

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

December 16, 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	
Present	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 had no report.

Public Works: Ed Robinson reported that he has ordered more salt and slag. Dennis Wilkening inquired as to what normal usage is; Ed Robinson reported that 75,000 to 100,000 tons are used annually. Ed Robinson inquired on 2009 budget options as there are no carry-overs from 2008; we are starting with a clean slate. In 2008, one employee was cut from the budget; a position which was vacated was not refilled. Ed Robinson would like to move forward to hire an employee for 2009. Ian Nicolini will discuss this with Amy Sund. Motion by Bob Carnahan and seconded by Jerry Smith to move forward with hiring an employee based upon conversations with Amy Sund.

Roll Call Vote: 7 to 0

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

Ed Robinson reported that he has ordered 150 ton of salt at an approximate cost of \$20,000 and 300 ton of slag at an approximate cost of \$5,500. Ed Robinson and Ian Nicolini stated that there is cash flow in the line that could be used. Greg Parker inquired on salt usage this year; Ed Robinson stated that 300+ ton have been used. John Foreman stated that the main thoroughfare through town needs to be maintained. He stated that there was inadequate safety last night; safety is our number one priority; if you need it use it. John Foreman stated that it is up to the Council to find the funds, Bob Carnahan and Pat Wisniewski agreed. Salt spreaders were discussed. Rock salt treated with calcium chloride is currently being used. Ed Robinson reported that other towns are utilizing a spreader system that sprays a palmer based liquid in a fine mist down and coats salt and slag which bonds to the street. This system has cost of equipment for processing the salt which is about \$250,000 not including the cost of the equipment for the trucks. Bob Carnahan inquired as to beet juice; Ed Robinson reported that he has not been informed as to when system will be tried out. Dennis Wilkening reported that Valparaiso is using system pre-wetting system barrier between asphalt and snow and ice. Ed Robinson replied that this system lasts up to six days, however, if it rains or there is melting it washes off of the street. Towns are seeing a savings in using system. Greg Parker reported that they are going to do a section of 153rd, 157th & Morse utilizing the beet juice system. Bob Carnahan and Ian Nicolini reported on the "perfect storm" regarding the increase in salt pricing related to recent hurricanes and ownership of salt mines. Jerry Smith requested Ed Robinson and Doug Wynkoop to check into the intersection at 131st Place & Morse, there is sump pump draining into the intersection.

Parks & Recreation: Mary Joan Dickson distributed information to the Council. Work is continuing to work on the impact plan with Lehman & Lehman. Dennis Wilkening inquired on the cook out as Kiwanis Park; Mary Joan Dickson reported it as a success. She is working with Jane Ball & neighbors to develop a park that is educational and environmentally friendly as well as a shelter/meditation area for programs.

Clerk-Treasurer: Ian Nicolini reported for Amy Sund. Clerk-Treasurer's report was distributed prior to the meeting. Ian Nicolini requested approval from the Council to allow transmission and acceptance of funds electronically from Medicare, Medicaid and Anthem. Motion by John Foreman and seconded by Pat Wisniewski.

Roll Call Vote: 7 to 0

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

Ian Nicolini requested the Council to approve annual adjustments for the Utility Billing per Section 51.29 of the Town Code. Bob Carnahan had questions for Amy Sund on the report. John Foreman inquired of Dave Austgen as to the relation of this with closing of the year. Dave Austgen stated that there is no requirement by the end of the year; it is a year-end adjustment. Bob Carnahan stated that there are a lot of names and numbers and he has questions. Ian Nicolini stated that there were a large number stormwater utility user fee parcel combinations which are included in the report. John Foreman questioned David Austgen as to the need to do this by the end of the year. David Austgen stated that it is a bookkeeping item that can be done at the beginning of the year. Motion by Bob Carnahan and seconded by Greg Parker to defer to next meeting.

Roll Call Vote: 7 to 0

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

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Ian Nicolini requested approval to repay \$250,000 loan to Wastewater Operating from the General Fund. This will take the item off of the town's books. There is an item to borrow from Wastewater later on the agenda. Motion by Pat Wisniewski and seconded by Bob Carnahan to repay the loan.

Roll Call Vote: 7 to 0

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

Fire Department: No report.

Planning, Zoning & Building: Ian Nicolini had no report.

Town Administrator: Ian Nicolini referred to the packet regarding the Indiana Municipal Utility Group. Ian Nicolini would like to schedule a presentation for Council by Ted Sommer's of London Witte Group. Dave Austgen stated that there is a substantial group of municipalities already involved and that there is a price tag for participation. Ian Nicolini stated that the estimated cost is \$5,965 for participation. This could be a long term savings in utility costs if there is intervention. Pat Wisniewski stated we should have the presentation and Bob Carnahan stated it should be added to January's agenda. Ian Nicolini reported that NIES Engineering made a donation of \$250 to the Food Bank. Ian Nicolini would like to schedule a year-end close out meeting with businesses and the Chamber regarding 133rd construction and restoration. All agreed more communication is better. Jerry Smith inquired if a representative from Christopher Burke Engineering would be present for the meeting and at what cost. Ian Nicolini stated that the cost would be about \$140 per hour and Bob Carnahan stated that per the RDC this is part of the contract. Dennis Wilkening stated to schedule this at the second meeting in January. Ian Nicolini will distribute information to the businesses regarding the meeting information.

Town Attorney: No report.

Town Council: Bob Carnahan stated that the minutes from the November 18th meeting were correct. Bob Carnahan attended Creating Tomorrow Today Forum and distributed information to council members. IACT will be having a meeting regarding the effects of the Big 3 on the State of Indiana on Monday, December 22nd; Bob Carnahan will be attending and invited other members to register and attend.

PUBLIC COMMENTS: Mitchell Dudlack of 12801 Oak Street addressed Ed Robinson regarding the American flag across from the funeral home; it has not been lit up for two months and is frayed. Dennis Wilkening stated to take it down until the light is repaired and replace the flag at that time. He addressed Chief Roger Patz regarding an article in the Post-Tribune regarding cars running red lights and speeding. Dennis Wilkening reported that we have only two officers on at a time and Ian Nicolini stated that there is over 60 miles of streets to cover. Mitchell Dudlack stated that turn signals should be used by all including police and sheriff and people are driving with only one headlight and speeding between Washington and Cline Avenue.

CONSENT AGENDA

- Minutes of the Regular Public Meeting of December 2, 2008.
- Docket: Town Claims 63023-63112 for \$1,006,108.32, Wastewater Claims 24643-24687 for \$321,411.14, Storm Water Claims 63034-63054 for \$71,686.07. Motion by Pat Wisniewski and second by Bill Landske to accept and 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

TOWN BUSINESS

1. Resolutions

a. Resolution No. 966: Temporary Loan to Town Hall Debt Fund

Ian Nicolini reported for Amy Sund that this is needed to make the December 31st payment. Motion by Pat Wisniewski and seconded by Bill Landske to read Resolution No. 966 by title only.

Roll Call Vote: 6 to 1

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

Ian Nicolini read Resolution No. 966 by title only. The sum of \$5,607.63 will be transferred from the Cumulative Capital Improvement Fund to the Town Hall Debt Fund. Motion by Pat Wisniewski and seconded by Bill Landske to accept Resolution No. 966. Bob Carnahan inquired if this is to pay off debt on remodeling of the Town Hall; Ian Nicolini responded yes.

Roll Call Vote: 7 to 0

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

b. Resolution No. 967: Temporary Loan to General Fund

Ian Nicolini stated that there is information in the meeting packet from Amy Sund. Dennis Wilkening directed David Austgen to read Resolution No. 967 in its entirety. The sum of \$600,000 will be transferred from the Wastewater Operating Fund to the General Fund and shall be returned and repaid by December 31, 2009. Motion by Bob Carnahan and seconded by Jerry Smith to accept Resolution No. 967.

Roll Call Vote: 7 to 0

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

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c. Resolution No. 968: Transferring Money Within the General Fund and Local Roads and Streets Fund

David Austgen read Resolution No. 968 in its entirety. General Fund, Parks Department will transfer \$3,600 from 441 Equipment to 396 Misc Services and Local Roads & Streets Fund, General Local Roads & Streets will transfer \$200 from 233 Rock/Stone/Sand to 314 Contract Services. Bob Carnahan questioned utilizing Rock/Stone/Sand funds with the current conditions of our streets. Ed Robinson stated that this is needed to cover the services for the end of the year and will not encumber dollars into next year. Motion by Bob Carnahan and seconded by Pat Wisniewski to accept Resolution No. 968.

Roll Call Vote: 7 to 0

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

2. Ordinances

a. Ordinance No. 1043 - 2009 Salary Ordinance – Second Reading

Ordinance No. 1043 was presented in the meeting packet for the 2nd reading consideration. David Austgen suggested revisiting items with percentages being paid for from Water Utility. Ian Nicolini reported that language was included in the ordinance for the water utility to subsidize the wage distribution. David Austgen recommended deleting the items with uncertainty of payment and revisiting them when appropriate. David Austgen advised acting on the Resolution with the deletion of the phraseology regarding “a portion may be paid from the Water Utility as deemed appropriate”. Motion by John Foreman and seconded by Jerry Smith to remove the language regarding Water Utility where applicable in Ordinance No. 1043.

Roll Call Vote: 6 to 1

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

Motion by John Foreman and seconded by Pat Wisniewski to read Ordinance No. 1043 by title only as amended.

Roll Call Vote: 7 to 0

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

David Austgen read Ordinance 1043 by title only as amended. Motion by Jerry Smith and seconded by Pat Wisniewski to accept the second reading of Ordinance 1043 as amended.

Roll Call Vote: 6 to 1

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

b. Ordinance No. 1044 – Authorizing Tax Anticipation Warrant 1st Reading

John Foreman requested Ian Nicolini summarize Ordinance No. 1044. Ian Nicolini stated that the loan can not exceed at total of \$1,000,000 annually and not in excess of \$500,000 for the first or second six months respectively. Motion by John Foreman and seconded by Pat Wisniewski to read Ordinance 1044 by title only.

Roll Call Vote: 6 to 1

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

Dennis Wilkening instructed David Austgen to read Ordinance No. 1044 by title only. Motion by Bob Carnahan and seconded by Bill Landske to accept the first reading of Ordinance No. 1044. David Austgen asked for consideration of a unanimous adoption so Clerk Treasurer can advertise for bids. Motion by Bob Carnahan and seconded by Greg Parker to amend the agenda to include the second reading of Ordinance No. 1044.

Roll Call Vote: 7 to 0

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

Motion by Bob Carnahan and seconded by Jerry Smith to read the second reading of Ordinance No. 1044 by title only.

Roll Call Vote: 7 to 0

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

David Austgen read Ordinance 1044 by title only. Motion by Bob Carnahan and seconded by Pat Wisniewski to accept Ordinance No. 1044 second reading.

Roll Call Vote: 7 to 0

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

c. Ordinance No. 1045: Rezoning Residential R-2 to Neighborhood Business B-1

Greg Parker requested Ian Nicolini to include the address of the properties on items such as this. Ian Nicolini stated that the certification was included in the last meeting packet. Motion by Pat Wisniewski and seconded by Bill Landske to read by title only.

Roll Call Vote: 6 to 1

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

David Austgen read Ordinance No. 1045 by title only. Favorable certification by the Planning Commission was made November 19th and the legal description includes two lots for the purpose of using those parcels for parking. Motion by Jerry Smith and seconded by Bill Landske to accept Ordinance 1045.

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Roll Call Vote: 7 to 0

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

3. New Business

a. Town Hall Duct Cleaning Proposals

Ian Nicolini referred to proposals in the meeting packet. Greg Parker inquired as to the variance in the bids. Ian Nicolini recommended taking no action on this at this time as proposals are not comparable. Bob Carnahan stated that this needs to be done. Dennis Wilkening inquired as to costs on the replacement of the police department roof top unit; Chief Roger Patz reported that he received one estimate. Dennis Wilkening stated that we need to check into the cost of a new unit and have them cleaned when they are here. Ian Nicolini will research this and report at the next meeting.

b. Tag Day Request: Girls Softball

Ian Nicolini stated Bob Carnahan stated the first Saturday of April starts this and the following Saturday is the rain date per our ordinance. The dates requested do not follow this schedule. Saturday, July 4th is the date of the parade. Jerry Smith stated that their options are May 16th or 30th. This will be deferred to the next meeting as the dates are not in compliance.

c. EMS Write-Off Report

Ian Nicolini reported for Amy Sund that per Town Code this amount needs to be written off annually; these are monies that can not be recovered. Bob Carnahan stated that the amount is \$22,549.05. Motion by Bob Carnahan and seconded by Greg Parker to approve the EMS write-off. John Foreman questioned the write-offs; David Austgen explained that these are funds that will not be collected and all avenues have been exhausted.

Roll Call Vote: 6 to 1

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

d. Approving 2009 Town Council Meeting Dates

Ian Nicolini included meeting dates in the packet. Bob Carnahan requested changing the January 20th meeting to January 27th as the town churches are having their ecumenical service. Motion by Bob Carnahan and seconded by Jerry Smith to accept the meeting schedule with the change to January.

Roll Call Vote: 7 to 0

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

e. Change Order: Sand Backfill on 133rd Avenue East of Parrish

Ian Nicolini reported that it is NIPSCO's responsibility to back fill. However, with the asphalt plants closing, we needed to backfill and pave or have a large hole all winter. NIPSCO has a process to follow before paying amounts over \$3,000. They paid the \$3,000 and are working on their process to pay the remainder. With the 80/20 cost share per INDOT, this left the town with a \$760 cost. Motion by Bob Carnahan and seconded by Greg Parker to accept the change order.

Roll Call Vote: 7 to 0

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

f. Funding Request: Cedar Lake Chamber of Commerce Requesting \$7,500 for Northwest Indiana Symphony Orchestra

Ian Nicolini referred to letter from Charlie Kaper of the Chamber of Commerce requesting \$7,500 for the Northwest Indiana Symphony Orchestra. Greg Parker inquired if this is from the hotel tax fund. Bob Carnahan stated that Dean White paid for the other half. John Foreman inquired as to Amy Sund's opinion on this. Ian Nicolini reported that Amy Sund stated in her report that there is funds in the promotional line item which comes out of the general fund. David Austgen stated that this is to encumber the funds prior to the end of the year. The tentative date is June 27th. The total cost is \$25,000 for this event. Ian Nicolini reiterated that the funding for this is in the promotional line item which is part of the general fund. Motion by Greg Parker and seconded by Pat Wisniewski to accept the request. Ian Nicolini stated that he does not believe this is from the hotel tax it is from the promotional line item in the general fund.

Roll Call Vote: 5 to 2

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

PUBLIC COMMENTS:

Mitchell Dudlack commented on the flagpole. John Foreman stated that Ed Robinson does a lot for the town and public safety is a priority. Greg Parker stated that NIPSCO will be out to fix the lights when there is an abundance of them. Dennis Wilkening inquired as to the problem with the light; Ed Robinson reported that the box on the pole is not weatherproof and secure from kids. Jerry Smith suggested checking into a solar panel to light this. Council stated that the flag will be taken down, weather permitting, until the light is repaired. Mitchell Dudlack inquired as to new businesses coming to town; Council stated that there are plans in the works.

FINAL COMMENTS:

1. Town Council

Bob Carnahan wished all a Merry Christmas. John Foreman reported that on January 31st there will be a Hanover future football team fundraiser at Zuni's. Ed Robinson reported that

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after many hours with FEMA; all paperwork has been submitted and we should hear from them in January.

2. Town Administrator – None
3. Town Attorney – None

ADJOURNMENT: At approximately 8:40 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, William Landske, Greg Parker, Town Administrator Ian Nicolini, 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.