

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

September 15, 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
Absent	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 had no report.

Public Works: Ian Nicolini stated that Ed Robinson is out ill and will have a report for the next meeting.

Parks & Recreation: A written report was submitted to Council from Mary Joan Dickson. Mary Joan Dickson requested approval from the Town Council for Hometown Fest vendors participating in the pulled pork contest and the Key Club Night Out in a Card Board Box to spend the night at the Town grounds. Mary Joan Dickson stated that the Key Club does this to raise fund for St. Jude House. Motion by Jerry Smith and seconded by John Foreman to allow both requests. David Austgen inquired if there is a list of those who will participate; Mary Joan Dickson responded yes and that there is staff here as well.

Roll Call Vote: 6 to 0

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

Clerk-Treasurer: Amy Sund had no report.

Fire Department: No report.

Town Administrator: Ian Nicolini reported that the curbs on Huseman should be poured this week. There are two (2) crews working on the West Lake Shore Drive project. Almost all of the storm sewer work is complete. Reichelt Plumbing is working well. Excavation and base construction is underway. With two crews on the West Lake Shore Drive project, the East Lake Shore Drive project has been pushed back. Ian Nicolini stated that he will be meeting with Kay Whitlock on Thursday to discuss the additional design and cost share for Utopia.

Town Attorney: David Austgen had no report.

Town Council: Greg Parker stated that Becky Govert of Wicker Meadows sends her thanks to all for their help and the corrections made on their drainage problem.

PUBLIC COMMENT: Mitch Dudlack of Oak Street stated that there are two potholes on 128th Place and Foster. Ian Nicolini stated that he will give the information to Ed Robinson tomorrow. Mitch Dudlack stated that there are cats in the public works building and that this is not the place for them. Denny Wilkening and Ian Nicolini stated that there is an animal rescue program there. Mitch Dudlack stated that the American flags are looking tattered. Council responded that the flags will be coming down; they come down after Labor Day. Mitch Dudlack inquired as to what the height is for grass; Ian Nicolini responded nine (9) inches. Mitch Dudlack reported that the weeds are high by LaTulip's in Truman Circle.

CONSENT AGENDA

- Minutes of the Regular Public Meeting of September 1, 2009.
- Docket: Town Claims 65444 - 65539 for \$635,662.16; Wastewater Claims 25226 - 25266 for \$255,526.42; Storm Water Claims 65461 - 65462 and 65473 - 65481 for \$123,907.41; and Water Utility Claims 80052 - 80064, for \$35,697.46. Motion by Jerry Smith and seconded by John Foreman to accept and waive the reading of the minutes and to accept the consent agenda and claims.

Roll Call Vote: 6 to 0

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

UTILITY BUSINESS

1. Water Utility Business

a. Water Utility Master Plan Phase 1

Ian Nicolini stated that this was discussed during the work session which lays out several options. This is to approve this as a public policy. Motion by John Foreman and seconded by Jerry Smith to accept Phase 1 of the Water Utility Master Plan.

Roll Call Vote: 6 to 0

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

b. Proposal for Professional Services – Water Main Extension Preliminary Engineering Study

Ian Nicolini stated that this came out of the master plan. This study includes deed and right-of way research, preliminary utility survey, recommendations to prepare final engineering design and bid documents and projected construction costs. Motion by Jerry Smith and seconded by Bill Landske to accept the proposal with an eight (8) week deliverable timetable and a not to exceed cost of \$9,700.00. Bob Carnahan questioned the personnel hourly rates from Nies Engineering; David



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Austgen responded that these are their internal job titles and it essentially does not matter. There is a not to exceed cost. Ian Nicolini stated that he will get the information from Neil.

Roll Call Vote: 6 to 0

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

TOWN BUSINESS:

1. Resolutions

a. Resolution No. 994: Transfers

Amy Sund read Ordinance No. 994 in its entirety.

GENERAL FUND:

POLICE:

\$2,000.00 From: 445 – Equipment To: 332 – Communications

PARK:

\$5,200.00 From: 115 – Part-Time To: 447 – Lease Pmt #2

\$5,000.00 From: 222 – Operating Supply To: 447 – Lease Pmt #2

RAINY DAY FUND:

\$10,000.00 From: 449 – Other Capital To: 336 – Repairs

Amy Sund stated that this is updated from the resolution in the packet to include the park transfer. The Park Director is in need of a vehicle. She has found one for \$15,000 and this is in her budget. Amy Sund stated that we are going to have to borrow to make payroll for the rest of the year. Bob Carnahan inquired what the repairs are for from the rainy day fund; Ian Nicolini responded that it is to repair the dump bodies on the trucks so that we do not need to spend as much out of CCD. This is for tires too. Motion by Jerry Smith and seconded by Bob Carnahan to accept Resolution No. 994.

Roll Call Vote: 6 to 0

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

2. Ordinances

a. Ordinance No. 1061: Amending Ordinance 1002 – Storm Water Utility User

Ian Nicolini stated that this is the second reading of this ordinance. Ian Nicolini stated that this is for the back billing on non residential properties. The original ordinance was from fly over maps in 2005 and at the time of the adoption of the ordinance some parcels were left out. There currently is no guidance on back billing; this will provide guidance. He recommended reading by title only.

Motion by Jerry Smith and seconded by Bill Landske to read Ordinance No. 1061 by title only.

Roll Call Vote: 6 to 0

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

Ian Nicolini read Ordinance No. 1061 by title only. Ian Nicolini recommended adopting this ordinance. Motion by Jerry Smith and seconded by Greg Parker to accept Ordinance No. 1061 based upon the Town Administrator's recommendation.

Roll Call Vote: 5 to 1

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

Ian Nicolini stated that currently only pertains to a handful of non-residential properties.

3. Old Business

a. Ordinance No. 1064: Establishing Civilian Employee Position Descriptions

Ian Nicolini stated that he gave Council copies of the draft descriptions. These were reviewed by department heads and staff. Ian Nicolini recommended reading by title only. Motion by John Foreman and seconded by Jerry Smith to read Ordinance No. 1064 by title only.

Roll Call Vote: 5 to 1

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

Ian Nicolini read Ordinance No. 1064 by title only. Ian Nicolini stated that these positions are for civilian employees; this does cover dispatchers in the police department it does not cover officers. Motion by Jerry Smith and seconded by Bill Landske to adopt Ordinance No. 1064 based upon the recommendation of the department heads.

Roll Call Vote: 6 to 0

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

b. Ordinance No. 1065: Personnel Policy Manual

Ian Nicolini stated that a draft copy was given to Council for review. We hired HR Unlimited to draft this policy and procedure manual which was reviewed by department heads and staff. Ian Nicolini recommended reading by title only. Motion by John Foreman and seconded by Greg Parker to read Ordinance No. 1065 by title only.

Roll Call Vote: 5 to 1

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

Ian Nicolini read Ordinance No. 1065 by title only. Ian Nicolini stated that there were some grammatical errors noted and were updated for the final adoption. Bob Carnahan inquired if a

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final copy will be distributed; Ian Nicolini stated yes. Motion by Jerry Smith and seconded by Greg Parker to adopt Ordinance No. 1065. John Foreman inquired where HR Unlimited was from; Ian Nicolini responded Richmond, Indiana.

Roll Call Vote: 6 to 0

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

David Austgen stated that for the purposes of this ordinance the recitals do not reflect that you had an independent outside contractor to prepare and present to you a replacement personnel policy manual. The recitals of the Ordinance reflect that it conforms to current State and Federal statutory law and recommended that Council have the independent contractor issue the appropriate opinion. This has not been reviewed your lawyers. Ian Nicolini stated that he will make those recommendations before the adoptive reading.

c. Request for Waiver of Ambulance Fees

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

Roll Call Vote: 6 to 0

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

4. New Business

a. Requesting Service Date Change – Allied Waste

Ian Nicolini stated that this item is not ready for consideration this evening. He stated that he has not received anything in writing. Motion by Greg Parker and seconded by Bob Carnahan to defer this to the next meeting.

Roll Call Vote: 6 to 0

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

b. Cedar Lake Junior Miss – Donation

Bob Carnahan stated that Council should do this the same as the Lion’s Club; each Council member donates \$25.00. Amy Sund stated that a donation for a full page ad in the amount of \$100.00 was made last year. Bob Carnahan stated that with the cash being short they should each donate. Amy Sund will receipt the fund and issue one check. Amy Sund stated that she has a full page ad ready with Council’s names on it. Motion by Bob Carnahan and seconded by Jerry Smith. Any additional funds over the cost of the ad are to be donated as well.

Roll Call Vote: 6 to 0

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

c. Proclamation: National Fire Prevention Week

Bob Carnahan read the proclamation which proclaims October 4th – 10th as Fire Prevention Week. Motion by Jerry Smith and seconded by John Foreman to accept the proclamation as read by Bob Carnahan.

Roll Call Vote: 6 to 0

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

PUBLIC COMMENT: Mitch Dudlack of Oak Street inquired if you need a license to start a car repair service. Mitch Dudlack stated that on Lake Shore Drive and Washington Street cars are being repaired and the resident is charging for it. Ian Nicolini stated that he would need more information. John Foreman stated that he believes that the zoning laws take precedents over this. Ian Nicolini stated that he will look into this and research it. Mitch Dudlack stated that driving north on Cline, there is no signs warning of 117th Street. Jerry Smith stated that the detour route is 231. Ian Nicolini stated that if someone wants to take 117th they can. There are rough road signs posted.

FINAL COMMENTS:

- 1. Town Council:** Bob Carnahan inquired who owns the ambulance. Jerry Smith and Greg Parker stated that the Town owns the ambulances and we will own the new one. Bob Carnahan stated that he met with the Girl Scouts and has invited them to raise the flag at the Hometown Fest. Bob Carnahan stated that he attended the Lake County Advancement Committee meeting. They are trying to get IACT back to Northwest Indiana. He stated that he was told there is not a big enough convention center to host the event. Bob Carnahan spoke on the taking down of some of the flags along Lake Shore Drive on September 11th. He apologized for this. Denny Wilkening apologizes as well and stated that a letter has been sent regarding this.
- 2. Town Administrator:** Ian Nicolini had no report.
- 3. Town Attorney:** David Austgen had no further report.

ADJOURNMENT: At approximately 7:45 pm President Wilkening called for adjournment.

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



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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.