

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

**February 8, 2011  
Public Meeting 7:00 PM at the Cedar Lake Town Hall  
Pledge of Allegiance & Moment of Silence**

**Roll Call:**

Absent	John Foreman Council Member	Ward 2	Present	Greg Parker Vice-President	Ward 7
Present	Dale Poston Council Member	Ward 3	Absent	Robert Carnahan President	Ward 1
Present	Jerry Smith Council Member	Ward 4	Present	Amy J. Sund Clerk-Treasurer	
Present	Randell Niemeyer Council Member	Ward 5	Present	Ian Nicolini Town Administrator	
Present	William Landske Council Member	Ward 6	Present	David Austgen Town Attorney	

**DEPARTMENT REPORTS**

**Police:** Deputy Chief Forsell commended public works for making the roads passable during last week's blizzard. He thanked citizens for staying home. Greg Parker agreed; they all did a phenomenal job.

**Public Works:** No report.

**Parks & Recreation:** A written report was distributed to Council prior to the meeting.

**Clerk-Treasurer:** Clerk-Treasurer Amy Sund reported that Indiana University Food Drive will be from February 5<sup>th</sup> – February 19<sup>th</sup>. The tax settlement for 2010 has been received and temporary loans are being repaid; they are included with tonight's claims.

**Fire Department:** Fire Chief Todd Wilkening stated that during the few calls they received during the storm; public works provided clear paths to and from the hospital. There was cooperation between all departments; public works, fire and police departments. The ambulance equipment that was approved last month is coming in. A monthly report on ambulance calls will be submitted to Council starting next month.

**Town Administrator:** On behalf of the Town Council, Ian Nicolini read a Letter of Commendation which was addressed to the Public Works Department, Police Department and Fire Department regarding their efforts during last weeks storm/blizzard. The new website is up; it is a work in progress. He requested input from council and citizens. The website's address is [www.cedarlakein.org](http://www.cedarlakein.org). The proposals for webcasting will be at the next meeting. The sidewalk grant from INDOT is moving from the design phase to right of way phase. This is for sidewalks around Jane Ball and Hanover schools. The federal funds have been allocated. The Unsafe Building Committee met on January 31<sup>st</sup>; their next meeting will be on the third Wednesday before the Plan Commission meeting in March.

**Town Attorney:** David Austgen had no report.

**Town Council:** No comments.

**PUBLIC COMMENT:** Kurt Kenning of Buchanan Street in Crown Point representing Indiana Spray Foam spoke on his product as it pertains to roofing as an alternative to rubber roofing. He discussed the application and warranty of the product.

**CONSENT AGENDA**

1. Minutes of the Regular Public Meeting – Minutes of the January 18, 2011 Public Meeting.
2. Docket: Town Claims 68050 - 68098 for \$1,170,407.67; Wastewater Claims 26294 – 26320 for \$609,950.12; Storm Water Claims 68051 – 68052, 68072 and 68069 for \$23,151.00; and Water Utility Claims 80528 – 80543 for \$241,728.32. Motion by Jerry Smith and seconded by Randy Niemeyer to approve the consent agenda.

**Roll Call Vote: 5 to 0**

Foreman	Poston	Smith	Niemeyer	Landske	Parker	Carnahan
ABSENT	YES	YES	YES	YES	YES	ABSENT

**PUBLIC HEARING**

**Ordinance No. 1121 – Public Way Vacation – Vicinity of 8509 W. 141<sup>st</sup> Avenue – First Reading**

1. Attorney Review of Legals: Attorney David Austgen stated that he did review the legal proof of publications and notices; all are valid. He noted a scriveners error in the legal description; it is in direction only and is not substantive.
2. Petitioner's Response: Mr. Richard Kazwell deferred o Ian Nicolini. Ian Nicolini stated that it is a single lot subdivision plat; it was created but never recorded. Ian Nicolini referred to the map to indicate the areas of vacation. The preliminary plat approval is pending the vacation approval. David Austgen stated that this is a statutory process of Indiana Code. The amended plat will be a clean, recordable instrument to proceed with the plat of subdivision. Mr. Richard Kazwell noted improvements and work done on the lot.
3. Remonstrators: There were no remonstrators.
4. Council Comment: Randy Niemeyer questioned a one lot subdivision; Ian Nicolini stated that the property is not subdivided or part of the town. There were outstanding title items; this will establish a legal description for a clear title. There will only be a single family residence on the property.
5. Council Decision: Ian Nicolini read Ordinance No. 1121 by title only. Motion by Jerry Smith and seconded by Bill Landske to approve Ordinance No. 1121.

**Roll Call Vote: 5 to 0**

Foreman	Poston	Smith	Niemeyer	Landske	Parker	Carnahan
ABSENT	YES	YES	YES	YES	YES	ABSENT

Motion by Jerry Smith and seconded by Dale Poston to suspend the rules and have the second reading of Ordinance No. 1121.

**Roll Call Vote: 5 to 0**

Foreman	Poston	Smith	Niemeyer	Landske	Parker	Carnahan
ABSENT	YES	YES	YES	YES	YES	ABSENT

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Ian Nicolini read Ordinance No. 1121 by title only. Motion by Jerry Smith and seconded by Bill Landske to approve Ordinance No. 1121

**Roll Call Vote: 5 to 0**

Foreman	Poston	Smith	Niemeyer	Landske	Parker	Carnahan
ABSENT	YES	YES	YES	YES	YES	ABSENT

**PLANNING/ZONING & BZA**

**1. Special Exception – Latitude 41 – 13019 Wicker Avenue**

- a. To allow live entertainment and dancing in a restaurant that serves alcohol in a Community Business (B-2) Zoning District – Favorable Recommendation from the Board of Zoning Appeals on January 20, 2011**

Ian Nicolini stated that the Board of Zoning Appeals sent a favorable recommendation for the requested special exception/special use to allow the proposed restaurant to allow live entertainment and dancing at a restaurant serving alcoholic beverages. There are no other contingencies. This is the southern unit on the new Banter Floor building. Motion by Jerry Smith and seconded by Dale Poston to approve the special exception based upon the favorable recommendation of the Board of Zoning Appeals.

**Roll Call Vote: 5 to 0**

Foreman	Poston	Smith	Niemeyer	Landske	Parker	Carnahan
ABSENT	YES	YES	YES	YES	YES	ABSENT

**2. Variance of Use – Brian Birchall – 14411 Morse Street**

- a. To allow vehicle repair, used vehicles sales and toning on a single zoning lot in Neighborhood Business (B-1) Zoning District – Favorable Recommendation from the Board of Zoning Appeals, with Contingencies, on January 20, 2011**

Ian Nicolini stated the Board of Zoning Appeals sent a favorable recommendation for the requested variance of use to allow vehicle repair, used vehicle sales and towing on a single zoning lot, contingent upon no more than six (6) vehicles for sale on the site at any given time and no more than four (4) vehicles in need of repair on the site at any given time. This is the old Mike's Automotive and it will be a similar business with two (2) uses. Motion by Bill Landske and seconded by Randy Niemeyer to approve the variance of use with the contingencies noted.

**Roll Call Vote: 5 to 0**

Foreman	Poston	Smith	Niemeyer	Landske	Parker	Carnahan
ABSENT	YES	YES	YES	YES	YES	ABSENT

**ORDINANCES & RESOLUTIONS**

**1. Ordinance No. 1122 – Redevelopment Authority Lease - Introductory Reading**

Ian Nicolini explained that the Regional Development Commission (RDC) and Redevelopment Authority (RDA) had a joint meeting to discuss the Cedar Point Park and Shades Park LM neighborhoods for reconstruction financing. The RDA leases the roads back to the Town; this is similar to a building corporation. There will be two (2) issuances of debt not to exceed two million dollars (\$2,000,000.00) each and not to exceed ten (10) years. The improvements are listed on the exhibits to the Ordinance. David Austgen noted that this will be the initial reading of Ordinance No. 1122. The RDC and RDA will have a joint public hearing on February 17<sup>th</sup> to approve; if approved, this will be on the March 1<sup>st</sup> Town Council agenda for approval. Randy Niemeyer inquired on the timeline for financing; Ian Nicolini responded that closing should be in late April with a May letting weather permitting. Ian Nicolini read Ordinance No. 1122 by title only. Motion by Jerry Smith and seconded by Dale Poston to approve the first reading of Ordinance No. 1122.

**Roll Call Vote: 5 to 0**

Foreman	Poston	Smith	Niemeyer	Landske	Parker	Carnahan
ABSENT	YES	YES	YES	YES	YES	ABSENT

**TOWN BUSINESS:**

**Old Business:**

**1. Hanover Community School Corporation – Permit Fees (deferred from the January 18, 2011 Public Meeting)**

Motion by Jerry Smith and seconded by Randy Niemeyer to defer this to the next meeting.

**Roll Call Vote: 5 to 0**

Foreman	Poston	Smith	Niemeyer	Landske	Parker	Carnahan
ABSENT	YES	YES	YES	YES	YES	ABSENT

**New Business:**

**1. Garbage Bid Specifications**

Ian Nicolini gave an overview of the garbage bid specifications which includes solid waste and recycling. The Town's current service ends March 31, 2011. Motion by Jerry Smith and seconded by Dale Poston to approve the bid specifications and have the Town Administrator and Town Attorney prepare the documents.

**Roll Call Vote: 5 to 0**

Foreman	Poston	Smith	Niemeyer	Landske	Parker	Carnahan
ABSENT	YES	YES	YES	YES	YES	ABSENT

**2. Cedar Lake Little League – Parade April 30, 2011**

Motion by Randy Niemeyer and seconded by Dale Poston to defer this to the next meeting.

**Roll Call Vote: 5 to 0**

Foreman	Poston	Smith	Niemeyer	Landske	Parker	Carnahan
ABSENT	YES	YES	YES	YES	YES	ABSENT



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**3. IT Consulting Contract – Intelliplex**

Ian Nicolini stated the contract for IT services from Intelliplex is a not to exceed \$15,000.00. Intelliplex maintains the server, the email server, the website, coordinates billing software and general information technology. Dale Poston inquired if there have been any problems, Ian Nicolini responded no; he would highly recommend them. The time to get the new website up and running was discussed; there was a lag in training and prioritization using the open source software; the delay was not Intelliplex. Motion by Randy Niemeyer and seconded by Bill Landske to approve the contract with Intelliplex.

**Roll Call Vote: 5 to 0**

Foreman	Poston	Smith	Niemeyer	Landske	Parker	Carnahan
ABSENT	YES	YES	YES	YES	YES	ABSENT

**4. Tag Days**

Organization

Hanover HS Varsity Pom Team

Hanover HS Jr. Varsity Pom Team

Cedar Lake Boys & Girls Club

Tag Date

July 9<sup>th</sup>

September 17<sup>th</sup>

October 1<sup>st</sup>

Rain Date

July 16<sup>th</sup>

September 24<sup>th</sup>

October 8<sup>th</sup>

Motion by Dale Poston and seconded by Randy Niemeyer to approve the tag days.

**Roll Call Vote: 5 to 0**

Foreman	Poston	Smith	Niemeyer	Landske	Parker	Carnahan
ABSENT	YES	YES	YES	YES	YES	ABSENT

**5. Request for Proposal Scoring Committee**

Ian Nicolini stated that in order to utilize Federal Funds the Request for Proposal (RFP) system prescribed by Indiana Department of Transportation (INDOT). The Safe Routes to School sidewalk grant program is in the right-of-way phase; this will include right-of-engineering and right-of-way services which includes survey, plat and purchasing of right-of-way. Ian Nicolini recommended that Pat Conlon, Ed Robinson, Rex Sherrard and Ian Nicolini be on the Scoring Committee pending board and commission applications or another appointment. The Scoring Committee will review proposals and add scores to rank each proposal. The highest ranked would be selected. Motion by Randy Niemeyer and seconded by Jerry Smith to approve the committee as recommended by Ian Nicolini.

**Roll Call Vote: 5 to 0**

Foreman	Poston	Smith	Niemeyer	Landske	Parker	Carnahan
ABSENT	YES	YES	YES	YES	YES	ABSENT

**6. Wage Rate Hearing Representative**

Ian Nicolini noted that action is no longer needed on this item; it was time sensitive to the February 1, 2011 meeting date.

**PUBLIC COMMENT:** There were no comments.

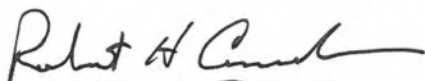
**FINAL COMMENTS:**

- 1. Town Council Comment:** Randy Niemeyer thanked all involved with the painting of the meeting room including True Value, Robert Carnahan, Dale Poston, Greg Parker, Ralph Spaniard and Jill Murr.
- 2. Town Administrator Comment:** No comments.
- 3. Town Attorney Comment:** No comments.

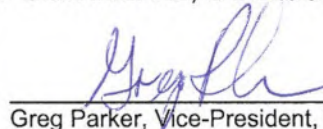
**Adjournment:** Greg Parker adjourned the meeting at approximately 8:00 pm.

An Executive Session was advertised and conducted pursuant to IC 5-14-1.5-6.1(b) before the meeting with discussion consisting of litigation, acquisition and personnel issues. Those in attendance were William Landske, Randy Niemeyer, Greg Parker, Dale Poston, Jerry Smith, Clerk Treasurer Amy Sund, Town Administrator Ian Nicolini, and Town Attorney David Austgen.

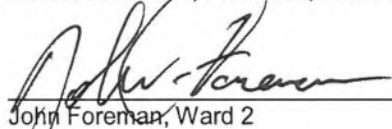
**COUNCIL OF THE CIVIL TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA**



Robert Carnahan, President, Ward 1

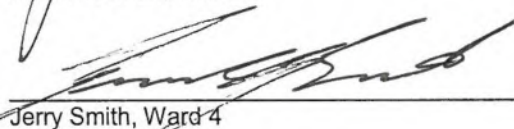


Greg Parker, Vice-President, Ward 7



John Foreman, Ward 2

Dale Poston, Ward 3

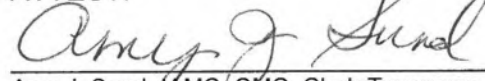


Jerry Smith, Ward 4

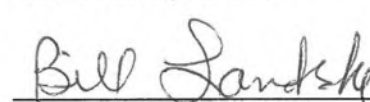


Randell Niemeyer, Ward 5

**ATTEST:**



Amy J. Sund, IAMC, CMC, Clerk-Treasurer



William Landske, Ward 6

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.