

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

**September 16, 2008**

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

**Roll Call:**

Absent*	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	

*\*Robert Carnahan appeared towards the end of the presentation by Louise Roys.*

**PUBLIC HEARING FOR ANNEXATION OF 71.61 ACRES**

Petition was signed by the Council President. Attorney Austgen announced that the proofs of publication were properly executed. He suggested in order the first reading of the ordinance, solicit public comments, and consider adoption of proposed fiscal plan.

**First Reading of Ordinance No. 1039:** Pat Wisniewski moved to read by title only, Greg Parker made the second.

**Roll Call Vote: 6 to 0 – First Reading of Ordinance No. 1039 by Title Only**

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

Attorney Austgen read by title and explained that this is 71.61 acres of Town-owned property identified in Exhibit A. The subject parcel is to have agricultural zoning district classification, and it would be assigned to Ward 7. The property is located immediately south of the first parcel annexed by Town at vicinity of Parrish and 149th and south of there.

**Public Comments:** Called three times and there were no comments.

**Resolution No. 958:** motion to read by title only by John Foreman and second by Bill Landske.

**Roll Call Vote: 6 to 0 – First Reading of Ordinance No. 1039 by Title Only**

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

Mr. Austgen stated that attached to the resolution was the fiscal plan. The next step would be to adopt the plan. Pat Wisniewski moved to adopt Resolution No. 958 with Fiscal Plan. John Foreman made the second.

**Roll Call Vote: 6 to 0 – First Reading of Ordinance No. 1039 by Title Only**

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

**First Reading Approval of Ordinance No. 1039:** Motion made by Pat Wisniewski to read by title only. Second made by Jerry Smith.

**Roll Call Vote: 6 to 0 – First Reading of Ordinance No. 1039 by Title Only**

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

Attorney Austgen read by title only. Jerry Smith moved to approve the first reading of Ordinance No. 1039. Pat Wisniewski made the second.

**Roll Call Vote: 6 to 0 – First Reading of Ordinance No. 1039 by Title Only**

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

No sooner than 14 days from tonight would the second reading and final adoption take place. This will be on the next agenda for the October 7 meeting.

**SPECIAL UTILITY BUSINESS**

**Wastewater Treatment Plant Technical Review Committee Recommendation**

Webb Burnhardt was present this evening from American Structurepoint. On September 2 the Council received the price proposals for the WWTP that was subsequent to the Technical Review Committee. It was noted that that any score less than 100 points could be rejected as non responsive. The scores were: Bowen Engineering at 120.8 points (about 84%) Joseph J. Henderson (Lintech) at 101.6 points (about 71%), and Thieneman Construction at 99 points (under 69%). The next major factor was the operation and maintenance cost. Bowen anticipated \$473,000 annual operating cost, Henderson (Lintech) anticipated \$664,000, and Thieneman anticipated \$1.337M annual operating cost. The Thieneman cost included a licensing fee to use

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

their process at \$252,000. The Technical Review Committee felt this was not a reflection of true operating cost so it was removed and reduced the operating cost to under \$1.1M. Next, they looked at the prices they were given and the adjusted price scoring; a ranking. In the Thieneman proposal the licensing fee should be a part of capital cost. The Bowen proposal came in with the lowest adjusted price, Henderson (Lintech) was the highest adjusted price, and Thieneman was the middle adjusted price. A big consideration with all the innovative systems was how well they would work and the risk to the Town. Bowen's was very innovative and the design was to reduce or eliminate biosolids (sludge) produced by the system. Some of the members of the committee were concerned about the claim for zero residual, but it's noted that the clarifiers are built in to the system at the end that would safeguard from it getting out to the receiving water. The Henderson proposal was the most traditional. It was noted that it was expensive to operate regarding energy costs. The Thieneman proposal is very innovative also relying on algae, but he noted small modules of six plastic wheels treating 500 to 1,000 gallons per day. It's a very large scale up. Also, the control strategy would be a problem for operating. The committee's professors had some concerns about the Thieneman proposal and how well it would work. The Town could end up being guinea pigs for the system. The committee found the Bowen proposal to be the most responsive and complete with the lowest operating cost, no licensing fees and the adjusted price was favorable. In conclusion, they recommend accepting the Bowen Engineering proposal. Mr. Foreman questioned the Bowen proposal and it being 11 times more than what the Town would need. Mr. Burkhardt said that the system is recognized as to how it works, and knowledge of the clarifiers. The committee recognized the Town's innovative requests to accomplish the goals and the way it would serve the community. Mr. Landske asked if the purpose of the clarifiers could be explained for the public. Mr. Burkhardt explained that it is a large basin or tank, of which wastewater flows during various portions of the process. The material settles in a gravity separation. The solids separate settling to the bottom.

Town Administrator Ian Nicolini recommended that the Council take the recommendation of the Tech Review Committee under advisement, and to direct the utility engineers to also forward a report on the recommendation and the proposals for the Council's initial consideration. Jerry Smith moved to approve the recommendation as described by Mr. Nicolini, and Pat Wisniewski made the second.

**Roll Call Vote: 6 to 0**

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

**PRESENTATION**

Louise Roys presented checks from the Summerfest Car Show charity donations to the following: \$500 Project Love Food Pantry, \$400 Relay for Life, \$370 Pam Cunningham Memorial Scholarship Fund (Teacher Scholarship) accepted by brother Rick Niemeyer, \$150 Police Honor Guard, \$150 K-9 Unit.

**DEPARTMENT REPORTS**

**Police:** New reserve officers Geoffrey Kowal and Burton Meier received the oath of office by Clerk-Treasurer Amy Sund.

**Public Works:** Ed Robinson distributed some proposals for a pump, waiters, boots, etc. and discussed some of the work being done after the excessive rainfall. The High Grove project should be complete soon. The Council commended the employees for their efforts during the harsh rainfall and flooding, and Ed is preparing a list of volunteers to be acknowledged for sand bagging. Bill Landske suggested buying them dinner. John Foreman moved to do so 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

**Planning, Zoning & Building:** A report was submitted to the Council regarding subdivisions.

**Parks & Recreation:** Mary Joan Dickson announced that an impact fee committee needs to be formed. The first meeting will be Wednesday, October 15 at 5:30 PM. A department report was submitted to the Council prior to the meeting.

**Clerk-Treasurer:** Amy Sund reported that the attorney is drafting the agreement with the Hanover Township Trustee for ambulance services. The agreement would go to the Board of Trustees first, and then come to the Council in October. The General Fund has \$264,303.12, which will soon require a temporary loan from the utility or borrowing from the bank. Due to citizen concerns regarding the Fire-EMS agreement she is reporting for the record that the Town paid a total of \$298,304.52 for fire and ambulance service, and fuel and electric/gas cost of \$2,471.82.

**Fire Department:** No report.

**Town Administrator:** Ian Nicolini reported that the Surprise Park road and drainage project requires the Town to acquire an easement to connect two streets. He recommended surfacing 143<sup>rd</sup> Lane and finish change orders approved by Council. The project has been stalled due to remorse from a property owner. This easement is very irregular and difficult to acquire. There is open curb and the project needs to continue to get done before winter. Robert Carnahan moved to accept the recommendation of Mr. Nicolini, Jerry Smith made the second. Mr. Nicolini clarified for the motion that the gutter and street improvements at 143<sup>rd</sup> Place remain, the storm sewer work and subsequent road resurfacing work on Elm Street that conveys the storm water from Place to the lake be completed, and 143<sup>rd</sup> Lane be resurfaced. Mr. Carnahan included that in his motion.

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

**Roll Call Vote: 7 to 0**

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

**Town Attorney:** No report.

**Town Council:** Pat Wisniewski announced that the food pantry behind the Methodist Church is empty and any food donation would be appreciated. Also, the NWI Food Bank is low. Non perishables will be accepted.

**Clerk-Treasurer:** Amy Sund announced that investments were made from All Town Funds at \$1M and Police Pension at \$50,000 with TrustIndiana (interest is cumulative \$3,183 and \$107 respectively), and 6-month CD's at 2.72% for Wastewater Sinking Fund at \$800,000 (interest earned approx. \$10,200) and Storm Water Fund at \$1.1M (interest earned approx. \$14,000).

**PUBLIC COMMENT:** Anna Urbanski at 8600 West 132<sup>nd</sup> Place commented on a new 3-story house that drains onto her property. Ian Nicolini would follow up and report to the Council.

Pastor Thomas Shanahan of Morse Street commented on a situation he is having with the Town's insurance carrier. He is trying to avoid legal action. Attorney Austgen said this needs to be handled internally.

Mitchell Dudlack of 12801 Oak Street commented on the investments and complained about the flag lighting. He claims that the VFW made a determination.

Catherine Gueber of 13240 Truman Circle commented on a nearby swamp that is filled up and the water is on her property. Ian Nicolini said the Town is going to resurface Truman Circle and there will be ditch work done. The Town has to find a way to move the water while doing minimal damage to the existing. At points the road elevation is lower than that of the lake. Contractors will be working this fall in that area.

Dorothy Brower a resident of Lake Dalecarlia commented on an item listed on the agenda and thought it was being passed. It actually appears after written communication.

**CONSENT AGENDA**

1. Minutes of the Special Public Meeting of September 2, 2008 with Executive Session.
2. Docket: Town Claims 62572-62645 for \$279,989.52, Wastewater Claims 24426-24464 for \$284,380.15, Storm Water Claims 62585 and 62600-62601 for \$24,200.58.  
Motion made by Jerry Smith and second by Pat Wisniewski to waive the reading of the minutes and to accept the consent agenda.

**Roll Call Vote: 7 to 0**

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

**WRITTEN COMMUNICATION**

GBY Motorsports is requesting the Council's permission to allow ice racing on the lake. Ian Nicolini said that the lake is not the Town's jurisdiction; it's the state. A representative spoke and said that the public notice is going out on the 18<sup>th</sup> of this month regarding the event. It will be located at the South Shore Country Club. There is no further approval required at the Town level unless there is a permit required for a special event, or some approval from a business. Otherwise he is to deal with DNR and get their approval for the ice racing on the lake. If hundreds of people show up there will be issues regarding traffic control, parking, etc. The representative should keep in touch with the Town for further recommendation.

**UTILITY BUSINESS (CONTINUED)**

**1. Resolutions & Ordinances**

None

**2. Old Business**

None

**3. New Business**

**a. Lake Dalecarlia Regional Waste District Sewer Project**

Operations Director Ed Robinson spoke with Engineer Mr. Mauer last week regarding the proposal provided to the Town by LDRWD. Lake Dalecarlia Regional Waste District wishes to move forward with their proposal, and Mr. Robinson recommends that they be permitted to do so. There were some changes that needed to be made such as where it discharges at 159<sup>th</sup> by upgrading to a 6-inch line and moving to the bottom in order to be discharged directly into the channel. This would cut down on sulphuric conditions in that manhole. The manhole would require restructuring, washing it down, re-grouting and sealing. There is also a control structure they would be allowed to bypass during their construction period that would be put under the Town's lock and key. Nicole Walkowiak and Attorney Tim Sendak were also present with Mr. Mauer. Mr. Mauer said they would also like to install a 4-inch flow meter and the other connection in the vicinity of the Lake Dale plant, during construction plant influent would go to the Town's sewer through their pressure sewer system. Also in the future if needed as long as the Town is notified. They also understood the payment to the Town with the flow meter and customer base on the system during construction. Mr. Landske asked about the pressure and the flow meter being able to accurately count the pressure or just regular flow. Mr. Robinson said that the meter will pick up flow as low as a toilet being flushed or at the pipe at full capacity. The reason why they want a 6-inch line with a 4-inch meter is because the amount of flow going through now would not pick up the full flow unless it was done in wet weather

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

conditions. The meter manufacturer sent specs and recommended the 4-inch meter at this time. Pat Wisniewski moved to approve the proposal from LDRWD, and Jerry Smith made the second. Mr. Carnahan questioned the motion. Attorney Austgen suggested that the memo be forwarded to the Council. Tim Sendak said that they would like the motion to reflect the simple terms as stated in their letter originally given about this connection. It contains the essence of what they are asking. The letter was accurate with Ed Robinson's recommendation. There was the correction of the meter and it was referred to again in a letter to confirm the change. Pat Wisniewski and Jerry Smith concurred with the motion clarification.

**Roll Call Vote: 7 to 0**

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

**b. Request for Elimination of Sewer Billing @ 8117 West 146<sup>th</sup> Avenue**

August 1, 2008 was the approval of the tap disconnection and August 20, 2008 the inspector approved the remaining requirements. Jerry Smith moved to approve the elimination of billing and Bill Landske made the second.

**Roll Call Vote: 7 to 0 Motion to Accept Request**

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

**c. Request for Suspension of Garbage Billing @14705 Blaine Street**

A 6-month suspension was requested. NIPSCO bills were submitted as proof that the owner no longer lives at this residence; he is trying to sell the house. The request is for garbage suspension only. Mr. Foreman had a concern about setting precedence as did Mr. Parker. Pat Wisniewski moved to deny the request. Mr. Foreman made the second. He then asked what was done in years past. Attorney Austgen said this was discussed at great length when the ordinance was adopted. It was determined by that Council that it would be impossible to administer such exemptions and still pay the Town's obligation to the contractor.

**Roll Call Vote: 7 to 0 Motion to Deny Request**

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

**d. Utility Engineering Recommendation**

A proposal for services was presented by Nies Engineering for sewer and water utility engineering. Mr. Nicolini recommended that the Town proceed by accepting the proposal for services. Mr. Parker asked if they could defer this matter until the next meeting. Ian Nicolini explained that the engineers would require reporting and there is a short time frame heading into the water utility. Pat Wisniewski moved to hire the firm, and Bill Landske made the second. Attorney Austgen asked if they could make this contingent upon some revision to the agreement. Pat and Bill concurred.

**Roll Call Vote: 6 to 1**

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

**TOWN BUSINESS**

**1. Resolutions & Ordinances**

**a. Resolution No. 959 - Appropriation Transfers within General Fund and Motor Vehicle Highway Fund**

Attorney Austgen read the resolution in its entirety. Jerry Smith moved to approve Resolution No. 959, and John Foreman made the second.

**Roll Call Vote: 7 to 0**

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

**b. Ordinance No. 1037 – Adoption of 2009 Budget and Tax Rates, Second Reading**

Attorney Austgen reviewed the publishers' claims. Publication took place two times with one week apart in the Cedar Lake-Lowell Star and the Crown Point Star on August 21 and August 28, 2008. Pat Wisniewski moved to read by title only, and John Foreman made the second.

**Roll Call Vote: 7 to 0 Read by Title Only**

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

Attorney Austgen read Ordinance No. 1037 by title only. Jerry Smith moved to adopt the 2009 budget and Pat Wisniewski made the second.

**Roll Call Vote: 6 to 1 Adopt Ordinance No. 1037, Second Reading**

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

**c. Ordinance No. 1040 – Amending Ordinance No. 1024, First Reading**

Attorney Austgen read the ordinance in its entirety which establishes a Code Enforcement Officer with salary of \$1,615.38 to \$1,769.23. The ordinance also eliminates

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

the Building Inspector and Zoning Administrator positions. Jerry Smith moved to approve first reading, and Bill Landske made the second.

**Roll Call Vote: 7 to 0 Approve First Reading of Ordinance No. 1040**

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

John Foreman moved to suspend the rules for the second reading of Ordinance No. 1040. Pat Wisniewski made the second.

**Roll Call Vote: 7 to 0 Suspend the Rules for Second Reading of Ordinance No. 1040**

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

Attorney Austgen read by title only for second reading. Jerry Smith moved to approve Ordinance No. 1040 second reading. Pat Wisniewski made the second.

**Roll Call Vote: 7 to 0 Approve Second Reading of Ordinance No. 1040**

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

**2. Old Business**

None

**3. New Business**

**a. Proclamation Declaring Constitution Week Sept. 17 through 23**

Robert Carnahan moved to accept the proclamation and Jerry Smith made the second.

**Roll Call Vote: 7 to 0**

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

**FINAL COMMENTS:** Ian Nicolini recommended offering employment of the Code Enforcement Officer to Doug Wynkoop. John Foreman moved to accept the recommendation 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

Greg Parker commended the Police and Fire Departments also for their efforts concerning the recent weather conditions and flooding. The VIPS (Volunteers in Police Service) were out also assisting.

**PUBLIC COMMENTS:** President called three times and there were none.

**ADJOURNMENT:** At approximately 8:20 PM President Wilkening called for adjournment.

An Executive Session was advertised and conducted pursuant to IC 5-14-1.5-6.1(b). It began at 6:20 PM with discussion consisting of personnel matters, litigation issues and land acquisition concerns. 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

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.