

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

November 18, 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 | |
| Absent | William Landske Council Member | Ward 6 | Present | Ian Nicolini Town Administrator | |
| Present | Greg Parker Council Member | Ward 7 | Absent* | David Austgen Town Attorney | |

DEPARTMENT REPORTS

Police: Chief Patz spoke with Havenwood residents regarding a neighborhood watch program. He recommended encouraging neighborhoods in your wards to work with the police department in forming these.

Public Works: Ed Robinson reported \$3,469 is needed to outfit the department with waders and gloves. Motion by Greg Parker and seconded by Jerry Smith to approve the purchase.

Roll Call Vote: 6 to 0

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

Dennis Wilkening inquired as to the status of winter salt. Ed Robinson reported that he expended his budget at the end of last year. Currently, there is a large pile that is not mixed with slag. It could be mixed if needed. It was recommended to advertise and update website with plans for salting. Salt prices were \$34 per ton last year; currently \$123 per ton this year. Greg Parker inquired on utilizing beet juice, Ed Robinson reported on the process and equipment needed. John Foreman stated to do what needs to be done to make the neighborhoods safe and address the budget in 2009 for this. Bob Carnahan asked on staffing replacements, Ed Robinson reported that he is down one staff member. Bob Carnahan motioned to allow Ed Robinson to hire a replacement. Greg Parker and Amy Sund reported on budget constraints. Ian Nicolini reported that the state has cut back on MVH funding and distributions are not as they are. Work load in the winter usually decrease, however this year the department will be working on storm water projects. If there is a significant snow, two crews of six working twelve hours on and twelve hours off. Ian Nicolini stated that the proposed stormwater plan includes hiring two additional crew workers which will be under the direction of Ed Robinson. This was tabled for continuation.

Planning, Zoning & Building: No report.

Parks & Recreation: No report.

Clerk-Treasurer: Amy Sund reported that we are at a standstill with the publication on boards and commissions. The present applicants are independents; these positions need specific political affiliation. David Austgen reported on the statute specifics of political affiliation with the boards. Department heads have discussed the 2006 personnel policy regarding unused sick/personal payouts. Due to budgetary constraints, we would like advice on banking unused hours. Greg Parker would like a cap on number of hours that can be accumulated. David Austgen stated that a change in policy should not be effective until next fiscal year; if you want to change current benefits it would be best to do this at the same time. Jerry Smith questioned putting it in to policy at this time to bank hours; David Austgen stated that this would require an amendment and this is a budgetary method to save some dollars by doing so. David Austgen and Amy Sund will put a recommendation together for the next meeting. John Foreman questioned utilizing these hours in addition to vacation hours. Jerry Smith recommended continuing this for further discussion. Roger Patz reported that the police commission has a different policy and the personnel policy of the town excludes the sworn personnel of the policy department. Amy Sund reported for Doug Wynkoop that Smith Ready Mix and Ozinga have donated \$5,847.30 in concrete for the Red Cedars Museum. Bob Carnahan stated that Ann Zimmerman needs copies of the donation documents as the museum can utilize this information to obtain other grants. Museum did have to pay \$1,600 to Big Jim's Concrete for the work done. November 25th, Amy Sund and Ian Nicolini will be attending a tax appeal hearing in Indianapolis due to the shortfall regarding the erroneously assessed values and the assessment error regarding the Salesian property. The bid openings for the 2009 tax anticipation warrants will be presented on December 2nd.

Fire Department: No report.

Town Administrator: Ian reported on the tax anticipation appeal that we were asked to withdraw as it was not going to be approved. Ian will have more discussions with the state as to the process and we do have the option of reapplying year after year. Ian Nicolini is trying to schedule a joint meeting between Cedar Lake Town Council and Lowell Town Council to discuss the wet weather waste water flows at the recommendation of the Joint Management Oversight Board, tentatively November 25th. Information is in the meeting packet. 133rd Avenue will need to be closed northbound on Parrish to do some drilling in the intersection; tentatively scheduled for November 22nd weather permitting. Signage and detour routes will be posted. Roger Patz stated that the department will provide the VIPs vehicle and personnel to help traffic flow. Surprise Park roads are scheduled to be milled with paving crew to follow. Meyer Manor, excavating of 131st

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Lane to begin, the storm water lines are set. Crews will be out on 131st Avenue to hand pour the remaining curbs. Ian Nicolini stated his displeasure with Walsh & Kelly and the six weeks that this project is not progressing. An amended personnel policy manual is being worked on with the department heads, Amy Sund and Margo Nagy. Bob Carnahan inquired on Meyer Manor being completed this year. All roads started will need to have a binder course down during the winter months and be completed in the spring when weather permits. Bob Carnahan asked on the status of the CDBG project started in 2007 to be finished in 2008, will this be completed in the spring? Ian Nicolini reported that the first phase of this project is completed, restoration work is needed and that this going to be a process as this is a \$300,000+ project. Curbs and paving were included as part of the Lake County Community Economic Development as part of the Economic Stimulus package. Vermillion was part of the bond. Ian Nicolini reported that the next road to be reconstructed is Wicker Avenue to 126th at August Oaks subdivision. This bond precedes Ian Nicolini; the town had taken on more roads than could be afforded with this bond. Ian Nicolini will report back on the bond status and future projects. John Foreman stated that we need to finish what we start before taking on new projects.

Town Attorney: No report.

Town Council: Bob Carnahan stated that the Parade of Lights will be Saturday, November 29th. It will begin at Hanover and end at the Boys & Girls Club. Information was distributed. This is the tenth year of the parade that is chaired by Jean Eberle. Greg Parker inquired if Louise Roys received a press release on the work at the museum. Ian Nicolini will get the information to her.

PUBLIC COMMENTS: Chuck Becker thanked all for the help he received during the flood. He wanted to know the status of the drainage problem in the area of 136th Place. Ian Nicolini stated that they will start at the bottom of the hill working back up. There is an issue with easements that needs to be addressed. Ian will notify property owners that fences, sheds and the like will need to be moved for the work to progress. The direction of the basins and lines was discussed. Jim De Persia stated his displeasure with the contractors disregard for the residence in Meyer Manor. He has not had access to his home since work began six weeks ago. No one has been there to work for nineteen days. They tore out his access, but did not hand poured the curbs yet. Council members and Ian Nicolini will have something done about this tomorrow. It is stated in the opening that residence shall have access to their homes at all times.

CONSENT AGENDA

1. Minutes of the Regular Public Meeting of November 6, 2008.
2. Docket: Town Claims 62906-62968, 62835 for \$343,405.50 Wastewater Claims 24579-24610 for \$259,895.55, Storm Water Claims 62911-62917 for \$48,110.39. Motion made by Greg Parker and second by Pat Wisniewski to waive the reading of the minutes and to accept the consent agenda.

Roll Call Vote: 6 to 0

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

ECOSYSTEM RESTORATION BUSINESS

1. Draft Response to USACE-Kay Whitlock

Letters from and a draft letter to the US Army Corps of Engineers in the packet were reviewed and summarized. It was recommended by the corps expert to dredge as much material as possible and not rely completely on an alum treatment. The letter includes putting best buy options #4 & #5 in feasibility report and review process. Kay Whitlock reported on the process flow in regards to the financial commitment. The first six months will be a review process with the first financial commitment after that when a design agreement is signed and a project partnership agreement is made. Kay Whitlock read two changes to the letter that she recommended. The draft letter leaves flexibility to the town open for alternatives in the plan and costs. The difference in the two alternatives is in the cost of the amount of materials dredged. John Foreman stated that this project has become paralyzed by analysis; we need to keep this project in the cue and get a policy maker involved versus the scientific and engineering side of the project. David Austgen stated that Congressman Visclosky is involved in this project and we need his participation in all discussions. The map of the lake was reviewed in regards to the areas of focus. Motion by Jerry Smith and seconded by Pat Wisniewski to authorize the draft letter as stated in discussion.

Roll Call Vote: 6 to 0

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

TOWN BUSINESS

1. Resolutions

a. Resolution No. 965: Transferring of Money within the General Fund and Local Roads and Streets Funds

Amy Sund read the resolution in its entirety. She stated that the town pays for their sewer and drainage bills. Motion by Pat Wisniewski and seconded by Bob Carnahan.

Roll Call Vote: 6 to 0

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

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2. Ordinances

a. Ordinance No. 1042: Amending Salary Ordinance No. 1029 – 2nd Reading

Jerry Smith asked for removal from voting this item as he is a public official and employee of the policy department. Motion by Greg Parker and seconded by John Foreman.

Roll Call Vote: 6 to 0

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

Motion by Greg Parker and second by Bob Carnahan to continue this item.

Roll Call Vote: 3 to 2

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|----------|---------|---------|---------|--------|------------|-----------|
| Carnahan | Foreman | Smith | Landske | Parker | Wisniewski | Wilkening |
| YES | NO | REMOVED | ABSENT | YES | YES | NO |

No action on this item; move to next agenda.

3. New Business

a. Hanover Twp. Emergency Medical Services Contract

A draft contract was included in meeting packet. Ian Nicolini reported that Amy Sund, David Austgen, and he have meet and would like the council's consideration on this. John Foreman inquired on this contract being yearly. David Austgen stated that this was drafted to coincide with the term of the agreement by the town with the fire department. Motion by John Foreman and seconded by Greg Parker. Bob Carnahan questioned if we collect the money and reimburse the fire department. David Austgen stated that we pay the fire department consistent with the contract. Jerry Smith questioned if 2008 was paid out by the trustee; Amy Sund stated we have not. Jerry Smith noted that 2008 prorated based on the town running the ambulance in the first part of the year.

Roll Call Vote: 6 to 0

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

Greg Parker would like to come up with something for the Clerk Treasurer to pay the contract over a period of time. David Austgen recommended reviewing the remaining amounts and discuss with the fire department in regards to a regular payment plan. An amendment to change the mode of payment is to be included on the next agenda.

b. Contract for Professional Services-Wastewater Collection and Treatment Facilities Plan

Ian Nicolini stated that this agreement may need to be revised after the joint meeting between Cedar Lake and Lowell. Motion by Jerry Smith and seconded by Greg Parker to continue this to the next meeting.

Roll Call Vote: 6 to 0

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

c. 133rd Avenue Change Order: Authorizing High-Early concrete for Driveways

i. \$2,100 Local Funding Contribution

Ian Nicolini stated that the amount has changed to \$2,160 as per a fax received from INDOT this evening. Ian Nicolini stated that this will reduce the curing period. Motion by John Foreman and seconded by Pat Wisniewski.

Roll Call Vote: 6 to 0

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

d. Clerk-Treasurer Salary

Amy Sund explained her credentials and the application process to obtain certification. Currently, there is a stipulation in the salary ordinance regarding the Clerk-Treasurer's salary based upon this certification. Jerry Smith recommended amending the ordinance to state that the Clerk Treasurer must have obtained, earned and applied for the accreditation required for certification to receive the salary of Clerk-Treasurer, certified. Motion by Jerry Smith and seconded by Greg Parker.

Roll Call Vote: 6 to 0

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

John Foreman stated to increase the salary by \$75 biweekly. Motion by John Foreman and seconded by Greg Parker. Bob Carnahan questioned the increase; John Foreman stated that this is in addition to what is stated in the information in the packet. Jerry Smith stated that her salary is set by our town council. Motion by John Foreman and seconded by Greg Parker to amend the motion to make the base salary for Clerk-Treasurer, certified to \$48,000 per year.

Roll Call Vote: 5 to 1

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

e. Proposal for Property/Casualty Insurance Coverage

Information included in the meeting packet from Henriott Group. Amy Sund reported that Ian and she met with the Henriott Group, and recommends them being our agent of record for property and casualty insurance. This would replace Anton Insurance. Motion by Jerry Smith and seconded by Pat Wisniewski.

Roll Call Vote: 6 to 0

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

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f. Request for Removal of Garbage Billing

i. Pine Crest Marina

Ian Nicolini stated that there is a hand-written letter from Bob Gross requesting removal of the sanitation fees. Ian Nicolini stated that there is no address reference in the letter and he may have misspoken that it was Pine Crest Marina and believes this is his residence. Motion by Jerry Smith and seconded by Bob Carnahan to deny this request.

Roll Call Vote: 6 to 0

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

PUBLIC COMMENTS: None

FINAL COMMENTS:

1. Town Council
John Foreman would like to get a projector and move the screen to display meeting information and maps, if funds can be obtained for a laptop and the wiring. Bob Carnahan stated that the next meeting will be December 2nd.
2. Town Administrator – None
3. Town Attorney – None

ADJOURNMENT: At approximately 8:43 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, Robert Carnahan, 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.