



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

August 12, 2008

**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	

**Attorney Austgen appeared at the meeting after roll call vote, and Council Member Greg Parker appeared during the Consent Agenda.*

DEPARTMENT REPORTS

Police: No report.

Public Works: No report.

Planning, Zoning & Building: Ian Nicolini reported that there were 8 new house permits in July with a total of 39 permits, which is up by last year's number of 33.

Parks & Recreation: No report.

Clerk-Treasurer: Amy Sund reported that the DLGF sent notice that they are extending the deadline for the 2009 budget until December 1, 2008. Commissioner Cheryl Musgrave sent the notice in a letter format for all taxing units. The budget committee discussed this and favored the extension due to the tax appeal we are waiting on. David Austgen suggested that this may not be advisable because the statute states September 30, and the Commissioner is not above the statute. He will discuss this further with the Clerk-Treasurer.

Fire Department: No report.

Town Administrator: No report.

Town Attorney: No report.

PUBLIC COMMENT: No comments.

CONSENT AGENDA

- Minutes of the Special Public Meeting of July 29, 2008 with Executive Session.
- Docket: Town Claims 62312-62409 \$1,605,537.16, Storm Water 62299-62300 and 62341-62342 \$118,745.73, Wastewater 24331-24370 \$163,998.47.
Motion made by Bill Landske and second by Pat Wisniewski to waive the reading of the minutes and to accept the consent agenda. Robert Carnahan asked Amy Sund about the EMS bills and what was paid before it was turned over to the Fire Dept. Ms. Sund said they disbursed 81.75 hours of overtime for the final pay period at \$605. The Town covered August 1 and August 2 payroll at \$2,193, \$7,800 for unused vacation and comp time, and \$3,600 for bills on tonight's docket and that for next week. The Town continues to pay bills that were dated since March and there was no reason for them not to submit their bills on time. Ms. Sund wants this to be finished up so the Town could have closure.

Roll Call Vote: 6 to 1

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

UTILITY BUSINESS

1. Resolutions & Ordinances

None

2. Old Business

None

3. New Business

a. Removal of Garbage Billing @ 14117 Parrish Avenue

Ian Nicolini explained that the service appears to be cancelled as of May 12, 2008. The house is still there, and there are NIPSCO bills for July showing they Robert Carnahan moved to remove garbage billing only with second by Bill Landske. Ian Nicolini asked if it was typical for the Council to eliminate billing for a house for sale. Amy Sund read the Town Code describing the stipulations for consideration of garbage billing. Ian explained that the new owners would not need an occupancy permit. Ms. Sund said that the new owner would normally call to change the name over. However this is not always the case and it is difficult to police the situation. President Wilkening advised Mr. Nicolini to send a letter to the realtor. Mr. Smith asked about flagging the account. The utility billing office could make a note of it. Ian



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

Nicolini will contact the realtor, and Mr. Carnahan said he would keep an eye on the property.

Roll Call Vote: 7 to 0

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

b. Removal of Wastewater Billing @ 13119 Lake Shore Drive

The house was demolished and smoke tested and inspection approval was met on August 6 for building, plumbing and electrical, and on July 16 for sewer. Jerry Smith moved to approve the removal of billing and Bill Landske made the second.

Roll Call Vote: 7 to 0

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

TOWN BUSINESS

1. Resolutions & Ordinances

a. Resolution No. 953 – Authorizing Transfer Within General Fund

Ian Nicolini read the resolution in its entirety. Jerry Smith moved to approve the resolution and Greg Parker made the second. Robert Carnahan asked about the EMS misc. services line item. Amy Sund explained that the line item had to pay for a portion of the EMS/Fire service agreement. This put the line item in a negative and now that the EMS is no longer under the umbrella of the Town, all other line items of that budget are being transferred into misc. services. The amount will remain there and funds would remain in the General Fund. A portion could be used to pay the Fire Dept. at the end of the year.

Roll Call Vote: 7 to 0

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

2. Old Business

None

3. New Business

a. Bid Award – Meyer Manor Road Improvement Project

Ian Nicolini announced there was a public meeting on August 7 at 11 AM and the bids were opened. The bids were: \$968,618.48 from Walsh & Kelly, \$1,189,900 from Gariup Construction, and \$1,379,262.25 Reith-Riley. The roads that they bid on were included in the RDA and Storm Water Utility bonds. Motion made by John Foreman to award Walsh & Kelly and Greg Parker made the second. Ian asked if the advertisements would require review by the Attorney. Mr. Austgen suggested that they could add this to their motion, subject to legal review. Mr. Foreman added this to his motion and Mr. Parker concurred.

Roll Call Vote: 7 to 0

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

b. 133rd and Morse – One Week Extension Request from Hasse Construction

Mr. Nicolini explained that Hasse Construction would like the extension until Friday, August 15. If not, they would like the Town to reconsider applying the liquidated damages of \$500 per day past the substantial completion date. Mr. Austgen commented either way they don't want to pay. Mr. Wilkening said that some of the lost days noted by Hasse Construction were exaggerated. Mr. Nicolini suggested not giving them the extension due to all the others given prior to this, and then it was recommended that the Council defer until the next meeting. Jerry Smith moved to defer this to the next meeting being August 19 and Greg Parker made the second.

Roll Call Vote: 6 to 1

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

c. 133rd Avenue Schedule from Walsh & Kelly

Mr. Nicolini directed the Council to the schedule in their packets. A completion date would be June 17, 2009 in order to accomplish the original scope. The north side would be wrapped up this year, and then next spring the final coat would be put down. Mr. Austgen commented that if there is only a base coat, and if there is winterization and winter damage, would any corrections be additional cost. Mr. Nicolini said that was not included in the conversation with Walsh & Kelly and he would be discussing this with them. There would be incomplete ditches although the curb would be down. Ed Robinson explained that the binder coarse they put down is not water tight, and the freezing causes expansion then the asphalt pops. If the Town doesn't ask for it, they may not get it. Greg Parker moved to defer this for more dialogue between the contractor and the Town Administrator. Jerry Smith made the second. Mr. Nicolini said they would have a progress meeting on Friday.

Roll Call Vote: 7 to 0

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



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

d. 133rd Avenue Change Order – Approval of Removal of Unsuitable Materials

Back in July during grading of the existing sub-grade materials for placement of the sub-grade treatment, unsuitable materials were discovered. Per spec requirements, the unsuitable materials are being removed and replaced with B-Borrow. The cost of the change order is \$79,819.30. Verbal approval of four Council Members was already provided so the contractor could continue working, and this is ratification. John Foreman moved to approve the change order and Greg Parker made the second. Mr. Carnahan asked if the Town's share was available. Amy Sund said yes this was in the TIF money. There is an 80/20 share with INDOT.

Roll Call Vote: 7 to 0

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

e. First Group Engineering Proposal for Streetlights

Mr. Nicolini explained that First Group engineered the decorative lighting for the 133rd and Parrish project. Some re-engineering has to be done since lights will be on NIPSCO poles. INDOT has required specs so some of this has to be re-done. He managed to talk them down from \$25,000 to \$10,000 not to exceed. Mr. Austgen said that the agreement is a standardized form for INDOT and it appears in good order. The funding would come from TIF monies. Robert Carnahan moved to approve the proposal not to exceed \$10,000 and Pat Wisniewski made the second.

Roll Call Vote: 7 to 0

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

PUBLIC COMMENTS: Dave Harkabus of 12750 Parrish commented on the safety issues relating to fundraising organizations standing at the street corners where construction occurs. There are other corners available other than 133rd and Parrish. Saturday was a mess because money was being collected and Walsh & Kelly were working. John Foreman suggested that the organizations be notified they cannot stand at construction zones. Motion made by Mr. Foreman for fundraising to cease at all construction zones. Mr. Carnahan made the second but said it should only apply to 133rd and Parrish. Mr. Foreman agreed. The Clerk-Treasurer was directed to send letters to the organizations.

Roll Call Vote: 7 to 0

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

John Holsinger of 7220 Constitution Avenue questioned why survey stakes/signs were being placed so close to his property. He wondered about this being for a widening of the right-of-way but why his property was the only one. Mr. Nicolini said the developers at the restaurant were responsible for re-surfacing Constitution, but no one was certain why the stakes were in as far as they were on the resident's property. Mr. Landske asked about iron pipes being located for references. Mr. Holsinger said there were not iron pipes. It was concluded that Ian Nicolini would find out about this matter and report back to the Council and Mr. Holsinger.

Chief Todd Wilkening reported that the Fire/EMS merger is going well. Their long-awaited rescue truck is being built. The Hanover school board approved \$12M of re-construction work to be done so this will add to the mess of the 133rd and Parrish project. The old Town ambulance is out of service because it is not safe to transport patients. There is rusting, leakage, wiring issues, and major front end repairs needed. It is currently at the former ambulance base. It could be driven around Town for something else, but not for EMS purposes. Mr. Landske asked about the cost, and Todd said it would be about \$2,000 for repairs. Mr. Landske said this was a good price considering the work needed for an old ambulance. Greg Parker then asked Todd who was in charge of maintaining the rigs. Todd said his understanding was that certain employees were in charge of certain things; one for the building, one for the rigs, one for scheduling, etc. Mr. Landske added: but they had two full time management director people. Mr. Carnahan said the buck stops here and they should have fired somebody. It's too bad they were not told about this a long time ago. Todd continued: the current rigs are being well maintained and detailed to measure up to Fire Dept. standards, and he would hope they are much higher. Mr. Landske: What do you know about the electric traffic light that you want an emergency vehicle for? It says here that the Town of Cedar Lake desires to install. I just talked to two of my colleagues and they know nothing about it. Todd explained that this was for all emergency vehicles and it concerns the safety of driving to the intersection, stopping other traffic and preventing accidents. Mr. Landske said: we okayed it, how much? I didn't okay it. Mr. Nicolini said that the Council voted on this unanimously. Mr. Landske again asked for the cost. Ian would get that information to him. Todd explained how the light works and it is used for all emergency vehicles. Mr. Landske added: how about 41, and how about 145th? Todd commented that would be great to have this feature at that intersection also. Mr. Landske asked again but how much, all this time we've been without it. Jerry Smith commented: \$174,000 and six months off the road. Landske: I would call that traveling too fast for conditions. Ian Nicolini explained that the system was approved by the Town prior to its use being offered to the Fire Dept. In preliminary discussions and department head meetings, and Todd was involved in some of that, it was the Town's direction for Council to vote on that for approval. The cost is an 80/20 share. Ian would have to get the specific cost information because he doesn't have it available right now. Parker said that's not just for the Fire Dept. it's for police and everything else. Concerning Route 41, that would be looked at for the 2nd



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

phase, or Cumulative funds, or TIF monies. Landske, but do you know that I, evidently it was hidden behind something when I voted for it because I did not knowingly vote for that. You know we're so tight with money, conditions are bad outside but here we are spend, spend, spend, spend, spend. Ian said he understood, but this was approved almost a year ago. Mr. Landske: And like I said before I don't remember approving it. It must have been behind something else, or I wasn't there. Pat Wisniewski heard saying: I remember it. President Wilkening stating: it wasn't hid behind something else. Mr. Landske: well it's just like tonight, we're ready to close the meeting and here we have this in our packet, and I know nothing about it "the Town of Cedar Lake desires to install an Emergency Vehicle..." Ian said that's based on the documented verbal approval and the documented vote. That's the submittal letter and for seeking the cost share. Mr. Landske: between Parrish Avenue and Morse where Bunge is, we have two stop signs, what are we going to do, (inaudible due to interruption) the mechanical thing turn the stop sign sideways, you see and you hear all this. Jerry Smith: traffic's already stopped and not moving. That's the convenience of a stop sign. With a traffic light you have patterns moving in different directions. Mr. Foreman asked Jerry Smith if the vehicles could go elsewhere and alter the lighting patterns. Todd answered that if St. John had to respond for assistance they could utilize it but it is not to be abused.

President Wilkening received a letter from the Lake Count Sheriff stating that the Indiana Finance Authority and the Lake County Commissioners entered into an agreement for a soil remediation grant for Schreiber Oil property on July 8, 2008. Activities should be starting soon. Any questions contact Scott Musgrove of Environmental Crimes.

Bill Landske commented that he does not remember voting for that door that opens when people come from the inside and outside. The air conditioning and heat loss; if you go from here to the bathroom, the doors open and close. Ian Nicolini would be contacting the contractor to adjust the sensitivity so the doors would not take so long to close. Mr. Landske also commented that they don't need five feet for a wheel chair to get through. Mr. Carnahan said that a lady and her child were very satisfied with the doors. Mr. Landske commented then she could pay for them. Mr. Carnahan: in a way they do; they are the taxpayers.

FINAL COMMENTS: None

ADJOURNMENT: Approx. 8:15 PM President Wilkening called for adjournment.

An Executive Session was advertised and conducted following this public meeting pursuant to IC 5-14-1.5-6.1(b). Discussion consisted of personnel matters and litigation. Those in attendance were President Dennis Wilkening, Vice President Pat Wisniewski, Council Members Bill Landske, John Foreman, Jerry Smith, 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, Vice President, Ward 3

Robert H. Carnahan, Ward 1

John Foreman, Ward 2

Jerry Smith, Ward 4

William Landske, Ward 6

ATTEST:

Greg Parker, Ward 7

Amy J. Sund, Clerk-Treasurer