

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

October 7, 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	Absent*	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	David Austgen Town Attorney	

**Recording Secretary Laurie Wyrick was present this evening on behalf of Clerk-Treasurer Amy Sund. The Clerk-Treasurer was attending the Indiana League of Municipal Clerks & Treasurers (ILMCT) Fall District Meeting to earn final credit hours for certification.*

PRESENTATION: Cedar Lake Ecosystem Restoration Project and Draft Response
Not available this evening.

DEPARTMENT REPORTS

Police: No report.

Public Works: Ed Robinson reported on repairs made at lift station #3 due to the recent storm, and other operating matters. He has been working diligently to save money, and keep as much repair in house. He estimated about \$50,000 for reporting to FEMA for the storm. Leaf season is almost ready to begin.

Planning, Zoning & Building: Ian Nicolini reported 17 new housing starts and 28 alterations. To date 103 home starts. The weed abatement program is being aggressively pursued; \$2,280 was billed, and \$1,194.70 collected. McAllister will be at 136th Place this week, Walsh & Kelly will gutter the gaps at the same location. McAllister will proceed to Elm Street and 133rd Lane. Meyer Manor project 132nd Avenue and Truman Circle will have storm sewers installed. 133rd and Morse decorative poles will be next week. 133rd Avenue (west side) will be shifting traffic soon.

Parks & Recreation: Mary Joan Dickson thanked various departments for their input regarding the impact fee study. A meeting will be held on October 15 at 5:30. The August Oaks playground equipment will be installed soon and funds were provided by Hawk Development.

Clerk-Treasurer: Ian Nicolini reported that the budget order was received. Due to the levy freeze, the Town has been operating on the 2007 budget. The Clerk-Treasurer requested a motion from the Council to remain with the 2007 budget for the remaining year. Greg Parker moved to approve the request and John Foreman made the second.

Roll Call Vote: 6 to 0

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

Fire Department: No report.

Town Administrator: Congressman Pete Visclosky will be at the ribbon cutting for 133rd and Morse at 10:00 AM on November 4. Mr. Carnahan commented that this project was not done to accommodate the residents at the condominiums. The project fit the criteria from the federal government. Jerry Smith invited the previous Council to attend the ceremony.

Town Attorney: No report.

Town Council: Robert Carnahan presented a Fire Prevention Week proclamation to the Council. Laurie Wyrick read the proclamation. Robert Carnahan moved to accept the proclamation and Jerry Smith made the second.

Roll Call Vote: 6 to 0

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

Sunday will be an open house at the Fire Station from 10 to 2, and they will be collecting food items or donations for the local pantry. Also, Mr. Wilkening commented that this year's Tag Days filled up the calendar. He would like to reserve October 25 for a Fire Dept. Tag Day. Greg Parker moved to accept the day for this fundraiser. Pat Wisniewski made the second. Robert Carnahan requested that Ian check to make sure the date was available.

Roll Call Vote: 6 to 0

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

PUBLIC COMMENTS: Spiro from L.C. Convention and Visitors Bureau introduced himself to the Council. He spoke briefly about what the Bureau does and that they are available for comments and questions. Robert Carnahan commented that the Parade of Lights is November 29 and emailed them an application to participate.

William McMullin of 7706 West 140th Place made comments about the Police Department and personnel matters. Attorney Austgen recommended that this matter not be discussed in a public meeting. There is a procedure to follow and a complaint process. The Police Commission

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handles these matters, not the Town Council. Mr. McMullin is to begin his process with the Police Chief. Citizen complaint forms are available at the Police Department 24/7 from the dispatcher.

CONSENT AGENDA

1. Minutes of the Special Public Meeting of September 19, 2008 with Executive Session.
2. Docket: Town Claims 62646-62705 for \$231,156.33, Wastewater Claims 24465-24501 for \$101,885.14, Wastewater Sinking Claims 24472-73 and 24485-86 for \$960,208.95, Storm Water Claims 62650-62652 for \$1,329,978.25.

Motion made by Robert Carnahan and second by Pat Wisniewski to waive the reading of the minutes and to accept the consent agenda.

Roll Call Vote: 6 to 0

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

PLANNING, ZONING & BUILDING BUSINESS

Variance of Use for T&J Landscaping – 12615 Wicker Avenue

Owner: Cedar Lake Partnership – Petitioner: T&J Landscaping

The variance would allow four (4) principal uses on one (1) lot. The BZA gave a favorable recommendation with a vote of 3 in favor and 1 against on September 18, 2008. Jerry Smith moved to approve the request, and Pat Wisniewski made the second. Robert Carnahan questioned the number of businesses. He wanted to ensure that matters remained consistent as the in the case of another situation and the sewer billing. Mr. Nicolini responded that there was proper plumbing. Greg Parker also commented that there was much remonstrance at the Plan Commission meeting. In response, Ian Nicolini explained that T&J Landscaping had a plan to a current landowner, and a redevelopment opportunity, at the vicinity of Lindberg and 133rd Avenue. The business was to be permanently at that location. There was some site work performed, and it was discovered that there is an area on this property with a delineated wetland. IDEM, the Army Corps and DNR got involved. Further site work stopped until another plan was provided and accepted. Back to Wicker Avenue location, the three businesses are T&J Landscaping, Hoosier Overdoors and Rose RV. The other or fourth business would be a security guard. It was further explained that Hoosier Overdoors existed first, and then Rose RV had two principal uses thereby allowing the third and fourth use.

Roll Call Vote: 6 to 0 Variance Approved

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

UTILITY BUSINESS

1. Resolutions & Ordinances

None

2. Old Business

None

3. New Business

a. Request for Suspension of Garbage Billing – 13131 Marquette Street

NIPSCO bills were submitted with a letter requesting a six-month suspension of garbage billing. Mr. Carnahan commented that the last two were denied, and they should be consistent with other requests. Mr. Parker also commented that it would be difficult to keep watch on these matters if they were granted the suspension. Jerry Smith moved to deny and Robert Carnahan made the second.

Roll Call Vote: 6 to 0 Denied

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

b. Request for Removal of Wastewater, Garbage and Storm Water Fees – 19405 West 125th Court

A memorandum was provided by the Utility Billing Dept. explaining details of the request. Once again per Mr. Parker it would be difficult to keep watch on these matters, and Mr. Foreman agreed. Mr. Ed Robinson stated that in order to have the wastewater billing removed, that would require a disconnection of the tap, and an inspection by Public Works that it was done properly. The owner would need to be informed that if the tap was connected in the future, this would result in a tap fee and a system development fee. Jerry Smith moved to deny the request and Greg Parker made the second.

Roll Call Vote: 6 to 0 Denied

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

TOWN BUSINESS

1. Resolutions & Ordinances

a. Resolution No. 960 – Authorizing an Agent to Accept Pension Liability on Behalf of the Town of Cedar Lake

The document is a requirement of PERF in order for current authorized agents to execute documents and speak with them regarding the pension plans for civilians and police. Those listed are Clerk-Treasurer Amy Sund, Deputy Margo Nagy and Chief Roger Patz. Pat Wisniewski moved to approve the resolution and John Foreman made the second.

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Roll Call Vote: 6 to 0 Approved

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

b. Resolution No. 962 – Authorizing Transfer of Funds within the General Fund

Recording Secretary Laurie Wyrick read the resolution for the Council. Robert Carnahan moved to approve, and Jerry Smith made the second.

Roll Call Vote: 6 to 0 Approved

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

c. Ordinance No. 1039 – Annexing Contiguous Land – Second Reading

The first reading took place at the previous meeting for approx. 71 acres of Town-owned property located at 155th & Parrish. Pat Wisniewski moved to read by title only and Jerry Smith made the second.

Roll Call Vote: 6 to 0 Approved

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

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

Roll Call Vote: 6 to 0 Approved

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

d. Ordinance No. 1041 – Waterworks Bond Anticipation Note (BAN) – First Reading

The Town's bond counsel prepared the document and the Attorney reviewed. The financing would not exceed \$4M and interest not to exceed 7%. Pat Wisniewski moved to read by title only, and John Foreman made the second.

Roll Call Vote: 5 to 1 Approved

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

Attorney Austgen read by title. Pat Wisniewski moved to approve the first reading of Ordinance No. 1041. John Foreman made the second.

Roll Call Vote: 4 to 2 Approved

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

2. Old Business

None

3. New Business

a. Capital Improvement Project Phase I (136th Place) Change Order

This change order would be for the installation of one 4 foot by 4 foot box structure at the downstream end of the drainage addition to replace two existing smaller structures. Mr. Robinson explained that currently service area drains will not accommodate the flow, and to get the water to drain faster another basin is needed. Greg Parker moved to approve the change order, and Jerry Smith made the second.

Roll Call Vote: 6 to 0 Approved

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

PUBLIC COMMENTS: None

FINAL COMMENTS: None

ADJOURNMENT: At approximately 8:05 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 President Dennis Wilkening, Vice President Pat Wisniewski, Council Members John Foreman, Jerry Smith, Greg Parker, Town Administrator Ian Nicolini, and Town Attorney David Austgen.

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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.