

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

January 6, 2009

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

Roll Call:

| | | | | | |
|---------|--------------------------------------|--------|-----------|---------------------------------------|--------|
| Present | Robert H. 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 | |

**arrived at 7:05 pm

ELECTION OF OFFICERS

Nomination of Town Council President: President Dennis Wilkening turned the gavel over to Vice President Pat Wisniewski. John Foreman read the nomination on behalf of the Council. Motion by John Foreman and seconded by Greg Parker to nominate Dennis Wilkening for President.

Roll Call Vote: 6 to 1

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

Gavel returned to President Dennis Wilkening.

Nomination of Town Council Vice President: Motion by Greg Parker and seconded by Bill Landske to nominate Robert Carnahan for Vice-President.

Roll Call Vote: 6 to 1

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

Town Council Liaison Appointments: The following appointments were read by John Foreman:

1. Cedar Lake Historical Association – Jerry Smith
2. Northwestern Indiana Regional Planning Commission – Pat Wisniewski
3. Police Commission – Bill Landske and Pat Wisniewski
4. Park Board – Bill Landske
5. Plan Commission – Greg Parker, John Foreman and Dennis Wilkening
6. Public Works – Bill Landske, Dennis Wilkening and Bob Carnahan
7. Unsafe Building – Jerry Smith, Dennis Wilkening and Bill Landske
8. Lake County Solid Waste – Bob Carnahan
9. South County Community Development – Bob Carnahan
10. Cedar Lake Summerfest – Pat Wisniewski
11. Stormwater Management Board – Pat Wisniewski and Dennis Wilkening
12. Budget & Finance – Jerry Smith, Greg Parker and John Foreman
13. Council Affairs – Dennis Wilkening
14. Public Safety – Jerry Smith, Greg Parker and John Foreman
15. Parks and Public Land – Dennis Wilkening, Bill Landske and Pat Wisniewski
16. Personnel Policy & Employee Benefits – John Foreman, Greg Parker and Pat Wisniewski

Motion by Jerry Smith and seconded by Greg Parker to accept liaison appointments as read.

Roll Call Vote: 7 to 0

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

Board and Commission Appointments: John Foreman read the following appointments:

1. Park Board – Andrew Balkema
2. Plan Commission – Greg Parker, Dennis Wilkening, John Foreman, and Stacy Brooks
3. Police Commission – Pat Wisniewski, Bill Landske and Chuck Kouder
4. Redevelopment Commission – James Brandon, Pat Conlon, George Vukmirovich, Randall Niemeyer and Ryan May

Motion by Bob Carnahan and seconded by Jerry Smith to have the Police Commission as a separate item. Motion by John Foreman and seconded by Pat Wisniewski to accept Board and Commission appointments minus the Police Commission.

Roll Call Vote: 7 to 0

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

Jerry Smith requested a motion to be removed from the Police Commission voting. Motion made by Greg Parker and seconded by Pat Wisniewski to remove Jerry Smith from the voting on the Police Commission.

Roll Call Vote: 7 to 0

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

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Police Commission: Motion by John Foreman and seconded by Greg Parker to appoint Pat Wisniewski, Bill Landske and Chuck Kouder to the Police Commission

Roll Call Vote: 4 to 2

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

BZA: Motion by John Foreman and seconded by Greg Parker to appoint Tim Kubiak as representative of the Plan Commission on the BZA and Eric Burnham as the appointed committee member. Bob Carnahan would have liked to see Helen John's reappointed. Motion stayed as stated. Greg Parker stated that this was not to offend anyone; it is to see some new faces.

Roll Call Vote: 6 to 1

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

Amy Sund stated she will contact those appointed to be sworn in with the oath of office which is needed prior to attending their first meeting. Those appointed to Police Commission need to go to county to be sworn in.

Ian Nicolini made a statement about the Storm Water Board; there are two vacancies and only one applicant. He will either readvertise or inquire from current applicants as to interest. He hopes to have a minimum of two candidates for the next meeting.

JOINT MANAGEMENT OVERSIGHT BOARD: Motion by John Foreman and seconded by Greg Parker to appoint Neil Simstad to the JMOB.

Roll Call Vote: 6 to 1

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

Bob Carnahan inquired if the position held by Larry Nagy on the Town Hall Building Corp and the position held by Stacy Brooks on the Redevelopment Authority need to have new appointments. Dave Austgen stated that both are Council appointments and both still exist however they are not lucrative positions. Jerry Smith and Bob Carnahan would like to see the positions readvertised. It was also noted to have current applicants reapply if interested. Bob Carnahan inquired if Ian Nicolini will send letters to all applicants as to their status; he responded favorably as well as Amy Sund will be contacting those who were appointed.

DEPARTMENT REPORTS

Police: Chief Patz reported that they were busy during the holidays. Charges on a heroin case were filed today and the suspect is in jail. A new program called A Child is Missing began at the end of last year. When a missing child report is filed, it activates a toll free number from Florida via satellite placing calls to residents in the area. This call asks residents to look around and check for the child. This is a free service to us. This service can be used with Alzheimer's patients as well. Cedar Lake has a good record with missing children.

Public Works: Ed Robinson had no report.

Parks & Recreation: A written report was submitted to council for review.

Clerk-Treasurer: Amy Sund stressed the importance of the departments to be conservative in spending during the first quarter of 2009. Tax dollars are expected in March from property taxes which are due in February, but a shortfall is expected. Motion by Jerry Smith and seconded by Greg Parker to extend the spending freeze for the first six months of 2009 with the exception of operational emergencies. Ian Nicolini asked if this pertains to general fund budgets only. Chief Patz stated the 2009 budget was prepared with the intention of hiring another patrolman. Chief Patz asked for direction on this as the PERF hiring process takes two to three months, therefore this would not effect payroll until next quarter. Amy Sund reiterated her statement that we need to be conservative; with the way taxes are delayed, we need to hold off. Amy Sund restated that she expects funds in March. Greg Parker stated that the way the taxes have been collected, we will have to be fiscally responsible given the current situation. Dennis Wilkening inquired if Zimmerman's spot was filled; Chief Patz responded yes. Dennis Wilkening asked if any one is on medical leave; Chief Patz responded yes, but should be back this week. Jerry Smith would not mind readdressing this. Bob Carnahan inquired on the street department staffing. Ian Nicolini stated that two full time staff can be hired to be paid for from storm water. Amy Sund previously gave information to Ed Robinson and Ian Nicolini; MVH funding is not looking good. Bob Carnahan stated that this is the only department that is understaffed compared to last year. Motion by Jerry Smith and seconded by Greg Parker was amended to restrict spending within the general budget with the exception of operational needs and emergencies and that storm water was not included.

Roll Call Vote: 6 to 1

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

Motion by Bob Carnahan and seconded by Pat Wisniewski to authorize Ed Robinson to hire two storm water employees to be paid out of storm water funds. Ed Robinson stated that he is meeting with Ian Nicolini and Amy Sund to discuss the financing of this tomorrow and would like to change the motion to reflect after review. Bob Carnahan and Pat Wisniewski concurred to amend the motion to include a review financing and budget by Amy Sund, Ian Nicolini and Ed Robinson prior to the hiring. Dave Austgen stated that if these positions have job descriptions, are in the salary ordinance for 2009 and verification of finances are threshold for this. Ian Nicolini responded favorably to the job descriptions and salary ordinance; the verification of finances will be addressed. Ian Nicolini made a recommendation to enable department heads and clerk-

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treasurer to analyze the situation and make the determination since the jobs have been established; therefore pending further review by staff these positions be advertised for and filled.

Roll Call Vote: 7 to 0

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

Fire Department: No report.

Planning, Zoning & Building: Ian Nicolini had no report. Bob Carnahan inquired on the final tallies for the year. Ian Nicolini stated that information was given at the last meeting and that he will get a copy to him.

Town Administrator: Ian Nicolini reported that the 136th Place drainage project began today. Easement paperwork was forwarded to the property owner. Mr. Becker's property was discussed. Jerry Smith stated that he did not believe twelve inch piping would be sufficient; the current pipes to the lake are fifteen inches. The drainage system will back up in yards instead of the streets. Ed Robinson reported that the existing four inch corrugated piping which is clogged and has been unmaintained. With a fifteen inch pipe to the lake, there is only so much water that can move. The rear yards were designed for retention. With the new system we will be able to move three times the amount of water and yards will dry out quicker by moving the water out of the area. If the flow needs to be changed, a restrictor can be put in. For the next meeting, Ian Nicolini will have a scope of work draft for the 4th phase of road improvement and storm water bonds. Projects in the draft will include Huseman from 138th to 140th; 126th will bid in February; Reeder Road Bridge to 147th Court, drainage improvements along east and west Lake Shore Drive; worst sections of Vermillion including the s-curve and from the viaduct to the lift station. Prioritization of road projects will be determined by Council; you want to do the worst road with the most travel.

Town Attorney: Will report during executive session.

Town Council: Council had no report.

PUBLIC COMMENTS: Helen Johns thanked Bob Carnahan for his kind words. She stated that she never missed a BZA meeting or an inspection. She submitted her application in November and never heard from anyone; she called Amy Sund inquiring on her application and was told that Mr. Foreman was handling them. Helen Johns stated that several people told her that the Town Administrator has said that there are too many old people on boards and commissions. She asked if her being the oldest applicant if this is a coincidence. John Foreman asked her if she would be interested in helping with other boards and commissions since she has experience. Ian Nicolini stated that it is the Council Presidents responsibility to appoint board and commission members; it is his responsibility to administer their policies; he resents the remark that was made and that it was brought up in a public forum. Greg Parker commented that the Town Administrator had nothing to do with these appointments and had no influence on them. Mitchell Dudlack of Polk Street stated that there is a stop sign lying in the snow in Meyer Manor. Dennis Wilkening asked Ed Robinson to take care of it. Bill Jarchow of Polk Street stated that at 131st and the bottom of the hill there is thick ice and nothing is being done about it; there is a resident pumping water into the street. Ian Nicolini stated that there is fabric underneath to help keep the silt out. Walsh & Kelly was out there today to get the covers off of there and Ed Robinson is to spread salt there. Dennis Wilkening suggested cutting a trench in the easement to keep the water going; Ed Robinson will check it out tomorrow. He made an *explicative remark* regarding the current system; Bill Landske and John Foreman told him that his comment was unacceptable; council all agreed.

CONSENT AGENDA

1. Minutes of the Regular Public Meeting of December 16, 2008.
2. Docket: Town Claims 63113-63158 for \$1,261,135.65; Wastewater Claims 24688-24706 for \$668,481.13; Storm Water Claims 63115, 63122 & 63150 for \$102,767.68. Bob Carnahan questioned the NIPSCO damage claim on 128th & Edison. Ed Robinson reported that this was the High Grove Project. He stated that the gas line markings were off and this was documented by NIPSCO; we were not at fault. Bob Carnahan suggested removing this from the docket and checking responsibility. He questioned the claim for Nationwide SOL; Amy Sund responded that this is deferred compensation program that is paid for from employee deductions. He inquired on the Walsh & Kelly claim for Meyer Manor; this was for phase two which was turned in by Christopher Burke. He asked how many more phases and are there enough funds to complete this. Amy Sund responded that this is all bond funds. Meyer Manor will be finished. Motion by Bill Landske and second by Greg Parker to accept and waive the reading of the minutes and to accept the consent agenda with the removal of the NIPSCO damage claim.

Roll Call Vote: 7 to 0

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

PLANNING/ZONING & BZA BUSINESS

A. Special Exemption/Special Use: JNT Enterprises

- i. Vicinity: 13328 Lincoln Plaza Way
- ii. BZA issued a favorable recommendation

Ian Nicolini referred council to the certification letter in the meeting packet where a favorable recommendation by a vote of 4 to 0 from the BZA to allow the Special Exemption/Special Use to JNT Enterprises for the sale of alcohol. This is Chela's Cocina

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restaurant. This is for the sale of beer only. Motion by John Foreman and seconded by Greg Parker for the Special Exemption/Special Use to JNT Enterprises.

Roll Call Vote: 7 to 0

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

UTILITY BUSINESS

A. Garbage Service Suspension Request – 9509 W. 143rd

Ian Nicolini referred to the memo in the meeting packet from the Wastewater Department requesting garbage suspension for six months with attached documentation. Motion by Bob Carnahan and seconded by Bill Landske to deny request.

Roll Call Vote: 7 to 0

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

Amy Sund commented that if all requests are going to be denied she recommended the ordinance be amended to reflect this. Dave Austgen stated that the ordinance allows for requests to be made. Greg Parker inquired as to how we would keep track of the requests and suspensions and when they come back and continue services. Dave Austgen stated that this is why it is mandatory that all are treated the same. Motion by Bob Carnahan and seconded by Greg Parker to amend the agenda and direct the attorney to remove requests from the ordinance.

Roll Call Vote: 7 to 0

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

B. Ordinance No. ____: Identity Theft Prevention Program – First Reading

Ian Nicolini informed Council that this item is not ready and will move it to the next meeting.

TOWN BUSINESS

1. Resolutions

a. Resolution No. 969: Authorizing a Temporary Loan to the Redevelopment Authority

Amy Sund read Resolution No. 969 in its entirety. The sum of \$89,000.00 shall be transferred from the RDC 133rd and Wicker TIF Allocation Fund to the RDA Lease Rental Bond Fund. With the delay in tax installment payments; we need to borrow to make payments. Motion by Bob Carnahan and seconded by Bill Landske to accept Resolution No. 969.

Roll Call Vote: 7 to 0

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

b. Confirming Resolution No. 970: Extending Repayment of Temporary Loan to the TIF Allocation Fund.

Amy Sund read Resolution No. 970 in its entirety. This extends the repayment of the remainder of the temporary loan from Resolution No. 947 in the sum of \$12,381.50. Motion by Bob Carnahan and seconded by John Foreman to accept Resolution No. 970.

Roll Call Vote: 7 to 0

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

c. Confirming Resolution No. 971: Confirming the Transfer of Money in the General Fund

Ian Nicolini read Resolution No. 971 in its entirety. This confirms the transfer of \$43,391.00 from Council Equipment to Misc Services. Amy Sund stated that this is for the payment to the Fire Department; the EMS Fund was depleted and the remaining was paid out of Council, Motion by Jerry Smith and seconded by Bill Landske to accept Resolution No. 971.

Roll Call Vote: 7 to 0

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

2. New Business

a. Tag Day Request: Kiwanis Requesting September 5, 2009

Bob Carnahan stated that at the last meeting girls softball was to be given first choice. John Foreman suggested keeping track of all requests in the order received and assign all dates at once. Requests are limited to once per year per organizational group. Motion by Jerry Smith and seconded by Greg Parker to move all tag day requests to the next meeting.

Roll Call Vote: 7 to 0

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

b. Tag Day Request: Summerfest Committee Requesting June 13, 2009

Moved to next meeting; see above item.

c. Contract for MS-4 Services

Ian Nicolini referred to the letter dated December 16, 2008 from the Stormwater Management Board favorably recommending the proposed professional services contract for MS-4 consultant services from Christopher B. Burke Engineering. The proposal includes four (4) hours per week at an annual rate of \$19,400.00. The MS-4 consultant services will be funded with the Stormwater Utility User Fee Fund. Motion by Bob

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Carnahan and seconded by Bill Landske to accept the proposal for 2009 Contract for MS-4 Services.

Roll Call Vote: 7 to 0

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

PUBLIC COMMENTS: None

FINAL COMMENTS:

1. Town Council

Bob Carnahan stated that Congressman Pete Visclosky will be at town forums on January 10th in Lowell, St. John, Dyer and Crown Point beginning at 10:30 am. Greg Parker questioned Ian Nicolini regarding a commission statement; Bob Carnahan stated he is responsible for the paper. Amy Sund stated that on the last agenda there were write-offs and adjustments for Wastewater that need to be approved. Amy Sund and Pam Castner met with Bob Carnahan to answer his questions regarding the report. Motion by Bob Carnahan and seconded by Jerry Smith to amend the agenda and approve the Wastewater Utility adjustments in the amount of \$50,275.50 for the period of January 1 – December 15, 2008. Amy Sund stated that this is an annual process.

Roll Call Vote: 7 to 0

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

2. Town Administrator – None

3. Town Attorney – Will report during Executive Session.

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) for 6:00 PM and following this meeting with discussion consisting of personnel matters, litigation issues and land acquisition concerns. Those in attendance were Dennis Wilkening, Pat Wisniewski, Council Members John Foreman, Robert Carnahan, Jerry Smith, William Landske, Greg Parker, 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, 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.