

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

**March 16, 2010**

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

**Roll Call:**

Present	Robert Carnahan Council Member	Ward 1	Present	Patricia Wisniewski Vice President	Ward 3
Present	John Foreman Council Member	Ward 2	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:** Ian Nicolini reported that Chief Patz is at a meeting.

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

**Parks & Recreation:** A written report was submitted prior to the meeting by Mary Joan Dickson

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

**Fire Department:** No report

**Town Administrator:** Ian Nicolini stated that the Safe Routes to School for sidewalks by MacArthur Elementary needs to be approved and signed. This is a standard INDOT (Indiana Department of Transportation) contract. Motion by Bob Carnahan and seconded by Jerry Smith.

**Roll Call Vote: 7 to 0**

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

Ian Nicolini stated that the second draft of the water rules and regulations is being reviewed by staff, public works, the attorney and Neil Simstad, Nies Engineering. The design engineer's report is 90% complete.

**Town Attorney:** David Austgen stated that he compiled information for smoking regulations; however they are not complete for circulation. David Austgen stated that they should be distributed next week for review prior to the next meeting.

**Town Council:** Bob Carnahan inquired of Ed Robinson regarding pot holes and how much cold patch is; Ed Robinson responded that it is \$95.00 per ton and 25 ton lasts about two weeks. Bob Carnahan stated that he would like to purchase another total patcher. Discussions occurred on staffing and manning two machines. It was noted that the Town should utilize the one they have, run two shifts. Ed Robinson and John Foreman discussed costs of using cold patch versus the total patcher. John Foreman noted that the Town has a paving machine that is not being used. John Foreman stated why band aid it when we could use the dollars to fix it. Greg Parker stated his agreement, but without storm water infrastructure in place, that will eat the asphalt too. Denny Wilkening stated that Ed Robinson should work on the main roads during the day and start a second shift from noon to 7:30 pm to do the side roads. Bob Carnahan stated the Complete Count Committee does not determine how the Federal Government spends the money for the census. The count from the 2010 census will determine funding for the years 2011 to 2021. John Foreman would like to know the status of the sidewalk from Monastery development to Hanover Central.

**PUBLIC COMMENT:** Sharon Pacific of Hanover Township would like to know Council's stand on the Illiana Expressway. Yvonne Taves of Dewey Street stated that the total patcher leaves stuff all over the road; it is dangerous. It is a waste for money. Our roads are disgusting in Cedar Point Park and on 135<sup>th</sup> Place. Greg Parker noted Jerry Smith's stand on not voting for another road to be paved until Cedar Point Park is looked at; he has been diligent with his comment. Greg Parker stated that as funding comes available they are looking at the roads; they are compiling a list for priorities. Yvonne Taves questioned why Meyer Manor roads were done; Ian Nicolini explained prioritization. Discussions occurred on storm water problems in the area. Ian Nicolini noted that he and Yvonne Taves speak frequently. Discussions occurred on road with and easement requirements. Yvonne Taves noted unsafe buildings at 13513 Dewey and the Hudson house located at hilltop and 134<sup>th</sup>; there has been no change on these in years. She noted an open foundation in the area of 7700 W. 134<sup>th</sup> Court. Greg Parker asked Ian Nicolini to check into the owner of record for this. Greg Parker and Denny Wilkening stated that they are aware of it and will look into it. Discussions occurred on Unsafe Building and the processes. Sharon Seneca of 135<sup>th</sup> Place spoke about the roads; they have not been paved in 33 years. She stated that it feels like the Town caters to new developers. She inquired on who was responsible for the list from years ago when Boyer was here. Greg Parker stated that road projects need to be a piece at a time. John Foreman noted that the road is not patchable. Jerry Smith stated that they are compiling a new list. Things were done badly in the past, but we can only move on. Jerry Smith voiced his opinion on the roads in Cedar Point Park. Tom Gadomski of W. 128<sup>th</sup> Place stated that the patcher was out two weeks ago between Maple and Foster and the pot holes are back. Ed Robinson spoke on the thawing process and roads. Larry Toomey of Barn & Field spoke on heavy garbage trucks going through Town. Pat Wisniewski stated that they are supposed to have smaller trucks.

**CONSENT AGENDA**

- Minutes of the Regular Public Meeting – Minutes from the March 2, 2010 meeting.
- Docket: Town Claims 66407 - 66494 for \$696,242.72; Wastewater Claims 25619 – 25659 for \$415, 665.42, Wastewater Sinking Claim 25631 for \$58,360.00, Storm Water Claims 66410, 66420 –



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66421, and 66433 – 66435 for \$30,893.89; and Water Utility Claims 80199 – 80215. Motion by Bill Landske and seconded by Greg Parker to accept and waive the reading of the minutes and to accept the consent agenda.

**Roll Call Vote: 7 to 0**

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

**PLANNING/ZONING & BZA BUSINESS**

**1. Variance of Use Request – Favorable Recommendation from Board of Zoning Appeals**

**a. Tattoo and body piercing at 9720 W. 133<sup>rd</sup> Avenue**

Ian Nicolini stated that the petitioners, Robert Bruno and David Werley, were in attendance to discuss their hours of operation, merchandise, and other business information. David Werley stated that all employees will be certified by Red Cross and trained on cleaning of all equipment. David Werley stated that no tobacco products, incense or related items will be sold. They will be purchasing supplies in Town. David Werley stated that any minor, under the age of 18, but at least 16, will need parental permission. In addition to permission, David Werley stated that they will require a state identification card, parent's last name must match the minor's last name, and the release form must be notarized. David Werley stated that they have these requirements as a deterrent. In addition, they make a copy of the identification card on the release form. Concerns about age and the location being near schools were discussed. Hours of operation will be Monday through Thursday from 11:00 am to 9:00 pm, Friday – Saturday 11:00 am – 11:00 pm, and Sunday from 11:00 am – 7:00 pm. It was noted that these hours have been changed since the last meeting in order to comply with the Town's noise ordinance. Ian Nicolini asked David Werley to state what they are going to do the outside of the building; David Werley responded that they are going to paint, plant rose bushes and flowers. They are going to work on making the exterior nicer. Ian Nicolini inquired if they are willing to sign a contract if they are granted the variance of use; David Werley responded yes. Ian Nicolini read the recommendation from the BZA which states that they send a favorable recommendation to the Town Council for the requested variance of use to allow a tattoo parlor, body piercing and sales of related merchandise, contingent upon the business to be open no later than 10:00 pm on weeknights and 12:00 am on weekends, and positive neighborhood relations for a trial period of six (6) months. John Foreman inquired if they had signed a lease; David Werley responded that they signed a two (2) year release. David Austgen stated that the BZA is an advisory board. The contract is a statutory commitment to comply in consideration of use applied for. In David Austgen's opinion is that it would be impossible to enforce positive neighborhood relations. Discussions occurred regarding having a contract signed and requirements needed as per the Town's zoning ordinance and Indiana State Code IC 36-7-4-9-18-4. The criteria to consider approval was reviewed by Council and explained by Ian Nicolini. Greg Parker noted that conditions have been met and questions from the last meeting have been answered. David Austgen stated that the criteria and enforcement should have measurable compliance. Robert Bruno stated that he works for Lake County with juveniles. John Foreman inquired if they would be willing to agree to no one under of age 18; David Werley responded yes. David Werley stated that no one under 18 will be allowed in without a parent and he has a no loitering policy. Motion by Jerry Smith and seconded by Greg Parker based upon the favorable recommendation of the BZA and questions being answered to grant the use with the condition of positive neighborhood relations for six (6) months at which time Council will review the variance of use again.

**Roll Call Vote: 4 to 3**

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

**TOWN BUSINESS:**

**1. Resolution**

**a. Resolution No. 1013 - Opposing legislation to change township government**

Ian Nicolini read Resolution No. 1013 in its entirety. It resolved that the Town of Cedar Lake supports Township government and opposes legislation to transfer Township government functions. Motion by Bill Landske and seconded by Jerry Smith to approve Resolution No. 1013.

**Roll Call Vote: 6 to 1**

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

**2. New Business**

**a. Tag Day Requests**

<u>Organization</u>	<u>Tag Date</u>	<u>Rain Date</u>
American Legion Poppy Day	April 17 <sup>th</sup>	April 24 <sup>th</sup>
Hanover Dollars for Scholars	June 26 <sup>th</sup>	July 3 <sup>rd</sup>
Hanover Central Pom Cats	July 10 <sup>th</sup>	July 17 <sup>th</sup>
Cedar Lake Lion's Club	October 16 <sup>th</sup>	October 23 <sup>rd</sup>

Motion by Bob Carnahan and seconded by Pat Wisniewski to approve the dates.

**Roll Call Vote: 7 to 0**

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

**b. Preliminary Engineering Proposal**

**i. Water Main Extension**



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Ian Nicolini stated that the design engineering is 90% complete. The Water Utility Preliminary Engineering Report (PER) is the next step and is necessary for funding. The basic service cost is a not-to-exceed amount of \$23,675.00; additional services such as record checks are a not-to-exceed amount of \$2,350.00. Motion by Jerry Smith and seconded by Bob Carnahan to accept the proposal with the not-to-exceed amounts listed.

**Roll Call Vote: 7 to 0**

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

Ian Nicolini stated that this will be funded out of the Rainy Day Fund.

**c. Request for Town Hall use, Tuesday, May 4, 2010 from 5:00 am to 6:00 pm by the Lake County Board of Elections.**

Motion by Bob Carnahan and seconded by Jerry Smith to allow the use.

**Roll Call Vote: 7 to 0**

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

**d. Rebuilding Together South Lake County – Request for Donations**

This used to be the Christmas in September. This helps residents in Cedar Lake. Motion by Jerry Smith and seconded by Pat Wisniewski to defer this to the next meeting.

**Roll Call Vote: 7 to 0**

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

**e. Meals on Wheels – March for Meals on March 24<sup>th</sup>**

Ian Nicolini read the March for Meals proclamation. Motion by Bob Carnahan and seconded by Pat Wisniewski to approve proclamation.

**Roll Call Vote: 7 to 0**

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

**f. Results of MS4 Audit**

Ian Nicolini reported during Council's final comment. Ian Nicolini recognized Public Works, the Park Department, and Matt Lake for their work preparing for the MS4 audit and the outstanding results. We impressed the Indiana Department of Environmental Management (IDEM). Ed Robinson agreed that everyone worked together on this. Bob Carnahan stated that the report looks excellent. Denny Wilkening requested that a letter be written thanking all for their work on this.

**3. Old Business**

**a. Request for Town Hall use, Saturday, April 17, 2010 at 1:00 pm by Senator Sue Landske for a meeting presented by Senators Sue Landske and Representative Don Lehe**

Motion by Bob Carnahan and seconded by John Foreman to approve the use.

**Roll Call Vote: 7 to 0**

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

**b. Streetlight Relocation Plan**

Ian Nicolini stated that this item was deferred from the last meeting and he has not received any updates on this. John Foreman suggested checking into LED bulbs for the decorative streetlights. Motion by Bob Carnahan and seconded by Jerry Smith to defer this to the next meeting.

**Roll Call Vote: 7 to 0**

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

**c. Request for Waiver of Fees**

**i. Plan Sets**

Ian Nicolini stated that this was deferred from the last meeting. ISqFt has requested a waiver of fees to post our plan sets on their online plan room so that those who subscribe to their service can bid on our projects. This will save on printing costs. This could result in more people bidding on our projects. Jerry Smith inquired on the cost of plans; Ian Nicolini responded \$50.00. Ian Nicolini stated that there is no local vendor for this and this is the only request that has been received like this. Motion by John Foreman and seconded by Pat Wisniewski to waive the plan set fees.

**Roll Call Vote: 7 to 0**

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

**PUBLIC COMMENT:** Denny Wilkening asked Council for their individual stand on the Illiana Expressway as was requested by Sharon Pacific. Discussions occurred regarding the location of the expressway and that Council does not have a say in where it is located. Greg Parker and Denny Wilkening stated that they have no opinion until they have more information; however, Greg Parker stated that he would prefer the expressway over a train. Bob Carnahan, Jerry Smith and John Foreman are in favor of the expressway and Pat Wisniewski is opposed to it. Those in favor noted that it is long overdue, we need jobs and it should eliminate some of the traffic from the Boreman. Discussions occurred regarding Senator Sue Landske's comments on the project. Personal opinions regarding homes and the quality of life in the proposed areas were expressed. Ed Linden of 191<sup>st</sup> in Lowell stated to Bill Landske that his wife, Senator Sue Landske, stated that they were favoring the north route when she was at the Lowell library. Ian Nicolini clarified that the report puts more focus on the AC3 route, the north route. It was

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noted that the study states that 2.2% of traffic will be alleviated from the Boreman. Bill Landske stated that the state is in the blue, not in the red, because of major moves that have been made in the State.

**FINAL COMMENTS:**

**1. Town Council:** Greg Parker asked the street department to assist in the storm drainage issue by the Boys & Girls Club. There is some remediation work that needs to be done between the tennis courts and the Club. Ed Robinson is to work in conjunction with the Boys & Girls Club on this. Jerry Smith requested a donation from Town Promotion to the DARE program. Last years donation was for \$2,000.00. Amy Sund stated that it could be done, but funds will need to be moved. Motion by Pat Wisniewski and seconded by Bob Carnahan to make the donation.

**Roll Call Vote: 7 to 0**

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

Jerry Smith stated that there will be banners for those who donate; he would like to hang the banners in the Town Hall. It was noted that the Town does not favor developers in regards to roads; we do not pay for their roads and this should have been corrected earlier. Bob Carnahan inquired on the hours for the Town wide clean up which will be April 21 – 24. Hours will be Wednesday, Thursday and Friday from 7 am to 5 pm and Saturday from 7:00 am to 3:30 pm. The household hazardous waste collection will be at the Town Hall on April 24 from 9:00 am to 2:00 pm. The gas can exchange will take place again this year. Rebuilding Together will be having their workshop on April 24 at the Town Hall.

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

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

President Wilkening called for an executive session after the meeting.

**ADJOURNMENT:** At approximately 9:05 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 and after the meeting with discussion consisting of land acquisition, litigation and personnel issues. Those in attendance were Bob 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, Vice-President, Ward 3

\_\_\_\_\_  
Robert Carnahan, Ward 1

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John Foreman, Ward 3

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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.