

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

**February 24, 2009**

**Special 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	
Absent	William Landske Council Member	Ward 6	Present	Ian Nicolini Town Administrator	
Present	Greg Parker Council Member	Ward 7	Present	Tim Kuiper Town Attorney	

*\*John Foreman arrived at approximately 7:20 pm. Sue Haase of London Witte Group and Neil Simstad of Nies Engineering were also in attendance*

**UTILITY BUSINESS**

**1. Wastewater Treatment Plant Expansion – Actiflo Wet Weather Treatment System**

- a. Discussion of the Project
- b. Engineer's Report
- c. Financial Report

Ian Nicolini gave a background on the project. He stated that Lowell informed him on Wednesday, February 18, 2009, that they were going to apply to the state for SRF stimulus funds for the Actiflo system. Per our agreement with Lowell, we are responsible for half of the cost of this system; our cost would be approximately \$2.5 million. The literature and deliverables that Mark Downey of Commonwealth Engineering has provided will be explained by Neil Simstad. According to Commonwealth Engineering this would add on approximately 1935 taps for our use. This is based upon a Non Rule Policy from IDEM which has not yet been approved, but has been referenced by IDEM in correspondence between IDEM and Commonwealth Engineering when asked if this type of treatment is acceptable for a combined sewer community. Ian Nicolini received a call from Greg Shook that they will be applying through the SRF to obtain stimulus funding; if Lowell has the application submitted by Friday, February 27, 2009 and the preliminary engineers report submitted by March 13, 2009, they can be eligible for stimulus funding. Interest rates for this project vary between 0 to 3.5% for the first and second half of the project respectively. Bob Carnahan questioned what project they are going to do, is it the interceptor? Ian Nicolini responded that it is the Actiflo system which is a wet weather treatment system, which was the reason for the meeting with Lowell. As a secondary discussion at the Lowell meeting, they discussed the interceptors. Bob Carnahan questioned if it was the \$5 million one; Ian Nicolini responded that that is the cost for the Actiflo system. Ian Nicolini recalled from the meeting that there is a wide range of costs for the interceptor and there is no design to get the project started; this is not feasible at this time. Bob Carnahan stated that when he left the Lowell joint meeting he thought that they weren't going to do anything; Dennis Wilkening and Ian Nicolini agreed that this was the sentiment of the meeting. That Lowell Council seemed cautious about spending dollars without raising rates. There was not a substantive financial review of the project. Bob Carnahan questioned if Lowell had a public meeting to decide this; Ian Nicolini responded that he did not know. Ian Nicolini restated that on February 18, 2009, he received a call that Lowell was going to turn in the application for the Actiflo system. Ian Nicolini stated that this system is a substantial benefit for the cost. He has met with Sue Haase of London Witte Group and discussed finances. In reviewing our finances we utilized an average interest rate for calculations of 1.75%. They discussed what funding is available for the system. Through system development charges and the WWTP special fund; both have funds available to pay for it with cash, but current interest rates are enticing. This will be Lowell's debt; we will be making payments to Lowell as per the agreement. The master plan for the town needs to be considered which includes the West Side sewer interceptor as a high priority. We need to consider the financing of both projects. We have the funding for the next capital project if we finance the Actiflo system. We need to capture growth, repair what is in bad shape, 95% is already designed but right of way is needed. There is plenty of coverage in our existing rates; there is no consideration for a rate hike. We can finance the Westside sewer interceptor within our current rates. Ian Nicolini recommended reserving our cash for our own projects and reducing the amount we would need to finance. Bob Carnahan inquired if Amy Sund was involved in the discussions on financing; Amy Sund responded yes she was in discussions with Ian Nicolini and Sue Haase. Amy Sund thought it is a situation that the town can not pass up with the interest rates being the way they are. We should reserve the cash for our own projects. Greg Parker asked Ian Nicolini to touch on the benefits of the Actiflo system. Ian Nicolini responded that overall, Lowell is a combined sewer overflow community which means that in big rain events their storm sewer flows into sanitary and therefore they are treating clear water. This is a problem that needs to be fixed. We have interceptor problems. The capacity would increase to 10 million gallons per day during a rain event; IDEM considers a rain event to have a four day window. With the Actiflo system we will not treat as much clear water; therefore we will be able to recapture biological capacity. The system will free up capacity and add on approximately 1935 taps without major expansion and will alleviate the CSO problem. This system will pay for itself once the system development fees for the 1935 taps are collected. Greg Parker inquired if the 1935 is the maximum number of taps; Neil Simstad stated that the 1935 taps, which are based on IDEM guideline, are equivalent residential units; this number

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

would change with commercial additions such as restaurants and schools. Ian Nicolini stated that this number is an estimate to gain an additional 2 million gallons in capacity. Neil Simstad stated that there are questions that still need to be answered. The Actiflo process is common in water treatments. It is a different way of dealing with what is not needed every day. This system may only be used 3 to 5 times per year, but it is there if needed. Neil Simstad recommended checking that Commonwealth Engineering includes all wet weather conveyance and treatments specifically the interceptors. The interceptors still need to be looked at in their present state, not from maps in the 1980's as well as the limitations of the plant including pumping capacity. Jerry Smith inquired as to the impact of adding a middle school; how many taps for a school with 800 to 1000 students as Lowell is building one and Hanover has one in the planning stages. Neil Simstad said it would be significant; he was not comfortable giving a number without more information. Jerry Smith stated that Lowell figured about 40 taps. Ian Nicolini stated that there will still be tap fees and system development fees. Jerry Smith questions what happens if we run out of taps before Lowell. Tim Kupier stated that a residence uses about 310 gallons per day and a restaurant uses about 7000 gallons per day. This concern of Jerry Smith's was not answered at the Lowell joint meeting. Neil Simstad stated that scenarios are needed with residential and commercial examples. The Actiflo wet weather is for intermittent flow and changes the average daily flow which allows IDEM to change the average daily flow. Ian Nicolini stated that the conversation at the Lowell joint meeting changed and discussed three levels of capacity regarding biological and wet weather treatment; that they might just want to do both. Bob Carnahan questioned raising rates, that there is not going to be a need to increase our rates; Ian Nicolini responded that for the Actiflo system there is no need to raise rates. Ian Nicolini recommended to Council that Lowell send in the application to SRF on Friday; this would be a substantial benefit and we are committed by agreement. Once they submit we will move forward with the existing interest rates and see what SRF has to say. Ian Nicolini recommended authorizing our joint entry; we will be paying Lowell through the SRF and the capacity will increase to 10 million gallons. Susan Haase stated that the debt will be issued to Lowell; we will pay our 50% through debt service reserve to Lowell monthly. This is an expense, not a debt; we will not need coverage on our side. We will need to provide financial information to prove we can pay on a monthly basis. In 2005, we paid \$4 million for no increase in capacity. We will still be allowed to look through the application and make comment to SRF if needed. The term for this would be 20 years. Susan Haase explained the payment process. Ed Robinson stated that there are still infiltration problems. In 1986 to 1992 there were in home inspections to remove sump pumps from the system; however, there was no enforcement for recapping into the system. Bob Carnahan stated that there is no way to tell if they recapped into the system. Ed Robinson stated that we need an enforcement rule. Ian Nicolini stated that we did apply for federal funding to start this program. Ian Nicolini recommended moving forward with this and proceed with Lowell's plan for the SRF. Neil Simstad agrees with Ian Nicolini as long as the request for information comes back clean and we check the numbers on the gallons per day. Dennis Wilkening inquired if this will be the first and final. Ian Nicolini inquired of Tim Kupier if Lowell will have to have a public hearing; Tim Kupier responded that they should. Tim Kupier stated that this is the initiation of the process. Motion by Jerry Smith and seconded by Pat Wisniewski based on correct information being provided to the engineer and with the recommendation of the Town Administrator, Clerk-Treasurer and the engineer; we move forward with this. John Foreman questioned Ian Nicolini if he was alright with this; Ian Nicolini stated that this is a favorable process which could pay for itself. Jerry Smith stated that the biggest plus is there is no extra burden on current payers and will put us in a favorable position for the West Side Interceptor. Our cost would be approximately \$2.5 million.

**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:** Robert Carnahan read information from the Bureau of Labor Statistics. He stated that unemployment is constantly going up. Bob Carnahan requested amending the agenda for a moratorium on the signs and appoint a committee to work with the businesses to resolve this problem. Motion by Bob Carnahan and seconded by Greg Parker to amend the agenda and have a vote on putting a moratorium on not doing anything with these signs. John Foreman questioned if there was a prior discussion on signs. Dennis Wilkening responded that there was not; there was discussion at the plan commission meeting. Dennis Wilkening asked Ian Nicolini to brief Council on where there are at. Ian Nicolini asked for a point of clarification so if the motion passes he knows how to administer it. It has come to our attention that there is some arrow board flashing signs; in our current process arrow board signs are not permitted in our zoning ordinance. It has to meet the set backs and can not be within the vision triangle. We are allowing noncompliant signs to exist. He thought the zoning ordinance needed to be changed and the policy that governs these signs needs to be changed as they were not being enforced as is. Ian Nicolini stated that if a text amendment is going to take place in the zoning ordinance it need to take place at the plan commission level; therefore he put it on as a discussion item on the agenda. Would you all consider amending the zoning ordinance to change, loosen or tighten your regulations around these signs? The Plan Commission's answer was no, they would not hear it. That gave him clear direction that it was everyone's intent to enforce the ordinance as written. As a background, this is not a shot at the businesses nor is it encouraging unemployment; you have a set of policies that were chosen to enforce at the plan commission level. Changes can be made at a public meeting. John Foreman questioned if the zoning ordinances were being rewritten; Ian Nicolini responded yes, but the draft that is circulating considers it about the same as our current one. John Foreman thought the signs were allowed on a temporary basis for grand openings and the like; Tim Kupier

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

responded that they are for very certain conditions, but none of those apply to these three cases. Tim Kupier stated that most other communities are tightening up their sign regulations because you do not want these types of signs; you want a permanent sign. Tim Kupier stated that the problem with saying because of the economic times, it is a slippery slope that you get into; the rules are in place for a reason. The signs in question are Carlo's, Hunley's and Chela's restaurants. If the town allows one, they have to allow all, you have to enforce uniformly. Greg Parker questioned what if the signs were there before the ordinance. It was stated that the ordinance has been in place since 1989. The sign at Pizza Palace was discussed, it is a permanent sign, but it is not allowed to flash. Greg Parker mentioned the one at the Methodist Church, Ian Nicolini stated that they received approval for it; Bob Carnahan stated that they were told to get rid of it. Ian Nicolini suggested to Bob Carnahan that he may want to hear both sides of these stories before he brings it to a public forum especially in an effort to make everyone look bad here. The concern with the Methodist Church was that the plan commission gave direction, we checked and they had approval. The direction is clear, if we are not going to change the ordinance; we need to enforce it. Ian Nicolini stated that it is his and Doug's job to enforce it. Greg Parker stated that this was not brought up to make anyone look bad or make the town look like Wisconsin Dell's. Greg Parker brought up the tough economic environment conditions with the economic times from the 133<sup>rd</sup> widening, this was not by the business' own actions; we should not nit pick. John Foreman questioned if the moratorium would include anyone putting up a sign; Bob Carnahan and Greg Parker stated no, just the existing signs. Chela's sign would be allowed. Tim Kupier stated that this would become a legal issue as it would be selective. Bob Carnahan stated he wanted to get a committee together and work on this situation; he has businesses wishing they would not have come into Cedar Lake. Dennis Wilkening questioned if Bob Carnahan was the one who came in with a handful of signs once, Greg Parker stated that these were signs stapled to utility poles. Dennis Wilkening responded that they were church signs. Bob Carnahan stated that they were signs on utility poles; they can put them in the ground. Ian Nicolini stated that this is going to be a nightmare to enforce. Greg Parker stated that it has been a nightmare for him all week. Ian Nicolini and Greg Parker have had discussions about this. Greg Parker stated that he hears about public safety, but it depends on whose public safety or whose property the safety has to contend with. Ian Nicolini resented this remark; Greg Parker stated that he is not talking about Ian; he is talking about this council. John Foreman inquired if Ian Nicolini had conversations with the business owners; Ian Nicolini responded that everyone had conversations with Chela's, Doug spoke to Carlo's and they spoke to Pastor Shanahan. Greg Parker stated that two businesses have gone out of business since the 133<sup>rd</sup> project started; S&S and the Hot Dog stand. Ian Nicolini questioned if it was an arrow board issue or an economy issue. Dennis Wilkening asked what difference a sign is going to make. Bob Carnahan stated that the Mexican restaurants business increased when they put the sign out there; the sign at Chela's is a dispute with the landlord. Ian Nicolini stated that he met with the property owners at council's request. Jerry Smith stated that this was the first he heard about the signs, he was not sure what signs they were talking about, he thought they were talking about the softball signs. Bob Carnahan stated that we gave them an exception too. John Foreman stated that we are spending a great deal of time and effort to make our town nicer and classier. Greg Parker stated that we should go down 133<sup>rd</sup> and move everything within the vision triangle and that is not 30 feet off the right of way; John Foreman agreed. Ian Nicolini stated he needs clear direction about the arrow boards. Tim Kupier stated to Dennis Wilkening that there is a motion on the floor. Motion by Bob Carnahan and second by Greg Parker to allow temporary signs for anyone who wants to put one in until June 9<sup>th</sup>. This is the date that 133<sup>rd</sup> is supposed to be done by.

**Roll Call Vote: 3 to 4 Motion Failed**

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

John Foreman and Jerry Smith voted with the attorney's advice. Jerry Smith is not opposed to revisiting this.

- 2. **Town Administrator:** No comment
- 3. **Town Attorney:** No comment

**ADJOURNMENT:** At approximately 7:55 pm President Wilkening called for adjournment.

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

February 24, 2009

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

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.