

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

**February 15, 2011
Public Meeting 7:00 PM at the Cedar Lake Town Hall
Pledge of Allegiance & Moment of Silence**

Roll Call:

Present	John Foreman Council Member	Ward 2	Present	Greg Parker Vice-President	Ward 7
Present	Dale Poston Council Member	Ward 3	Present	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: Chief Roger Patz reported that Luke Lukasik began basic training and will graduate at the end of April. The roof at the police station is thawing and dripping; the insurance adjustor is scheduled to come out tomorrow afternoon. February 24th is the Cedar Lake Chamber of Commerce Luncheon, Harry O's Restaurant at noon with a presentation on counterfeit money. There will be a memorial at Kolling School on February 20th at 1:00 pm; this is the anniversary of the murder of a St. John Town Marshall and Indiana State Trooper. Nixle.com is a service to communicate and notify residents via cell phone or email of bulletins in our area. Chief Patz encouraged residents to register; there is no cost for this service. Chief Patz thanked John Schutz and Center Garage for the use of heavy duty trucks during the snow storm at no charge to the Town.

Public Works: Ian Nicolini reported that public works is implementing safety training which will be an activity based program. They are working with the Cedar Lake Volunteer Fire Department's safety staff. The department is compiling the costs from the blizzard and snow.

Parks & Recreation: A written report was distributed to Council prior to the meeting. Mary Joan Dickson reported that the Park Board passed the master plan which includes trails, developing parks, and more programs; the information from the survey was used to compile the plan. This will be updated every five (5) years.

Clerk-Treasurer: Clerk-Treasurer Amy Sund requested Council approve a notice to department heads regarding a General Fund expense freeze. She read the notice which stated: On behalf of the Cedar Lake Town Council, I am informing all Departments under the umbrella of the General Fund to freeze unnecessary expenses effective immediately. The following items shall be considered waived from the freeze: payroll expenses consisting of regular salaries and wages, overtime compensation as needed, employer match of FICA and Medicare taxes, health insurance premiums, and retirement contributions to PERF; existing lease payments; existing maintenance and contractual agreements; including legal, financial, engineering, computer hardware/software and networking, and Fire/EMS contract; utilities, telecommunications and fuel supply and service; training programs for continuing education and required certifications; copy paper, toner and related supplies for daily operations; and emergency repairs to building and equipment to ensure the safety and well-being of our employees and citizens. There is \$915,000.00 in the general fund, not including expenses being approved this evening or current payroll. We do not want to borrow. Dale Poston stated that the shortfall has been ongoing since the county can not get timely property tax bills out; we are not seeing our money on time. Robert Carnahan noted that we have not had to lay anyone off. Motion by Randy Niemeyer and seconded by John Foreman to approve the freeze.

Roll Call Vote: 7 to 0

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

Fire Department: No report

Town Administrator: Ian Nicolini reported that the Town Code is on the website; www.cedarlakein.org. Suggestions and comments on the website are appreciated. Technology allows the Town to be more transparent; such as webcasting. He stated that for webcasting, we will utilize Intelliplex to install equipment. Cliff Wroe recommended a service for streaming the video; an ad free service will cost about \$99.00 per month. While trying it out; we will utilize the free service that has ads. The ads will be similar to Google. The request for proposals (RFP) for the right of way, Safe Routes to Schools, has been submitted to INDOT. INDOT will advertise for the RFP's. Once the RFP's are received, the scoring committee will meet. The Redevelopment Commission (RDC) will be meeting on Thursday, February 17th at 6:00 pm to consider the Redevelopment Authority Lease for the improvements in the Cedar Point Park and Shades Oaks LM areas. Ian Nicolini and Robert Carnahan will be attending an ADA plan workshop on February 23rd to discuss accessibility and working with other communities.

Town Attorney: David Austgen had no report.

Town Council: Robert Carnahan requested participation in Ethics in Government on Friday, March 11th which is being hosted by the Lake County Advancement Committee and Northwest Indiana Quality of Life Council. John Foreman stated that kids from Hanover have gone downstate for wrestling and spoke on the Midwest's ranking of area sports.

PUBLIC COMMENT:

Mark Stenger of Wicker Avenue spoke on the Hanover permit fees of \$355,000.00. He stated his opinion that the Town should return the money to the school for other items needed for the school. He stated that it is a lot for taxpayers to swallow and inquired on what the fees are for. John Foreman stated that the costs are included with the permit fees such as infrastructure costs; these come out of people who don't even live in Hanover or that do not have any one attending school. Jerry Smith noted that the Town has waived over \$280,000.00 in fees for Hanover School projects. Randy Niemeyer stated that from 1995 through 2009 Hanover Schools had estimates of construction of \$26.5 million; it is estimated that over

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\$274,000.00 in permit fees were waived by the Town. The precedent was for the Town to waive the fees. The Town is still operating at a 2007 levy with no funding increase. Discussions on the property donated by the school to the Town occurred; taxpayers paid for property of the schools that was given away. Dale Poston explained that the permit fees were paid in 2010; these funds have already been put into place and spent. David Austgen noted that permit fees are miscellaneous revenue. They are deposited in the year collected and used. These funds were collected last year, approximately July or August; they are receipted revenues and if any funds remain, they are miscellaneous revenues which could have rolled over if there were any funds remaining. Most likely, they probably didn't. Mr. Stenger understands that there are tap in fees for sewer and water. The Town wants to get larger, but there is not enough money to take care of what we have. There is not enough manpower, equipment or funds. John Foreman stated that the funds could be used for that. **Greg Wornhoff** of 138th Lane stated that previously it was the policy to waive fees for schools; administration and inspection fees were only charged. Over the last three (3) years it has changed; what happened was in the past. He suggested amending the building ordinance to have the building permit fees waived. There are still engineering, legal, inspection and administration costs. He suggested putting it in writing; change the ordinance. He stated that giving Hanover back money will only create problems and open the Town up for lawsuits. Fees were discussed. Dale Poston, Greg Parker and Randy Niemeyer agreed that the ordinance and policy need to be considered. Once funds are in the general fund; the money is spent. Tax collections are down. **John Foreman** of Parrish Avenue spoke on ideas and noted items for the Hanover School Board regarding sport fees and allowing flyers to be sent home with students. He stated that public comment is a good thing; it is important. All residents could benefit if the local schools are promoted; the school systems should work with marketers and developers to promote their schools. He suggested putting the schools name on the water tower.

CONSENT AGENDA

1. Minutes of the Regular Public Meeting – Minutes of the February 8, 2011 Public Meeting.
2. Docket: Town Claims 68099 - 68167 for \$285,531.14; Wastewater Claims 26321 - 26360 for \$236,299.97; Storm Water Claims 68109 – 68110, 68123 - 68124 for \$22,975.59; and Water Utility Claims 80544 - 80562 for \$74,971.18. Motion by Jerry Smith and seconded by Dale Poston to approve the consent agenda.

Roll Call Vote: 7 to 0

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

Lake County Solid Waste Joint Interlocal Agreement Presentation:

Executive Director Jeff Langeman and Attorney Cliff Dugan of Lake County Solid Waste presented the garbage to ethanol plant. The Lake County Solid Waste Board will be taking action at their Board meeting on Thursday, February 17, 2011. Towns will not loose their recycling grants. The new census figures should be used to calculate the June draws; the funding will be going up. Three (3) employees are paid one-third of their salaries out of the Lake County Solid Waste Fund. There has been a change of ownership provision in the contract; the plant will be owned by Mr. Powers and his corporation. There is no penalty if you do not participate. The rate will be locked at \$17.25 per Ton for the next twenty (20) years. The plant was discussed; it will be a first of its kind in the area. Once the plant opens, the rate will not be locked. There are discussions will Illinois communities as well. Discussions occurred on the viability and uses of ethanol. The plant will be insured and bonded; it will be insured by Lloyds. Discussions occurred on contract provisions and traffic on US 41. Robert Carnahan thanked Lake County Solid Waste for the paint which was used to paint the meeting room.

TOWN BUSINESS:

Old Business:

1. **Hanover Community School Corporation – Permit Fees (deferred from the January 18, 2011 and February 8, 2011 Public Meeting)**

Motion by Dale Poston and seconded by Jerry Smith to deny the request to waive the costs of the permits for the Hanover Central Middle School.

Roll Call Vote: 7 to 0

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

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

Motion by Jerry Smith and seconded by Dale Poston to approve the request. Ian Nicolini noted that there is a scheduling conflict; the tag date for Summerfest is during the parade time. Council agreed to extend Summerfest tag date time for one hour.

Roll Call Vote: 7 to 0

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

New Business:

1. **Lake County Board of Elections – Use of Facility May 3, 2011**

Motion by Jerry Smith and seconded by Bill Landske to approve the request.

Roll Call Vote: 7 to 0

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

2. **Tag Days**

Organization

American Legion Auxiliary #261
Hanover Central Athletic Boosters
Kiwanis of Cedar Lake

Tag Date

April 16th
August 6th
October 15th

Rain Date

April 23rd
August 13th
October 22nd

Motion by Jerry Smith and seconded by Greg Parker to approve the requests as listed. Tag dates must be approved by Council per Ordinance.

Roll Call Vote: 7 to 0

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YES	YES	YES	YES	YES	YES	YES

3. Cedar Lake Chamber of Commerce – Northwest Indiana Symphony Orchestra – donation

The Cedar Lake Chamber of Commerce requested a donation of \$7,500.00 for the July 23, 2011 Northwest Indiana Symphony Orchestra event. Amy Sund noted that this is a budgeted item in the General Fund; the funding would come out of the General Fund. Motion by John Foreman and seconded by Greg Parker to approve the request.

Roll Call Vote: 7 to 0

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

4. Engagement Letter – Financial Advisory Services – Annual Debt Reporting Filing

The engagement letter is for London Witte Group to provide financial advisory services for annual debt reporting filing to the Department of Local Government and Finance (DLGF). Motion by John Foreman and seconded by Greg Parker to approve with a not to exceed amount of \$600.00.

Roll Call Vote: 7 to 0

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

PUBLIC COMMENT: Jack Marsh of Alexander stated that \$7,500.00 is a lot of money. This could be used to clean the sidewalks. He expressed this thought that the orchestra is stupid. He is not against it if you have money. He stated that Mary Joan does not own the park; the Council does. You need to make the park work for you; you do not work for the park. The Town needs to do something different. Discussions occurred on the Monastery Park building and how it was acquired. The developer, V3, purchased the golf course. They presented to the Town the building and \$75,000.00 for improvements; they improved the area around the building, the parking lot. It was accepted through the plan commission process. This was V3's park dedication component of their plat; it satisfied their park requirement and was accepted by Council. Discussions occurred on whether the building was being used and that it needs to generate revenue. Mr. Marsh stated that everything should go through Ian Nicolini and Council. He stated that the Town needs to tighten up and do their job. Greg Wornhoff of W. 133rd Lane informed Council members that he may be late to the Plan Commission meeting. He spoke on the cell tower location. He proposed building a new police station and possible second fire station base on the southeast corner of the Town grounds utilizing developers and grants and combine the cell phone/flag tower into the project. Possibly include the tornado siren and police radio tower into it. This could free up parking and space along the lake front. If the tower is moved, it could be reduced in size. The funds from the lease could develop a beach with a life guard; the Town could charge a fee for residents and taxpayers to utilize the lake. The taxpayers own the property. We need to keep our open land and move forward. David Austgen noted that the current spot can not be changed unless the applicant reapplies for the site plan. Julie Mueller of Raven Way spoke on the permit fees Hanover School paid last year. She noted that Hanover school is looking into their fee schedules and allowing flyers to be sent home with students.

FINAL COMMENTS:

- 1. Town Council Comment:** William Landske noted that cell towers are going to be obsolete; they are going to use utility poles.
- 2. Town Administrator Comment:** Ian Nicolini reported on the upcoming Plan Commission and Board of Zoning Appeals Agendas.
- 3. Town Attorney Comment:** Executive Session.

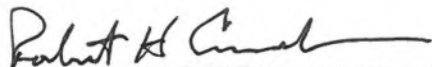
Adjournment: Motion by Jerry Smith and seconded by Greg Parker to adjourn the meeting at approximately 8:58 pm.

Roll Call Vote: 7 to 0

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

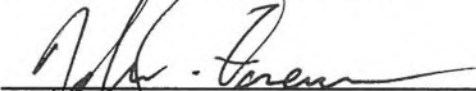
An Executive Session was advertised and conducted pursuant to IC 5-14-1.5-6.1(b) before the meeting with discussion consisting of litigation, acquisition and personnel issues. Those in attendance were Robert Carnahan, John Foreman, William Landske, Randy Niemeyer, Greg Parker, Dale Poston, Jerry Smith,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

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



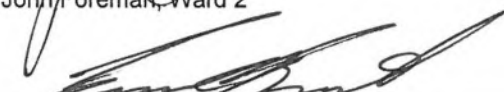
Robert Carnahan, President, Ward 1

Greg Parker, Vice-President, Ward 7



John Foreman, Ward 2

Dale Poston, Ward 3

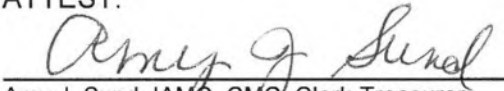


Jerry Smith, Ward 4

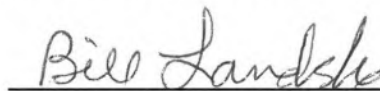


Randell Niemeyer, Ward 5

ATTEST:



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



William Landske, Ward 6

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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.