

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

January 27, 2009

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

Roll Call:

Absent	Patricia Wisniewski Council Member	Ward 3	Present	Robert Carnahan Vice President	Ward 1
Present	John Foreman Council Member	Ward 2	Present	Dennis Wilkening President	Ward 5
Absent	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: Barry Wornhoff reported that the hotline for anonymous crime tips has been implemented. The number is (219) 374-4681 (374-GOT1).

Public Works: Ed Robinson stated that he knows there is a spending freeze; however, Roger Patz and he have discussed diagnostic equipment for their vehicles. Currently, they are taking the vehicles for diagnostic testing, bring the vehicle back to the garage, getting the parts, repairing the vehicle and returning to the test site to have the computer reset. Ed reported that Roger Patz and he have estimated that they spent over \$3,300 last year on diagnostics alone. He stated that he has priced the system at \$2,795 and \$2,250 which would be compatible with all vehicles currently owned by the departments; the lower priced one comes with a free upgrade for 2008 model year vehicles. Bob Carnahan stated that TJT Tire can do the testing; Ed Robinson stated that this process is time consuming. This system would be upgradable yearly and would be compatible with models after 2008 as well. John Foreman asked if we were going to get in to the business of fixing cars. Ed Robinson stated that having this system will be like dollars in the bank. Amy Sund stated that this could be paid for from the Cumulative Capital Improvement fund instead of a split between the police department and public works budgets. Amy Sund questioned why routine items such as oil changes and wipers were not being done at the town garage. Ed Robinson stated that these must be the afternoon cars and with the schedule difference, they just need to make arrangements to bring their vehicles in. Greg Parker asked Barry Wornhoff to let the police department know this. Bill Landske inquired if any vehicles are using synthetic oil, Ed Robinson answered no. Motion by Bob Carnahan and seconded by Bill Landske to purchase the system with the upgrade.

Roll Call Vote: 5 to 0

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

Parks & Recreation: Mary Joan Dickson distributed a written report to Council prior to the meeting. She reported that over fifty bricks have been sold; the bricks will have names on them and their stories will be on display in the museum. She will be meeting with the Corps of Engineers on February 4th to discuss the trail on the east side of the lake. Community service is up with job losses and the economy down. Kiwanis Park will be working with the Bluebird Society. Bill Landske inquired if there are bluebirds in the area, Mary Joan stated yes and they were approached by the Bluebird Society for this. She will also be working with master gardeners on a butterfly garden. John Foreman inquired on the Monastery Clubhouse. Mary Joan reported that there currently is not enough dollars to pay NIPSCO. The tenant is still living there paying a monthly rent of \$500. This did assist in the cost of insurance by having someone living there full time. She has done what they can do to remove carpet and some iron bars. John Foreman inquired if leasing has been an option. Mary Joan reported that it has, however the building is not handicap accessible. John Foreman suggested leasing and utilizing the revenue for the parks department. Mary Joan stated that she has had inquiries from a catering company. Currently, there is not a phone line. Denny Wilkening offered to help Mary Joan with this. Dave Austgen suggested contacting the building trades for work and materials. A game plan would need to be developed with direction and rendering from an architect. Motion by Bob Carnahan and seconded by Bill Landske to allow Mary Joan Dickson to present a plan to the Town Council to utilize the remaining funds.

Roll Call Vote: 5 to 0

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

Dave Austgen suggested authorizing the use of the funds to have an architect put together a preliminary plan.

Clerk-Treasurer: Amy Sund had no report.

Fire Department: No report.

Planning, Zoning & Building: Ian Nicolini stated that there was one new home application for January. He will have a completed report at the next meeting.

Town Administrator: Ian Nicolini had no report.

Town Attorney: Dave Austgen asked Bob Carnahan to recognize Florence Wahlberg. Bob Carnahan stated that she was the president of the Cedar Lake Historical Association. During her presidency, she applied for and received the Corey Award for the museum. This award is a national award which you are only able to receive once. She was responsible for forming the Cedar Lake Chamber of Commerce and instrumental in getting garbage service started in the town. Bill Landske stated that she was a wonderful business lady.

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Town Council: Motion by John Foreman and seconded by Greg Parker for the Police Commission to move forward with promotions within their realm as they see fit.

Roll Call Vote: 4 to 1

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

Bob Carnahan referred to Ian Nicolini regarding the 2010 census. Ian Nicolini stated that the census bureau will be hiring for the 2010 census. Information will be available at town hall, at 2010censusjobs.gov, or by calling 866-861-2010. Mary Joan Dickson stated that they have requested to utilize the park building for training. There will be two sessions of twenty people each. Therefore, they will be looking for a total of forty people from our area. Ian Nicolini stated the importance of accurate census data as our funding for MVH, Local Roads, CCI, CCD and taxes are based upon population. An accurate count will help us to do improvement. Bob Carnahan stated that he has given Ian Nicolini information on the 2000 census. Bob Carnahan stated that the hazardous household waste collection will be on March 28th at the town garage from 9 am – 2 pm. Ed Robinson stated that spring clean up is usually the last weekend in April, though the date is not finalized.

PUBLIC COMMENT: There were no public comments.

CONSENT AGENDA

1. Minutes of the Regular Public Meeting of January 6, 2009.
2. Docket: Town Claims 63159-64267 for \$890,022.17; Wastewater Claims 24707-24747 for \$317,604.59; Storm Water Claims 63160, 63170, 63180 & 63192-63200 for \$317,680.63.
Bob Carnahan inquired on the NIPSCO claim on the town claims page 7; Amy Sund stated that these payments are for the fire department. He noted that garbage service was paid. He inquired on the multiple NIPSCO claims on the town claims page 8; Amy Sund stated that the ones with the appropriation beginning with 400 are for the clubhouse and the others are for the town. Denny Wilkening inquired on the Child Support claim on the town claims page 3; Amy Sund stated that this is a standard wage garnishment that is on every payable. Bob Carnahan inquired on the storm water claims payable to Walsh & Kelly for phases of the Meyer Manor project. Amy Sund stated that these are paid from the bond. He inquired if the work has been looked at. Ian Nicolini stated that inspections are constantly being completed by Burke. Christopher Burke Engineering checks off on the work and submits to us payment requests. Motion by John Foreman and seconded by Bill Landske to accept and waive the reading of the minutes and to accept the consent agenda.

Roll Call Vote: 5 to 0

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

PUBLIC HEARING

- a. **Bid Opening – Tax Anticipation Warrants**
 - i. **Legal Review of Advertisements**
 - ii. **Bid Opening**

Dave Austgen reviewed the legal notice advertisements that were posted in the Times and the Post-Tribune. He stated that they meet the requirements. A single bid on the Tax Anticipation Warrant was received. Dave Austgen opened the envelope from DeMotte State Bank. A letter signed by Don Lee Getz stated a rate of 3.5% not to exceed \$1,000,000. Dave Austgen stated that the document was submitted as required by bidders. Bob Carnahan inquired on People's Bank; Amy Sund stated there was no response. Dave Austgen stated that the government rate currently is .25%, but that doesn't mean much. The rate could be more competitive if there were more bidders. It is a good market rate. Motion by Bob Carnahan and seconded by John Foreman to accept the bid from DeMotte State Bank. Bob Carnahan stated that if the state and county got their act together, we could get our tax dollars.

Roll Call Vote: 4 to 1

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

PLANNING/ZONING & BZA BUSINESS

- a. **Request for Waiver or Reduction of Permitting Fees**
 - i. **Hanover Community School Corporation**

Ian Nicolini referred to a letter in the meeting packet dated January 6, 2009 from Hanover Community School Corporation Superintendent Carol Kaiser to Mr. Dennis Wilkening, Cedar Lake Town Council requesting a waiver for the permit costs for the renovations of the interior of Hanover Central High/Middle School; the permit cost is \$21,010. John Foreman stated that there was a plan about a year ago to use Jane Ball property to alleviate drainage improvements. Ian Nicolini stated that Burke is doing the preliminary design for the drainage between the viaducts as to where should the water go. The area is currently landlocked. Ian Nicolini stated that this is part of the scope of services for the bond projects. Ian Nicolini stated that were verbal conversations including utilizing the retention pond. Bob Carnahan inquired of Dave Austgen as we did not waive the fees for MacArthur, could they sue us. Dave Austgen responded that anyone can sue us. Bob Carnahan stated that fees were not waived for MacArthur, we need to be consistent. John Foreman stated that he inquired as to the truth of the conversation on the drainage of the viaducts going through Hanover property via Jane Ball when Joan was here. If that is the case, he feels we might consider reducing or waiving fees so there are not ramifications if we need to utilize their land. Bill Landske stated that what we do for one, we must and should do for all. Ian Nicolini clarified that with drainage improvement; there would be a credit in storm water drainage user fees. The permitting and inspections are not related to the drainage improvement, in fact not even related to this building. Hanover and Jane Ball are

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currently eligible for reductions as they have on site retention ponds. Expanding the retention ponds makes them eligible for even greater reductions as determined by the engineers. Ian does not recommend the reduction as there is a service with permitting and inspection fees. If you have a mechanism in place, you should do it as the ordinance states in regards to storm water. Denny Wilkening stated that we are looking at two different permits, one to renovate the school and a second one to do the outside work and drainage. Denny Wilkening spoke with Sandra Joseph regarding the school in regards to the drainage along 133rd. If they do not do the drainage and enlargement of the pond as they stated they were going to do, it would impact 133rd and surrounding property owners; including the library, H&R Block building and the apartment building. They are going to have to come back for another permit for the outside and drainage. Ian Nicolini stressed again that these are two different issues. He stated that there are storm water reductions and regional basin reductions. Permit and inspections fees are for permits and inspections; we should not waive them for a credit they are already eligible for other credits. Ian Nicolini stated that the interior renovation is a \$1.4+ million dollar project. Ian Nicolini stated that the ordinance should be considered with the ordinance and the permit with the permit. Dave Austgen stated that the library received a partial waiver about three years ago. Bob Carnahan stated that fees were always waived for government entities until MacArthur. It was stated that Crown Point did not waive fees for Crown Point Schools. Bob Carnahan stated his opposition to this. Greg Parker stated that they should treat all entities the same. Bob Carnahan inquired if all school corporations are paying storm water fees for all buildings. Ian Nicolini responded that he is in the process of researching why the Jr./Sr. High is not being charged a fee. Ian Nicolini will be discussing this with Carol Kaiser as he just received the final numbers. As this was not noticed, payments over time will be considered as well as discussing storm water credit procedures. Denny Wilkening stated that he would consider waiving fees on the second permit. John Foreman stated that if it helps our town it is an asset to us. He stated possibly reducing the fees on the second permit. Greg Parker stated that he is not opposed to reducing fees for schools, but he does agree with Bob Carnahan that if we charge on we need to charge the other; John Foreman agreed. Denny Wilkening asked for a motion. Motion died from a lack of motion. Ian Nicolini will send a bill with the permit application. Once the permit and payment are processed they can proceed with the work. Dave Austgen stated that this item was for a waiver request and that is why it was on the agenda; motion died for the lack of being made. A motion to deny would have been the same as no motion.

UTILITY BUSINESS

a. Storm Water Board Appointments

Ian Nicolini stated that there are two vacancies. Currently there is a republican on the board; they are in need of a republican and a democrat. Dennis Wilkening stated that he will not be voting as one of the applicants is a relative. Motion by John Foreman and seconded by Bob Carnahan to appoint Walter "Skip" Crissey and Jerry Wilkening to the Storm Water Board. Ian Nicolini will send a letter to applicants.

Roll Call Vote: 4 to 0 to 1

Wisniewski	Foreman	Smith	Landske	Parker	Carnahan	Wilkening
ABSENT	YES	ABSENT	YES	YES	YES	N/A

b. Cedar Lake – Lowell Joint Town Council Meeting to Discuss WWTP Expansion

Ian Nicolini stated that at the end of 2008 he was trying to coordinate a joint meeting with Lowell Town Council to discuss wet weather treatment options including the ACTIFLO system. Motion by Bob Carnahan and seconded by Bill Landske to have Ian Nicolini send a letter to Lowell to schedule a meeting. Dave Austgen suggested sending a letter with dates and times.

Roll Call Vote: 5 to 0

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

c. Garbage Contract Matters

Ian Nicolini and Denny Wilkening met with Jim Metros regarding the anticipated rate and weight limit of garbage trucks. Sixty days prior to the end of the contract which is January 30th, we are to notify Allied Disposal with our intent to renew or not. Motion by John Foreman and seconded by Greg Parker to send a letter of intent and form a committee to meet to discuss weight limits and rate.

Roll Call Vote: 4 to 1

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

Dave Austgen suggested discussing this as it is a significant impact on the community. Ian Nicolini will send out a letter tomorrow with our intent. He stated that Denny Wilkening and John Foreman have expressed interest. Ian Nicolini will notify Denny Wilkening, John Foreman and Greg Parker of meeting date.

d. Request for Sewer Connection Outside of Town Limits

i. Vicinity 159th and Morse

Ian Nicolini referred to a letter dated January 12, 2009 regarding a commercial development on 159th and Morse Street proposing connection to an existing sanitary manhole on the west side of Sherman Street, approximately 500 feet north of 159th Avenue. The Westdale Market project has received approval from the Lake County Plan Commission. Dave Austgen stated that a resolution was made about 2 ½ years ago not to allow jurisdictional extensions. Dave Austgen stated that there is no flow data, a representative did not come to the meeting and there is no engineer assessment. More information would be needed for assessment and capacity evaluation. He stated that a blanket request is not advisable. Motion by Bob Carnahan and seconded by Bill Landske to deny connection. Bob Carnahan stated that if we let people outside the town connect to they system; we might have to deny people in our own town. Greg Parker stated that if the property could be annexed, it would be a different situation. Dave Austgen

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stated that there is over a quarter mile between properties to allow annexation. They could go to Lowell and request. Ian Nicolini suggested getting more information. Greg Parker stated that someone should have been present. Ian Nicolini stated that this was brought to see if the town is interested. Dave Austgen stated that this does not preclude them from providing additional information for reconsideration. Ian Nicolini stated that he will contact them and notify them of what is needed. Dave Austgen suggested having them contact us, but we should notify them of the denial.

Roll Call Vote: 5 to 0

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

TOWN BUSINESS

1. Resolutions

a. Resolution No. 972: Transferring Funds from CCI to Park District Bond Fund

Amy Sund read Resolution No. 972 in its entirety. The sum of \$6,638.39 will be transferred from the Cumulative Capital Improvement Fund to the Park District Bond Fund. Repayment shall be made upon receipt of the 2007 pay 2008 installment anticipated for collection in 2009. Motion by Bob Carnahan and seconded by Bill Landske to approve Resolution No. 972.

Roll Call Vote: 5 to 0

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

2. Ordinances

a. Ordinance No. 1046: Establishing an Identity Theft Prevention Program

Dave Austgen suggested reading by title only with an explanation on a first reading tonight and a second reading at a later meeting. Dave Austgen read Ordinance No. 1046 by title only and explained that this is a procedure ordinance to be in compliance with homeland security regarding identity theft. Motion by Greg Parker and seconded by Bill Landske to read by title only with an explanation.

Roll Call Vote: 4 to 1

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

Dave Austgen read Ordinance No. 1046 by title only and explained that this is a procedure ordinance to be in compliance with homeland security regarding identity theft. He stated that this uniquely applies to municipalities. Most of this will not be used, but it identifies safe guards and red-flag components are specified. Bob Carnahan asked if this applies to posting sewer bills and delinquent fees; Dave Austgen stated that no other identifier can be used than their names. Motion by Greg Parker and seconded by Greg Parker to accept the first reading of Ordinance No. 1046.

Roll Call Vote: 5 to 0

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

Dave Austgen suggested adding this to the next meeting for a second reading.

3. New Business

a. Designation of Publication for Legal Advertisements

Motion by Bob Carnahan and seconded by Bill Landske to designate the Cedar Lake/Lowell Star and the Cedar Lake Journal. John Foreman asked what papers we used last year; Amy Sund stated that we used the Cedar Lake/Lowell Star and the Crown Point Star.

Roll Call Vote: 5 to 0

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

b. 2009 Encumbrances

Amy Sund referred to the Forwarded Outstanding Encumbrances Report in the meeting packet. It is a requirement of the State Board of Accounts for Council to approve forwarded encumbrances. Purchase orders in the sum of \$59,893.96 were forwarded from 2008 to the 2009 budget. Motion by Bob Carnahan and seconded by Greg Parker to approve the 2009 encumbrances.

Roll Call Vote: 5 to 0

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

c. Cancelling Outstanding Warrants

Amy Sund referred to memo dated January 13, 2009 regarding the cancellation of old outstanding warrants (check). She stated that checks unpaid for a period of two years as of December 31st each year shall be declared cancelled; the amount of \$500.01 was outstanding from 2006. Motion by Greg Parker and seconded by Bill Landske to cancel old outstanding warrants as presented by the Clerk-Treasurer in the amount of \$500.01, and to allow amount to be receipted into the General Fund.

Roll Call Vote: 5 to 0

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

d. Tag Day Requests – 2009

Ian Nicolini referred to memo dated January 13, 2009 from Amy Sund regarding 2009 Tag Days. The organizations and dates were reviewed.

<u>Date</u>	<u>Organization</u>	<u>Rain Date Allowed</u>
April 4	Cedar Lake Volunteer Fire Dept	April 11
May 2	Cedar Lake Knights of Columbus	May 9
May 16	Cedar Lake Girls' Softball	May 23

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June 13	Cedar Lake Summerfest	June 20
Sept. 5	Cedar Lake Kiwanis	Sept. 12
Oct. 3	Cedar Lake Volunteer Fire Dept	Oct. 10

Bob Carnahan noted that the second date for the fire department is for the food drive which all proceeds are donated to the food pantry. Motion by John Foreman and seconded by Greg Parker to approve the tag day requests as reviewed. For safety, Ian Nicolini will add to the acceptance letter for groups not to stand at 133rd & Parrish without prior approval of the town administrator.

Roll Call Vote: 5 to 0

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

e. Snowplowing Roads Not Accepted By the Town

Ian Nicolini stated that he has received numerous calls from residence living in subdivisions with roads that are not accepted by the town. The ordinance provision to address this is not specific; fines and fees are not clearly defined. Dave Austgen stated that there could be legal ramifications if we go into areas that are not accepted and have not been completed by the developer. This could create problems. Denny Wilkening addressed public safety; if we can charge to cut grass, why can't we charge for snow removal. Bob Carnahan stated that if we tear up the roads and contribute to their conditions. Greg Parker recommended changing the ordinance to reflect hours to remove versus days. Denny Wilkening reiterated public safety. Motion by Bob Carnahan and seconded by Bill Landske to direct the attorney to amend the ordinance to have more teeth for the developer to maintain roads and authorize to hold permits. Ed Robinson suggested hiring an outside contractor. Greg Parker suggested making the fines more stringent than the cost of plowing.

Roll Call Vote: 5 to 0

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

f. Acceptance of Easement Dedication: 136th Place Drainage Project

Ian Nicolini stated that the easement that we needed to acquire for the 136th Place drainage project has been acquired. It was donated to the town. The paperwork is in Amy Sund's possession for final execution. Motion by Greg Parker and seconded by Bill Landske for acceptance of the easement.

Roll Call Vote: 5 to 0

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

PUBLIC COMMENT:

FINAL COMMENTS:

1. Town Council – no comment
2. Town Administrator – no comment
3. Town Attorney – no comment

ADJOURNMENT: At approximately 8:40 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 Robert Carnahan, John Foreman, William Landske, Greg Parker, Dennis Wilkening, 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.