

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

**December 1, 2009**

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

**Roll Call:**

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

**PUBLIC HEARING**

**1. Public Way Vacation – Vicinity of 7427 W. 138<sup>th</sup> Lane**

- a. Town Attorney Comments** – Attorney David Austgen inquired if there were public hearing notices. Ian Nicolini responded that it was published on November 12<sup>th</sup> in the Crown Point Star newspaper. The proofs are evidence that the public hearing is accurate. David Austgen suggested reading the ordinance by title only with a description of the address and location.
- b. Ordinance No. 1074 – First Reading** – Motion by Pat Wisniewski and second by Greg Parker to read by title only.

**Roll Call Vote: 5 to 1**

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

David Austgen read Ordinance No. 1074 by title only. David Austgen stated that this is for a section on 138<sup>th</sup> Lane which is directly across the street from Town Hall.

- c. Remonstrations** – There were no remonstrators.
- d. Council Comment** – Greg Parker questioned if this will affect the drainage in relation to The Moorings. Ian Nicolini responded that The Moorings will include additional capacity and be included tie into the existing improvements. Motion by Greg Parker and seconded by Bill Landske to accept the first reading of Ordinance No. 1074.

**Roll Call Vote: 5 to 1**

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

**2. Public Way Vacation – Vicinity of Hickory St. & 127<sup>th</sup> Place**

- a. Town Attorney Comments** – Ian Nicolini stated that this was published on November 12<sup>th</sup> in the Crown Point Star. Ian Nicolini stated that the petitioner requested that this be deferred to the next meeting. David Austgen suggested based upon the deferral recommendation the ordinance have a first reading to allow for any remonstrators that are present to make same based upon notification for tonight. Ian Nicolini stated that the proposed vacation as it sits right now he cannot make a favorable recommendation at this time; it has some details that still need to be worked out.

**Ordinance No. 1075 – First Reading** - Motion by Pat Wisniewski and seconded by Bill Landske to read Ordinance No. 1075 by title only. **Roll Call Vote: 5 to 1**

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

David Austgen read Ordinance No. 1075 by title only. The parcel is in the vicinity of Hickory St. & 127<sup>th</sup> Place.

- b. Remonstrations** – There were no remonstrators.
- c. Council Comment** – John Foreman inquired of the location; Ian Nicolini stated that this is behind Shane's. Motion by Greg Parker and seconded by Bill Landske to defer this to the next meeting and continue to the next meeting.

**Roll Call Vote: 5 to 1**

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

**3. Public Way Vacation – Vicinity of North St. & 128<sup>th</sup> Avenue**

- a. Town Attorney Comments** – Attorney David Austgen stated that the proof of publication is in order. He recommended reading the ordinance by title only with an explanation. Motion by Pat Wisniewski and seconded by Greg Parker to read Ordinance No. 1076 by title only.

**Roll Call Vote: 5 to 1**

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

**b. Ordinance No. 1076 – First Reading** – David Austgen read Ordinance No. 1076 by title only. David Austgen explained that this is in the vicinity of North St. & 128<sup>th</sup> Avenue. Ian Nicolini explained that this is a ten foot walking path. It is an unimproved street. Ian Nicolini explained that this parcel does not offer any strategic possibilities for utility placement or access. This would make a continuous parcel as the petitioner owns the property on both sides of the ten foot easement.

- c. Remonstrations** – There were no remonstrators.



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

**d. Council Comment** – John Foreman questioned if someone else owns a part of the property. Ian Nicolini stated that these were platted before Cedar Lake was a municipality. They were probably walk ways. Motion by Pat Wisniewski and seconded by Greg Parker.

**Roll Call Vote: 5 to 1**

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

**DEPARTMENT REPORTS**

**Police:** Chief Roger Patz requested approval to transfer \$575.87 from the non-reverting K-9 unit to non-reverting investigations. Chief Patz explained that since the money was donated specifically for the K-9 unit he needs permission from Council to transfer the funds. Chief Patz stated that he does not foresee the department having another K-9 unit in the near future. He would like to use the funds for investigations. Amy Sund stated that this needs to be on the record that Council allows the transfer to another line item as it was donated for a specific purpose. Motion by John Foreman and seconded by Bill Landske.

**Roll Call Vote: 6 to 0**

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

Chief Roger Patz stated that he has received correspondence from the Town Attorney regarding the preparation of an ordinance for the parking regulations on Huseman Street. The current ordinance stated that the police chief can erect the signs with Council's approval without amending the ordinance. David Austgen agreed with the statement and stated that he has given a letter to Council stating that they should give their approval for the record. Bob Carnahan stated that he thought an ordinance was just passed for the signs; David Austgen stated that these are for parking regulations. Bob Carnahan stated that these are different kinds of signs. Motion by John Foreman and seconded by Pat Wisniewski to approve the parking regulation sign as recommended by the Chief. Ian Nicolini clarified that is only on the southbound side of the street.

**Roll Call Vote: 6 to 0**

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

Bill Landske inquired if we are doing anything for our officer that is overseas. Chief Patz responded that the Police Department is collecting items for Sgt. Moake whom is in Afghanistan and the FOP will be shipping the items.

**Public Works:** Ed Robinson stated that leaf collection should be completed by next week. Denny Wilkening inquired where the leaves are going; Ed Robinson responded that they are going to the flume and to farmers. Ed Robinson reported that the price to have a contractor stripe the roads is \$2.00 to \$2.50 per foot with an additional \$0.50 for reflective paint; this would be over \$60,000.00 for the 11.5 miles of main roads through the Town and over \$100,000.00 to stripe all of the streets in Town. Ed Robinson stated that he has obtained prices on purchasing a striper which has a life expectancy of 12 – 15 years; the cost would be \$47,580.00 for the striper and paint. The cost for the supplies is \$30,000.00. Greg Parker inquired on how long it would take for delivery of a striper. Ed Robinson stated that it would take approximately four to six weeks. John Foreman suggested waiting until the second meeting of February next year.

**Parks & Recreation:** Ian Nicolini stated that a written report was submitted to Council from Mary Joan Dickson. Ian Nicolini reported that the preconstruction meeting will be on Friday for the Monastery Woods project.

**Clerk-Treasurer:** Amy Sund reported that we received a tax advance of \$443,151.25. Amy Sund asked if Council would consider waiving the \$2.00 credit card customer fee. The current fee being charged does not even cover 25% of the fees charged by the credit card company. Amy Sund reported that in October fees of \$351.00 were charged, but we only collected \$88.00 in credit card fees; the credit card sales totaled \$12,096.00 for October. Motion by Bob Carnahan and seconded by Pat Wisniewski to stop charging the fee. Discussions occurred on the fee. Ian Nicolini asked for clarity on this; that we are currently heavily subsidizing the fee. Amy Sund stated that she is working on new ideas for billing and collection, such as utilizing online payment options where the service charges all fees. Bob Carnahan stated that he did not like the idea of charging a fee to use credit cards when it was first put in; Bill Landske stated that the charge card companies charge for services. Ian Nicolini stated that the choice is charging those who use the cards the fee or all rate payers pay the fee. Amy Sund stated that one company is PayGov; they charge the fees directly to the users. Amy Sund stated that she has installed a new terminal through DeMotte State Bank which is about \$75.00 cheaper. Ian Nicolini stated that if we remove the fee; that could be an incentive for more users to use their credit cards which will ultimately raise fees. Amy Sund stated that if we use a service, we do not have to worry about bounced checks.

**Roll Call Vote: 2 to 4**

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

Motion was denied. Bob Carnahan made a motion to remove the credit card machine altogether. Amy Sund stated that this would reduce our revenue stream. Bob Carnahan stated that we can lien the property; David Austgen stated that the timing of recording and collection of monies by the County; you could be one to two years before collecting if you rely solely on property tax collection. Bob Carnahan withdrew his motion.

**Fire Department:** Todd Wilkening extended the invitation for the new fire truck dedication on December 9<sup>th</sup> at 6:00 pm. Santa will be traveling around the lake on the new truck on December 12<sup>th</sup> at 1:00 pm.

**Town Administrator:** Ian Nicolini reported that INDOT has awarded us \$170,000 Safe Routes to School Grant to install sidewalks within a one mile radius of MacArthur School. This is our second year of receiving this funding. This is future funding; funds will be available in 2012 with work to begin in the fall of 2011. Bob Carnahan questioned when work will begin by Jane Ball and Lincoln Elementary; Ian

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

Nicolini stated that the funds will be released in 2011 and work should begin in fall 2010. It is currently in the design and engineer phase.

**Town Attorney:** David Austgen had no report.

**Town Council:** John Foreman inquired if a person is on a fixed income are they not allowed to have the trustee assist them with utility bills. David Austgen stated that there is no Town code on this. John Foreman stated that this person's sewer bill is 8 to 10% of their monthly income and that he was told that the Trustee is not allowed to help him with that; he did not think that that was right. Bob Carnahan stated that he has dealt with that and they should contact the township trustee's office. David Austgen stated that this has to do with poor relief and assistance and is definitely part of the trustee's office. John Foreman stated that we are not setting up a program with the Trustee's office; David Austgen stated that this is correct.

**PUBLIC COMMENT:** Karen Kil of Greenleaf stated that she recently held a fundraiser to raise funds for the Historical Association's roof fund. She held a Ladies Day Out which raised \$1,145.00 and presented the donation to Bob Carnahan. Bob Carnahan thanked them on a job well done. Hot dogs were donated by Ed Robinson and burgers by Keith Pizarro. She will be holding a Bunco party on Sunday at South Side Pizza.

**CONSENT AGENDA**

1. Minutes of the Regular Public Meeting of November 17, 2009.
2. Docket: Town Claims 65860 - 65910 for \$298,395.42; Wastewater Claims 25402 – 25403 and 25405 - 25426 for \$3,060,982.99; Wastewater Sinking Claim 25404 for \$ 1,000,000.00; Storm Water Claims 65863 – 65864, 65868 – 65869, and 65883 - 65891 for \$284,403.35; and Water Utility Claims 80110 - 80123 for \$119,443.66. Amy Sund stated that investments were done for the utilities; \$1,000,000 for wastewater sinking, \$250,000 for storm water, \$50,000 for water utility and \$3,000,000 wastewater general. Motion by John Foreman and seconded by Pat Wisniewski. Bob Carnahan questioned the claim to Martin Landscape for a valve; Ian Nicolini explained that this was restoration for a B-box that was dug up and was not restored before we acquired the utility.

**Roll Call Vote: 6 to 0**

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

**UTILITY BUSINESS:**

**1. Preliminary Engineer Report – 129<sup>th</sup> Water Main Extension**

Ian Nicolini stated that Neil Simstad of NIES Engineering will explain this. Neil Simstad reviewed the report which is attached at the end of the minutes. Ian Nicolini recommended moving forward with final design, which could be designed with an alternative fashion. John Foreman inquired if the water lines are hard lines; Neil Simstad stated that they are. John Foreman inquired if there will be curb and gutter; it was discussed, but reconstruction would need to occur to do this. Bob Carnahan inquired on SRF rates; it was discussed that rates could be good but there are other cost/benefit relationships. David Austgen inquired if there is a contingency fee in addition to the schedule of cost; Neil Simstad stated that the contingency cost is figured into each line item. The estimated cost of the engineering fee alone is \$38,380.00. The projected project cost is \$621,625.00.

**TOWN BUSINESS**

**1. Ordinances**

**a. Ordinance No. 1073: 2010 Salary Ordinance – First Reading**

Amy Sund stated that there are a few revisions for this year. The Assistant Deputy Clerk and Deputy Utility Clerk position has been combined to Deputy Clerk with specialties. This position will have a not to exceed wage of \$15.50 per hour. Titles from amendments over the past year were added. Public Works clothing allowance was updated to reflect the personnel policy and IRS requirements; a check will be issued for the clothing allowance and taxes will be deducted. This has worked in the past for the police department. Holiday pay reflects the personnel policy. Amy Sund read Ordinance No. 1073 by title only. Motion by Bill Landske and seconded by John Foreman to accept the first reading of Ordinance No. 1073 by title only.

**Roll Call Vote: 6 to 0**

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

**b. Ordinance No. 1077 DeMotte State Bank Payment Acceptance – First Reading**

Motion by John Foreman and seconded by Pat Wisniewski to read by title only. David Austgen inquired if reading by title only would be okay with Bob Carnahan. Denny Wilkening directed the Town Attorney to read by title only. Motion by Pat Wisniewski and seconded by Bill Landske to accept the first reading of Ordinance No. 1077.

**Roll Call Vote: 6 to 0**

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

Motion by John Foreman and seconded by Pat Wisniewski to consider the second reading of Ordinance No. 1077.

**Roll Call Vote: 6 to 0**

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

David Austgen read Ordinance No. 1077 by title only. Motion by Pat Wisniewski and seconded by Bill Landske to adopt Ordinance No. 1077.

**Roll Call Vote: 6 to 0**

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



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

**2. Resolutions**

**a. Resolution No. 1002: Transfers**

Amy Sund read Resolution No. 1002 in its entirety. This transfers \$1,000.00 from General Fund, Police Department 445 Equipment to 332 Communication and Transportation and Park Department; 443 Buildings to 394 Instruction. Motion by Bob Carnahan and seconded by Bill Landske to accept Resolution No. 1002.

**Roll Call Vote: 6 to 0**

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

**3. New Business**

**a. 2010 Town Council Meeting Schedule**

Ian Nicolini referred to the 2010 meeting schedule. He noted that on May 6<sup>th</sup> and November 4<sup>th</sup> the meetings are on Thursdays as there are elections this year. Motion by Bob Carnahan and seconded by Pat Wisniewski to accept the 2010 meeting schedule.

**Roll Call Vote: 6 to 0**

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

**b. 2010 EMS Service Agreement**

David Austgen stated that the draft contract for the 2010 year was sent over, but Council has not had a chance to review it. David Austgen recommended deferring this to the next meeting. Motion by Greg Parker and seconded by John Foreman to defer this to the next meeting.

**Roll Call Vote: 6 to 0**

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

**PUBLIC COMMENT:** There were no public comments.

**FINAL COMMENTS:**

**1. Town Council:** Bob Carnahan stated that Chief Moody's wife passed away and the wake is tomorrow. John Foreman inquired if in the spring if the Hanover sports teams need to utilize the park facilities if needed for practices while their fields are under construction. John Foreman inquired of David Austgen on the liability issue, David Austgen stated that it would be okay, but public action should be taken and the Park Board should approve as well. Motion by John Foreman and seconded by Bill Landske to allow usage contingent upon approval of the Park Board if needed.

**Roll Call Vote: 6 to 0**

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

**2. Town Administrator:** Ian Nicolini had no 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) before the meeting with discussion consisting of land acquisition. 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

\_\_\_\_\_  
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.