adoption. This easement will be utilized for utilities, but not a road.

Roll Call Vote: 6 to 1

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

UTILITY BUSINESS

1. Request for Reduction of Sanitary Sewer Billing

a. 7813 W. 127th Avenue

Ian Nicolini stated that this has been carried over from previous meetings. Ian Nicolini stated that he has a written report from Doug Wynkoop and that this property was being billed as a duplex, but the lower floor has now been combined into a single dwelling. The report stated “The home’s capacity for a two-family dwelling has been erased. The home is a one-family dwelling where the lower floor that was previously rented has been cohesively merged with the remainder of structure; the lower floor is now a utility area for the home. My recommendation is to reduce the sewer billing to a single family dwelling.” Motion by Greg Parker and seconded by Jerry Smith to change to a single family dwelling.

Roll Call Vote: 7 to 0

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

TOWN BUSINESS

1. Rezone Request

a. 7309 Constitution Avenue – Request to Change from R-2 Single Family to B-1 Neighborhood Business

- i. **Plan Commission Issues a Favorable Recommendation** – Ian Nicolini stated that the certification from the Plan Commission is in the meeting packet. We have had similar requests for this; it is for the restaurant parking next door. As residential parcels are purchased they are being incorporated into the parking lot and they need to be rezoned to be applied to the commercial use. This rezone establishes Motion by Greg Parker and seconded by Pat Wisniewski to grant the request and change the zoning from R-2 single family to B-1. David Austgen inquired of Ian Nicolini if there is a zoning ordinance for this. Ian Nicolini and David Austgen stated that there needs to be an amendatory ordinance for this. David Austgen stated that you need to direct that there be an ordinance at the next meeting. Motion was amended to include the ordinance at the next meeting.

Roll Call Vote: 7 to 0

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

2. Variance of Use Requests

a. 7309 Constitution Avenue – Request to Allow Parking Lot with No Principle Structure

- i. **BZA Issued a Favorable Recommendation** – Ian Nicolini stated that the certification is in the meeting packet. This is the same parcel of land. According to comply with your zoning ordinance, a parking lot has to be an approved use variance ordinance. David Austgen inquired if this would be in an approved B-1 zoning district classification; Ian Nicolini responded that it would need to be contingent upon adopting the ordinance. Motion by Bob Carnahan and seconded by Jerry Smith to defer this to the next meeting after the zoning ordinance.

Roll Call Vote: 7 to 0

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



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b. 7206 W. 126th Avenue – Request to Allow Agricultural Use on Single Family Residential (R-2) Lot to Keep Horses

- i. BZA Issued an Unfavorable Recommendation** – Ian Nicolini stated that Mr. Cook and Mr. Maginas spoke during public comment on this. John Foreman questioned how far it is from the Salisian property; fifty feet. John Foreman inquired if this is for resident only; David Austgen stated that this is to improve reasonable requirements and has conditions similar to a contract. John Foreman questioned the shelter; it would be for horses only in the pasture. Motion by Greg Parker and seconded by Bob Carnahan to allow agricultural use on the 10+ acres but not to exceed four (4) horses.

Roll Call Vote: 6 to 1

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

3. Resolutions

a. Resolution No. 990: Reducing MVH, LRS and RDC

Amy Sund read Resolution No. 990 in its entirety. She stated:

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

RESOLUTION NO. 990

A RESOLUTION TO REDUCE CURRENT 2009 BALANCES FROM MVH, LRS & RDC (REDUCE NECESSARY EXPENDITURES, FORM 4A)

WHEREAS, it has been shown that certain existing appropriations now have unobligated balances which will not be needed for the purposes for which appropriated, it is further resolved that the following amounts be cut from the 2009 Budget as follows:

Department of Local Government Finance (DLGF) Required Reductions:

<u>MOTOR VEHICLE HIGHWAY</u>	<u>REDUCTION</u>
111 – Dept Head	\$ 500.00
112 – Full Time	\$ 9,000.00
115 – Part Time	\$ 2,000.00
116 – Overtime	\$ 4,000.00
131 – Uniform	\$ 1,000.00
222 – Operating Supplies	\$ 4,910.00
232 – Communication & Transportation	\$ 1,000.00
DLGF Required Reduction	\$22,410.00

<u>LOCAL ROADS & STREETS</u>	<u>REDUCTION</u>
232 – Asphalt	\$ 8,702.00
DLGF Required Reduction	\$ 8,702.00

<u>REDEVELOPMENT COMMISSION</u>	<u>REDUCTION</u>
330 – Engineer	\$ 6,883.00
DLGF Required Reduction	\$ 6,883.00

TOTAL DLGF REQUIRED REDUCTIONS \$37,995.00

Town of Cedar Lake Additional Reductions:

<u>LOCAL ROADS & STREETS</u>	<u>REDUCTION</u>
232 – Asphalt	\$ 3,298.00
233 – Rock/Stone/Sand	\$12,000.00
444 – Signage	\$ 1,000.00
Town Additional Reductions	\$16,298.00

TOTAL ADDITIONAL REDUCTIONS \$16,298.00

TOTAL ALL REDUCTIONS \$54,293.00

An emergency exists for the immediate taking effect of this Resolution and that the same shall be in full force and effect from and after the 18th day of August, 2009.

Bob Carnahan questioned the motion which was made to proceed with phase two of 133rd. Amy Sund and Ian Nicolini stated that the reduction in RDC – Engineer is for the engineer to review minutes and agendas. David Austgen stated that the estimates will be capital costs and the source is not identifiable yet. The additional reduction to Local Roads & Streets will help fund the budget for next year. Amy Sund noted that we almost had to reduce the budget further, but corrections were made by the Department of Local Government Finance due to the reductions from last year. Motion by Pat Wisniewski and seconded by Bill Landske to accept Resolution No. 990. Bob Carnahan stated that he hates to make cuts; Greg Parker agreed.

Roll Call Vote: 7 to 0

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

b. Resolution No. 991: Transferring Money within the General Fund



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Amy Sund read Resolution No. 991 in its entirety. This resolution transfers \$1,000 from Police – 445 Equipment to Police – 333 Printing. Motion by Bob Carnahan and seconded by Greg Parker to approve Resolution No. 991.

Roll Call Vote: 7 to 0

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

4. Ordinances

a. Ordinance No. 1058: Amending Ordinance No. 1043: Salary Ordinance

Ian Nicolini recommended reading by title only with an explanation. Motion by Pat Wisniewski and seconded by John Foreman to read Ordinance No. 1058 by title only with an explanation.

Roll Call Vote: 6 to 1

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

Amy Sund read Ordinance No. 1058 by title only. Section One of the ordinance stated that the Public Works Department section is hereby amended and added to read, and provide as follows, namely: Crew Worker, full-time, not to exceed \$1,399.20 bi-weekly salary, \$17.49 hourly wage with a distribution of 1/3 Wastewater, Storm Water & Lake County Solid Waste; Water Operator, full-time, not to exceed \$1,399.20 bi-weekly salary, \$17.49 hourly wage with a distribution of 100% Water Utility. The crew worker is a change to the distribution and the water operator is a new position. Motion by Jerry Smith and seconded by Greg Parker to accept Ordinance No. 1058 as read.

Roll Call Vote: 7 to 0

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

David Austgen inquired if there is a need to immediately amend the salary ordinance for employment reasons; Amy Sund recommended having the second reading tonight. Motion by Bob Carnahan and seconded by Pat Wisniewski to amend the agenda and have the second and final reading on Ordinance No. 1058 by title only.

Roll Call Vote: 7 to 0

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

Amy Sund read Ordinance No. 1058 by title only. Motion by Jerry Smith and seconded by Greg Parker to accept the second reading of Ordinance No. 1058.

Roll Call Vote: 7 to 0

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

5. New Business

a. Acceptance of Utility Easements on East Lake Shore Drive

Ian Nicolini stated that we have secured the last easement agreement needed for the storm sewer work on East Lake Shore Drive. Ian Nicolini recommended Council approve the easements and authorize the Council President to sign them. Motion by Greg Parker and seconded by Pat Wisniewski to accept the utility easements on East Lake Shore Drive.

Roll Call Vote: 7 to 0

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

b. Mutual Aid Agreement – Mutual Aid Box Alarm System

Ian Nicolini referred to the Mutual Aid Agreement in the meeting packet. Bob Carnahan inquired how this came about and why. David Austgen stated that we have a contract with the fire department. David Austgen explained that this is an interlocal agreement. Todd Wilkening stated that he brought this to the Town because they have assets within the fire department; the ambulances. Denny Wilkening stated that Senator Landske supports this. This is an agreement that if there is a major disaster we will assist others and if we need assistance, they will assist us. John Foreman, Jerry Smith and Greg Parker will clarify this item when they meet to discuss the ambulance bid. David Austgen stated that other communities have adopted this agreement. Motion by Greg Parker and seconded by Bob Carnahan to defer to the next meeting.

Roll Call Vote: 7 to 0

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

c. Request to Use Council Chambers – Lake County Board of Elections

Motion by Bob Carnahan and seconded by Greg Parker to allow the use of the Town Hall on November 3, 2009. Ian Nicolini stated that the Lake County Commissioner have voted not to pay for the election. Ian Nicolini stated that this election would close Town Hall for the election. Motion rescinded by Bob Carnahan and Greg Parker. Motion by Bob Carnahan and seconded by Greg Parker to defer this to the next meeting.

Roll Call Vote: 7 to 0

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

d. Request for Waiver of Ambulance Fees

Motion by Greg Parker and seconded by Bob Carnahan to defer this to the next meeting.

Roll Call Vote: 7 to 0

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



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PUBLIC COMMENT:

Ed Robinson stated that the problem with rust in the water could be trucks tapping into the hydrants. They will keep an eye on it and watch for improper usage. Chief Roger Patz stated that the Town might want to construct a fill station to sell bulk water. Ed Robinson stated that he has purchased hydrant meters and back flow devices. David Austgen stated that the facilities report from the engineer to enhance the utility will be forthcoming.

FINAL COMMENTS:

- 1. Town Council:** Ed Robinson stated that the problem with rust in the water could be trucks tapping into the hydrants. They will keep an eye on it and watch for improper usage. Chief Roger Patz stated that the Town might want to construct a fill station to sell bulk water. Ed Robinson stated that he has purchased hydrant meters and back flow devices. David Austgen stated that the facilities report phase one from the engineer to enhance the utility will be forthcoming. John Foreman stated that the ambulance bid came in with an incredible price. John Foreman stated that he has spoken with David Crane and was informed that this is a good deal for a demo model. John Foreman stated that based upon Ian Nicolini's plan for capital equipment and getting things rolled in even though this is sooner than was thought for this. John Foreman stated that David Crane suggested to him that if it came through that they should try to reserve it; maybe to hold it for ten days. John Foreman stated that maybe we should make a motion contingent upon the financing working out for Amy so that we don't lose this. Greg Parker inquired if David Austgen had a recommendation on this; David Austgen stated that he knows the bids were just opened and he is aware of what the specs were. He stated that they streamlined them with the help of the equipment committee. If you are comfortable with it, action by the Town Council could be made that an award to purchase it and make a lease finance transaction complete subject to review by the committee with the fire department. This would save some time, but it is a comfort level item as staff has not had a chance to review it much less the committee and Todd Wilkening for a specific recommendation. Motion by Greg Parker and seconded by John Foreman.

Roll Call Vote: 6 to 1

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

- 2. Town Administrator:** Bob Carnahan inquired of Ian Nicolini on permits. Ian Nicolini reported that there were two new home permits in July which is down twenty five from last year. There were nine new permits applied for on the last day of July. There were forty-eight alteration permits in July.
- 3. Town Attorney:** David Austgen had no further report and no items for executive committee.

ADJOURNMENT: At approximately 8:43 pm President Wilkening called for adjournment.

An Executive Session was advertised and conducted pursuant to IC 5-14-1.5-6.1(b) for 6:00 PM before the meeting with discussion consisting of personnel and land acquisition. Those in attendance were Robert Carnahan, 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

John Foreman, Ward 2

Jerry Smith, Ward 4

William Landske, Ward 6

ATTEST:

Greg Parker, Ward 7

Amy J. Sund, IAMC, CMC, 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.

