

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

February 3, 2009

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

Roll Call:

Present	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
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	

PRESENTATION: Ted Sommer, London Witte Group-Discussing the Municipal Utility Group.

Ian Nicolini introduced Ted Sommer, financial consultant with London Witte Group. Ted Sommer distributed information to Council regarding the Indiana Municipal Utility Group. He discussed information regarding NIPSCO and the IURC regarding rate increases. Without intervention, there will be no representation for small/medium businesses and street light rates. He proposed council to consider participation with other municipalities which are currently involved; there is a solid base which includes Dyer, Highland, Whiting, Winfield, East Chicago, Hobart and Schererville. The town's cost would be approximately \$7,000 which would be determined by a funding mechanism consisting of a 50/50 split based upon electric bills and population. The intervention group would try to get the largest decrease or smallest increase in rates. If intervention is successful, the utility is required to payback intervener, attorney and witness fees which results in no out of pocket expense. He stated that NIPSCO wants to talk and this should be done by July/August.

DEPARTMENT REPORTS

Police: Chief Roger Patz reported that the Police Commission supports him in asking council to draft an ordinance to exempt retired police officer from gun permit fees. He stated that IC 35.47.2-3 is for local gun permit fees and IC 35.47.2-4 is for state gun permit fees. The town currently collects both. The state currently exempts retired officers with twenty or more years of service from the state fee. Motion by Bob Carnahan and seconded by Bill Landske to exempt gun permit fees for any local police officer provided they are retired from Indiana Law Enforcement and are local residents. This would not be for officers retired from Illinois.

Roll Call Vote: 7 to 0

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

Public Works: No report.

Parks & Recreation: Mary Joan Dickson distributed information and maps to Council. She has met with the Corps of Engineers, IDEM and Soil Solutions regarding the proposed pedestrian path, bike and kayak trail. This trail will include Brunt's Farm, a bridge over the wetland area, Robin's Nest and Alta Mira subdivisions. Some of the wetlands will need to be mitigated, the delineation is complete. The state would need to approve a bridge under Morse. Bob Carnahan stated that depending on the size of the bridge will determine who would be responsible for the bridge. Mary Joan Dickson reported that this is just a proposal at this time. This project would enhance the canary grass that is currently there and help cleanse the water before it reaches the ditch and/or pond in the cove. Funding for this will be through mitigation and grants. Chief Roger Patz questioned if the path would be accessible for emergency vehicles; Mary Joan reported that they would be wide enough for emergency vehicle access. Bob Carnahan stated that the governor is in favor of this type of project. Mary Joan Dickson reported on Monastery Woods; the well will be repaired by Sheehy Well weather pending and after complete, Lake Electric will repair the water pump.

Clerk-Treasurer: Amy Sund referred to a memo with attachment regarding a Tech Med bill payable by Cedar Lake EMS; asking for Council's decision on payment. She stated that per the agreement the regular maintenance of the ambulance equipment shall be the responsibility of the fire department. Major repair responsibilities, as agreed upon, by the parties, will be the responsibility of the Town. The Tech Med bill is for preventative maintenance on the defibrillators. Chief Patz reported that the police department does not have possession of one. Dave Austgen suggested adding this as an agenda item in two weeks to give the council time to review the information presented. Jerry Smith stated that the agreement states maintenance is by them and major is by the Town. Officer Brittingham stated that the police defibrillator was given to the ambulance department when it was taken over. He stated that as this unit is not rechargeable, it is not practical to put this back on the boat. It was suggested that the fire department bring a recommendation. Greg Parker inquired on the total of the bill; it was noted that the total was \$1,008.29. Denny Wilkening stated that he will get more information. Motion by Bob Carnahan and seconded by Bill Landske to let the Fire Department Commission bring a recommendation to the next meeting. John Foreman, Greg Parker and Jerry Smith stated that regular maintenance needs to be defined. Greg Parker suggested they go to the fire department and see the equipment. Dave Austgen stated that the agreement contains phraseology of "as otherwise agreed by the parties."

Roll Call Vote: 7 to 0

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

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

Fire Department: No report.

Planning, Zoning & Building: Ian Nicolini reported that there were thirteen alteration permits and one new house permit for January.

Town Administrator: Ian Nicolini stated that there will be a joint town council meeting on February 17th at 5 pm in Lowell to discuss the wet weather treatment options and the ACTIFLO system to increase flows. Ian Nicolini stated that Mary Joan Dickson has more information on the census; a local contact is Val May who can be reached at (219) 742-3887. Information is also available at 2010.census.gov.

Town Attorney: Dave Austgen reported that he has forwarded information regarding the proposed subdivision control ordinance regarding snow removal. This will need to go to the plan commission and should be ready for the next meeting. Ian Nicolini will put information in Council's boxes.

Town Council: Bill Landske questioned the twelve traffic lights at 133rd & Parrish. John Foreman stated that he believes this is an INDOT requirement. Sandra Joseph stated that the signals are for dedicated turn lanes and comply with standard design guidelines from INDOT. Bob Carnahan stated that there will be a 16 Plus Committee meeting in Schererville on February 6th; Business After Hours will be on February 10th at Great Oaks from 6-8 pm, and on February 13th Lake County Advance Committee will have a noon luncheon at Tiebel's, reservations are required. Bill Landske stated that on February 24th Zion Church located at 113th & Calumet will have their all you can eat blueberry pancakes and sausage beginning at 4 pm.

PUBLIC COMMENT: No comments

CONSENT AGENDA

1. Minutes of the Regular Public Meeting of January 27, 2009.
2. Docket: Town Claims 64269-64334 for \$401,104.48; Wastewater Claims 24748-24772 for \$81,720.43; Storm Water Claims 63196, 64268, 64281 & 64302-64304 for \$70,262.09. Motion by Bob Carnahan and seconded by Jerry Smith to accept and waive the reading of the minutes and to accept the consent agenda.

Roll Call Vote: 7 to 0

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

PLANNING/ZONING & BZA BUSINESS

1. Written Communication

a. Streetlight Request Cedar St.

Ian Nicolini referred to a letter in the meeting packet requesting a street light on Cedar Street in Cedar Point Park. Ian Nicolini suggested that he contact the property owner to discuss this request and the possibility of their homeowners association completing this. Ian Nicolini stated that due to rising costs this might not be advisable at this time. Amy Sund's Clerk reported that the current streetlight bill from NIPSCO was \$5,400 for the month. Motion by Bill Landske and seconded by Pat Wisniewski to deny the request.

Roll Call Vote: 5 to 2

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

2. Special Use Variance

a. McAllister-Allowing storage, sorting, collection of ...paper, metal or junk.

i. Vicinity: Industrial Park Lot 3

ii. BZA voted unanimously (3-0) to issue favorable recommendation.

Ian Nicolini referred to the certification letter from the BZA regarding their favorable recommendation (3 to 0) to allow a special use variance to Kenneth McAllister and Richard Thiel to establish a recycling center with the restriction that all storage shall be enclosed in a building and any violation of the indoor storage will result in the Special Use to be revoked. If storage was needed outside, they would have to go back for another variance. Bill Landske questioned Richard Thiel regarding rodents; Richard Thiel responded that this is metal recycling which includes window motors, cores, radiators, aluminum, copper and the like, but he would set traps if needed. Denny Wilkening questioned fluids from the materials; Richard Thiel responded that he will dispose of any fluids as required. Motion by Bob Carnahan and seconded by Jerry Smith to grant the special use variance based upon the favorable recommendation received from the BZA. The code enforcement officer will monitor this variance.

Roll Call Vote: 7 to 0

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

3. Regulation of Temporary Registration Signs in Right of Ways and Public Areas

Ian Nicolini stated that the ordinance regarding sign-up signs and how they are to regulate them needs to be more specific. The baseball and softball sign at 133rd & Morse is currently nonconforming. Ian Nicolini requested direction on this; he suggested having requests similar to tag day requests. Bob Carnahan stated that the new signs are nice. Ian Nicolini suggested having a dually designated town representative authorize signage in public right away areas. He suggested adding this to the next draft of the zoning ordinance which is currently being worked on. Ian Nicolini suggested giving a text amendment to the plan commission. Greg Parker questioned if dollars needed to be spent to change the ordinance. Dave Austgen stated that if there is no regulation and if the ordinance is not enforced, it could be used against the town in other areas. Motion by John Foreman and seconded by Bill Landske to incorporate this zoning ordinance change with the new ordinance presently being worked on. Ian Nicolini noted that this is currently in the draft of the zoning ordinance changes.

Roll Call Vote: 7 to 0

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

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

Motion by Bob Carnahan and seconded by Greg Parker not to remove signs and permit the signs to stay up until the end of February.

Roll Call Vote: 7 to 0

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

TOWN BUSINESS

1. Ordinances

a. Ordinance No. 1046: Establishing an Identity Theft Prevention Program – 2nd Reading

Ian Nicolini referred to the meeting packet. Motion by John Foreman and seconded by Jerry Smith to read by title only.

Roll Call Vote: 7 to 0

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

Dave Austgen read Ordinance No. 1046 by title only. Motion by Jerry Smith and seconded by Bill Landske to accept Ordinance No. 1046. Bob Carnahan questioned if the ordinance would be as presented since the copy states draft; Dave Austgen stated yes.

Roll Call Vote: 7 to 0

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

b. Ordinance No. 1047: Amending Ordinance No. 832 Regulating Garbage Collection – 1st Reading

Motion by Pat Wisniewski and seconded by Bill Landske to read by title only.

Roll Call Vote: 6 to 1

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

Dave Austgen read Ordinance No. 1047 by title only. Dave Austgen explained that at the January meeting it was requested to clarify the fee payment exception requests from Ordinance No. 832 in section four fee payment exceptions be updated to reflect that only private or private unit developments. Motion by Bob Carnahan and seconded by Jerry Smith to accept the first reading of Ordinance No. 1047.

Roll Call Vote: 7 to 0

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

Motion by Jerry Smith and seconded by Pat Wisniewski to suspend the rules and have the second reading by title only.

Roll Call Vote: 7 to 0

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

Dave Austgen read Ordinance No. 1047 by title only. Motion by Jerry Smith and seconded by Pat Wisniewski to accept the second reading of Ordinance No. 1047.

Roll Call Vote: 7 to 0

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

2. New Business

a. Engineering Services Contract

i. Christopher B. Burke Engineering

Ian Nicolini referred to the letters from Christopher B. Burke Engineering in the meeting packet. These letters are for the 2008 and 2009 contract extensions which extend the dates from the 2005 contract. Bob Carnahan asked Sandra Joseph if these extensions are for the same terms and rates; Sandra Joseph responded yes. Motion by Bob Carnahan and seconded by Pat Wisniewski to extend the contract.

Roll Call Vote: 7 to 0

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

b. Sidewalk Grant Contract Execution

Ian Nicolini referred to the contract in the meeting packet from INDOT for a \$250,000 grant for sidewalks within a one mile radius of Hanover Jr. /Sr. school. Ian Nicolini stated that he has met with INDOT, this funding will be in the fall of 2010 and he needs the Town Council President's signature to proceed. Motion by Pat Wisniewski and seconded by John Foreman to have the president sign the necessary papers. Denny Wilkening questioned going further up 133rd since developers have installed some sidewalks. Ian Nicolini responded that if changes are made we would have to reapply for and get reapproved; he suggested staying within the proposed area to scale back the costs. Ian Nicolini stated that ideally we would like to connect Jane Ball to East Creek and Monastery Woods on the west side. He stated that we should connect sidewalks with current projects in phase two of funding with NIRPC. Bob Carnahan questioned sidewalks around MacArthur school being previously rejected. Ian Nicolini suggested reapplying and the importance of parents completing surveys sent home with students having them communicate concerns.

Roll Call Vote: 7 to 0

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

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

c. Change Order Request: 133rd and Morse Sewer Repair

i. \$2,723.33

Ian Nicolini referred to a letter from Hasse Construction regarding a change order regarding uncovering an unknown eight inch sewer with heavy volumes flowing through it which had to be removed and repaired. Bob Carnahan questioned the October 16, 2008 date of the letter. Sandra Joseph stated that changes had to be made to the paperwork. Motion by Pat Wisniewski and seconded by Bob Carnahan to accept the change order.

Roll Call Vote: 6 to 1

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

d. Employment Agreement – Town Administrator

Ian Nicolini referred to letter and agreement in the meeting packet regarding Cedar Lake Town and Ian Nicolini Town Administrative Employment Separation Agreement Matters. Motion by Bill Landske and seconded by Pat Wisniewski to accept the employment agreement.

Roll Call Vote: 7 to 0

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

PUBLIC COMMENT: No comments.

FINAL COMMENTS:

1. Town Council – Greg Parker inquired on pages 73 – 75 in the meeting packet. Ian Nicolini stated that these are for informational purposes for the executive session.
2. Town Administrator – no comments
3. Town Attorney – no comments

ADJOURNMENT: At approximately 8:45 PM President Wilkening called for adjournment.

An Executive Session with Police Commissioners was advertised and conducted pursuant to IC 5-14-1.5-6.1(b) for 5:00 PM with discussion consisting of personnel matters. Those in attendance were Josh Krupa, Chuck Kouder, Dan Engleman, Roger Patz and Town Council Members Robert Carnahan, William Landske, Greg Parker, Jerry Smith, Dennis Wilkening, and Pat Wisniewski, Town Administrator Ian Nicolini, Clerk-Treasurer Amy Sund and Town Attorney David Austgen. The meeting adjourned at approximately 6:10 pm.

An Executive Session was advertised and conducted pursuant to IC 5-14-1.5-6.1(b) for 6:00 PM with discussion consisting of personnel matters and litigation issues. Those in attendance were Robert 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, 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.