

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

December 2, 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 |
| Absent | 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 | David Austgen Town Attorney | |

DEPARTMENT REPORTS

Police: Chief Patz reported on two auto thefts in which the cars were found, but burnt and breaking and entering into a garage and a car in the neighborhood near Dennis Wilkening. The department is short on man hours. There is a tab on the town website to receive tips. Chief Patz would like to set up an anonymous tip hotline. He reported that on December 1st, there were twelve accidents weather related. He stated that the public needs to know that salting will be on the main intersections and steep hills, people need to watch for open areas, construction zones and their speed. John Foreman inquired if cell phone records could be accessed to see if any of the parties involved in an accident were on the phone. Chief Patz stated that they can not access records; a warrant from a court would be needed. Denny Wilkening was at the Lake County Highway Department checking out the beet juice system to treat road salt. The county will be testing it tomorrow. The additional cost for the treatment of the salt with beet juice is about \$16 per ton, but it lasts for up to 3 days. It was stated that other towns are utilizing beet juice with favorable results.

Public Works: Ed Robinson reported that two public work trucks were hit. One driver reported that the truck was driving too slow. Last night, approximately 125 Tons of material was used to keep the main roads open. Ed Robinson stated that he will be ordering 150 Tons of cinders which will cost approximately \$2,500 to mix with the salt for a two to one mix; this mixture will provide better traction. Ed Robinson would like to order additional salt, if ordered now the bill would not be due for thirty days which would move into the 2009 budget. Bob Carnahan stated that the cost of the salt needs to be weighed against the cost of suits. John Foreman stated that we need to buy salt; we have to have it. Amy Sund said to order now and pay for it out of the 2009 budget. Denny Wilkening gave Ed Robinson information on Kenny "Opy" Taylor of the Lake County Highway Department to contact him regarding the use of beet juice which keeps the salt in place on the roadways. Motion made by Bob Carnahan and seconded by John Foreman to order salt and slag as needed.

Roll Call Vote: 5 to 0

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

Planning, Zoning & Building: Ian Nicolini reported that weed violations were \$2,280 this year with 63% of the fines collected. There were 3 new house permits for November this year compared to 15 last year; for a total of 110 new house permits this year compared to 170 last year. Included in the meeting packet was the year end report on unsafe buildings. The report stated that 49 of 67 unsafe structures were either demolished or brought into compliance for a compliance rate of 75%.

Parks & Recreation: Information on upcoming events was reviewed. Breakfast with Santa will be on December 6th at the Knights of Columbus. All parks and recreation events are posted on the town website.

Clerk-Treasurer: Amy Sund requested utilizing the Streetscape fund to repay the \$473,820.40 loan back to Wastewater. HUD grant payments are timelier as Amy Sund is calling the automated system, emailing and faxing in required documents to Frank McNally at HUD in Washington D.C.; when the funds come in they will be applied accordingly. The general fund needs the funds. Motion by Greg Parker and seconded by Bob Carnahan to repay the loan.

Roll Call Vote: 5 to 0

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

Amy Sund needs an ordinance for the consideration and adoption 2009 tax anticipation warrant at the next meeting. Motion by John Foreman and seconded by Pat Wisniewski.

Roll Call Vote: 5 to 0

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

Fire Department: No report.

Town Administrator: Ian Nicolini reported on the drainage project on 136th Place. He is having David Austgen prepare the easement documents for the property owner for signature. This project can begin prior to this document being completed. Lowell Town Council would like to meet with our Town Council on December 30th at 7:00 pm in Lowell to discuss the active flow wet weather wastewater treatment plant at the request of the Joint Management and Operations Board. Road project status on 133rd was reported; the under drain on the north side is complete,

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high early concrete has been used. Ian Nicolini reported for Sandra Joseph that Walsh & Kelly has quality control personnel on site to ensure asphalt density is correct for the temperatures. Work will be continuing in the intersection weather permitting; NIPSCO has moved the main gas line. On November 26th, the decorative streetlights on 133rd & Morse were turned on. Surprise Park has been milled and grading base set for paving, weather permitting. Meyer Manor storm sewer at 131st complete, the binder course at 131st & Polk is down. John Foreman inquired if everyone can get in their driveways, Ian Nicolini reported yes. Greg Parker inquired if the press release information was given to Louise Roys regarding the museum. Ian Nicolini reported that Doug Wynkoop and Bob Carnahan met with her. Dennis Wilkening inquired as to why it was not completed; Ian Nicolini responded that he thought the responsibility was completed since they met. John Foreman asked Ian Nicolini to notify the rest of the media. Bob Carnahan inquired on the status of the area by Skip; Ian Nicolini reported that it could be part of the 2009-2010 grant funding depending on the income in the area. Bob Carnahan inquired on Wicker Meadows, the Chuck Becker area and the easement paperwork; Ian Nicolini previously reported that the paperwork is being prepared by town attorney. Wicker Meadows structure has been set. Greg Parker inquired on the pond up there; Ian Nicolini and Dennis Wilkening reported that this is in the works. The Boys & Girls Club has poles donated by NIPSCO; their board is providing us with utility easement, but would like to know that the project is going to be completed. This project will need to be investigated and costs analyzed; the council will need to decide if this is a project they wish to do. This project is part of the application for the economic stimulus public works projects per CDBG guidelines. Ian Nicolini will meet with Mitch King regarding future CDBG grants including dates for submission. Ian Nicolini will report back to the council. Ian Nicolini reported that we did not get a 2009 payment; previous payment was for 2 years; 2010 projects are distributed for in 2009.

Town Attorney: No report.

Town Council: John Foreman inquired if there were regulations as to garbage build-up at the apartment complex at 142nd and Morse. There are no regulations unless it is a nuisance. David Austgen suggested Ian Nicolini send property owner a letter stating the problem and possible solution including a request to contact him. Ian Nicolini stated that he would have Doug Wynkoop check on it. Greg Parker asked if the property by Skip is a project to consider. David Austgen and Ian Nicolini will check on submission eligibility and get the information to the council.

PUBLIC COMMENTS: Skip Crissey stated that there will be a blood drive on January 3, 2009 from 9 am – 1 pm at the Legion Post #261 on Washington Street. They are in need of donors and volunteers. Information was distributed for display.

Bob Carnahan stated that the meeting minutes of the last meeting regarding the Clerk-Treasurer's salary regarding the increase above the current rate was incorrectly reported; the vote should have been 5 to 0 as he voted unfavorable to this.

CONSENT AGENDA

1. Minutes of the Regular Public Meeting of November 18, 2008.
2. Docket: Town Claims 62969-63121 for \$213,404.28 Wastewater Claims 24611-24642 for 173,178.40, Storm Water Claims 62983-62985 for \$51,239.41. Motion made by Pat Wisniewski and second by Greg Parker to waive the reading of the minutes and to accept the consent agenda.

Roll Call Vote: 5 to 0

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

PLANNING/ZONING & BZA BUSINESS

a. Variance of Use – Paradise Cove LLC

- i. **BZA Issued a Favorable Recommendation** - Ian Nicolini stated that this is for the property located at 7416 W. 138th Lane to allow parking/parking lot without a structure. Ian Nicolini referred to the meeting packet page 17. Motion by John Foreman and seconded by Greg Parker.

Roll Call Vote: 5 to 0

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

b. Rezone-Paradise Cove LLC

- i. **Plan Commission Issued Favorable Recommendation** – Ian Nicolini referred to the meeting packet page 18. An ordinance will need to be prepared for the rezoning the property located at 7416 W. 138th Lane to B-1. Motion by Bob Carnahan and seconded by Greg Parker to draft an ordinance by town attorney.

Roll Call Vote: 5 to 0

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

Ian Nicolini requested a motion to authorize and permit sub-grade paving of the parking lot. Motion by Bob Carnahan and seconded by Greg Parker.

Roll Call Vote: 5 to 0

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

TOWN BUSINESS

1. Ordinances

a. 2009 Salary Ordinance – First Reading

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A draft of Ordinance 1043 was presented in the meeting packet for the 1st reading consideration. Motion by Pat Wisniewski and seconded by John Foreman to read ordinance by title only. Any Sund read the ordinance by title and summarized the updates. The ordinance has no across the board increases. Changes include the clerk-treasurer stipulation and salary change to \$48,000, town administrator to \$65,000, code enforcer from salary to full-time hourly, increase in part-time parks pay per minimum wage increase, VIPS members \$30 meeting stipend was clarified, and paid holidays less election days will remain the same. Amy Sund suggested increasing miscellaneous revenue prior to cost of living increases. Motion by John Foreman and seconded by Greg Parker on the first reading.

Roll Call Vote: 4 to 1

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

2. New Business

a. Ratification of Police Commission Appointment

Chief Patz referred to meeting packet page 19. The request is to appoint Harry Presty, James Arrvia and Jeffrey McAllister to the position of reserve police officer. Chief Patz gave background information on appointees. The Board of Metropolitan Police Commissioners recommended these appointments. There are currently 4 on staff and 2 to start training; with this appointment there would be 9 reserve officers. Motion by John Foreman and seconded by Pat Wisniewski.

Roll Call Vote: 5 to 0

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

b. Approval of Cedar Lake Little League Parade

Ian Nicolini stated that he did not receive the information and would like to defer this to the next meeting. Motion by Greg Parker and seconded by Pat Wisniewski.

Roll Call Vote: 5 to 0

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

PUBLIC COMMENTS: None

FINAL COMMENTS:

1. Town Council
Bob Carnahan reported that the Parade of Lights was a huge success. This was the last year Jean Eberle will be the chair. Town employees will be having a holiday celebration on December 23rd; all are invited to bring a dish to share and a gift to participate in a Yankee Christmas gift exchange. Amy Sund stated that the Henriott group inquired if the town will be having a year end meeting for them to present quotes for insurance; John Foreman suggested having the information for the next meeting.
2. Town Administrator – None
3. Town Attorney – None

ADJOURNMENT: At approximately 8:03 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.