

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

March 15, 2011

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

Roll Call:

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

DEPARTMENT REPORTS

Police: Chief Roger Patz reported that Sergeant Wood and Corporal Brittingham and Officer Brumbaugh will be recognized for their outstanding work on dangerous calls. Dale Poston suggested letters to recognize the officers; Robert Carnahan directed Ian Nicolini to draft the letters. Sunday, April 3rd the Crossroads Marathon will begin at Freedom Park in Lowell at 7:30 am with the 26 mile full marathon running through Cedar Lake. Robert Carnahan stated that Senator Arnold spoke highly of Chief Patz; Chief Patz noted that they have been working on a law enforcement training funding bill. Bill Landske noted that more speeders are being pulled over.

Public Works: Ed Robinson submitted a list of items to Council prior to the meeting.

Parks & Recreation: A written report was distributed to Council prior to the meeting. Mary Joan Dickson reported that Moto on Ice, a non-profit organization, donated \$1,200.00 to the park department. The funds will be placed in a non-reverting fund to be used for those who could not otherwise afford to participate in the park programs; there will be criteria in place to determine eligibility for the funds. Mary Joan Dickson thanked Greg Parker for the information on this. Gateway Church requested the use of the Town Complex on June 14th – 18th for their sports camp; there will be over 200 children in attendance. Motion by Greg Parker and seconded by Dale Poston to approve the use of the facility.

Roll Call Vote: 7 to 0

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

Clerk-Treasurer: Clerk-Treasurer Amy Sund reported that on March 4, 2011, the 2011 budget was approved in the amount of \$5,488,763.00 with \$3,661,994.00 being the General Fund. There is a 2.5 million tax levy with a rate of 0.5783. There is a reduction needed for the Rainy Day Fund, but an additional appropriation can be done later in the year for the Rainy Day Fund.

Fire Department: Todd Wilkening stated that the run report was distributed to Council. Discussions occurred on fire territories; Chief Wilkening stated that we are not formally ready to do this at this time.

Town Administrator: Ian Nicolini reported that the meeting is being streamed and recorded via ustream.tv and is linked through the Town's website. Safe Routes to School letter of interest proposals are due March 23rd. A recommendation will be made to Council in April after the committee has reviewed and scored the proposals. A draft Americans with Disabilities Act (ADA) compliance plan has been distributed. This outlines the Act and municipal government requirements. A compliance coordinator and a strategy for compliance will be needed as well as a self assessment and transition plan. There is a requirement to assess municipally owned properties. This will be an agenda item for the next meeting. Federal Funding through Transportation Enhancement (TE) with Indiana Department of Transportation (INDOT) is available. Northwest Indiana Regional Plan Commission (NIRPC) has opened the funding field to include storm water, animal and wetland enhancements. Communities will need to be assessed. Ian Nicolini, Robert Carnahan and Christopher B. Burke Engineering have identified two (2) areas. The funding would be for the planning and design phase. The first area is to replace the drainage structure and add a separator on Lake Shore Drive by the Chamber of Commerce building. This would include street lighting and natural treatments. With an 80/20 (Federal/Local) cost share; the Town's cost would be about \$22,254.00. Construction funding would be applied for later. Motion by Greg Parker and seconded by John Foreman to have the Town Administrator pursue this project and authorize the Town Council President to sign the documents.

Roll Call Vote: 7 to 0

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

The second project is located at Founder's Creek at 133rd Avenue. The Town's 20% design cost would be about \$17,632.00. The Town would be seeking the same type of funding as for the above project. This project would include installing a con span bridge and reconstruction. This is between Robin's Nest and Lemon Lake. This is a potential trail corridor which would allow for animal crossing. This would alleviate some of the flooding in this area during rain events. Motion by Greg Parker and seconded by Dale Poston to pursue the project and authorize the Town Council President to sign the documents.

Roll Call Vote: 7 to 0

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

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Town Attorney: Attorney Tim Kuiper had no report.

Town Council: John Foreman updated Council on the lake dredge project. The project has made it through another layer of the Army Corps of Engineers. A public review meeting should be sometime in October. Motion by John Foreman and seconded by Greg Parker to continue moving forward with Lake Enhancement. Discussions occurred on funding; getting the project approved by the Army Corp is paramount to moving it forward.

Roll Call Vote: 7 to 0

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

Motion by John Foreman and seconded by Dale Poston to allow Hanover Central to use the Town grounds for practices or games in conjunction with the park department programs when the schools fields are being used by other sports.

Roll Call Vote: 7 to 0

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

John Foreman spoke on assisting the Hanover Junior Football Group in their efforts to raise funds for bleachers. Motion by John Foreman and seconded by Greg Parker to research avenues on what we as a Town can do to help to raise funds or obtain grants for bleachers at Hanover School.

Roll Call Vote: 7 to 0

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

Robert Carnahan stated that there will be a Historical Association program on the history of the Monon Railroad on March 27th at 2:30 pm. Boy Scout Troop #105 will be having a flag burning ceremony to destroy any retired flags. There were discussions on the flag by the funeral home; Ed Robinson noted that it was replaced last week. Motion by Jerry Smith and seconded by Greg Parker to replace the flag by the funeral home with a high quality nylon flag.

Roll Call Vote: 7 to 0

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

PUBLIC COMMENT:

Sharon Zunica of 135th Place thanked Council; there are surveyors in the neighborhood. She stated that the home on 13511 Lee Street has been vacant for at least six (6) months. The doors are wide open and there is evidence that someone has been burning things in the fire place; she suggested that the house be boarded up. Ed Robinson will check on it and Chief Patz will patrol the area. She spoke on a resident at 13519 Lee Street and her concerns for the children; Dale Poston requested she give the information to the Police Department. **Yvonne Taves** of Dewey Street expressed her concern with the same resident. She inquired on the lake dredging and which areas are being done. Robert Carnahan responded that they are going to do the south end; if we do the central area, we need to pay for it. She noted her concern with helping the school obtain bleachers; there are three districts; if we help one then we need to help the other ones. Schools already get most of the taxes. She suggested the business owners that would benefit from the business should help, not costing the taxpayers. **Brian Demoff** of Euclid as President of the Junior Wildcats thanked Council for any help to get the program started and the bleachers. He spoke on community support; Lowell and Crown Point have football programs and fields. He stated that operationally there are funds, but larger scale items such as bleachers, restrooms and locker rooms need funding. The original plan was to have a program in place for 2011; they now hope to start an 8th grade program in 2012. They do not have a commitment from the school yet; with current funding the school is apprehensive. Randy Niemeyer inquired on if the practices held on the Town grounds would be privately or by the school for insurance purposes; the practices would be through the school. **Noreen Wellwerts** of Goodfella's offered assistance to work with them in the community. **Jack Marsh** of Alexander stated that there is no reason Cedar Lake can not sponsor the school. Instead of the \$7,500.00 for the symphony; why not put that into a field for the kids. He spoke on the money that Sue Landske and Pete Visclosky have marked for the Town; you need to spend it or you can lose it. He stated that the motion for the symphony funds should have been if we have the funds; Amy Sund needs to make payroll. There is no place for the kids; we need to get them off of the streets.

CONSENT AGENDA

- Minutes of the Regular Public Meeting – Minutes of the March 1, 2011 Public Meeting.
- Docket: Town Claims 62831 - 68319 for \$445,704.97; Wastewater Claims 26401 - 26459 for \$338,796.94; Storm Water Claims 68238 – 68239, and 68251 for \$22,686.79; and Water Utility Claims 80582 - 80607 for \$62,226.16. Motion by Greg Parker and seconded by Randy Niemeyer 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

PLANNING/ZONING & BZA

- Variance of Use – Dapan Investments – to allow outdoor dining, the outdoor sale of alcohol and to allow live entertainment, indoors and outdoors. Favorable Recommendation from the Board of Zoning Appeals with contingencies.**

The Board of Zoning appeals sent a favorable recommendation to the Town council for the requested variance of use to allow outdoor dining, the outdoor sale of alcohol and to allow live entertainment, indoors and outdoors, contingent upon full compliance with the Town of Cedar Lake Noise Ordinance,

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as amended from time to time. Motion by Greg Parker and seconded by Jerry Smith to approve the variance of use with a six (6) month review. .

Roll Call Vote: 7 to 0

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

ORDINANCES AND RESOLUTIONS:

1. Ordinance No. 1124 – Town Code S23 Adopting and Enacting a Supplement to the Code of Ordinances

Amy Sund read Ordinance No. 1124 by title only. It is customary and required to codify the Town's Ordinances. Ordinances No. 1068 – 1123 will be sent to American Legal Publishing Corporation for codification. The Town Code is posted on the website. Motion by Jerry Smith and seconded by Greg Parker to approve Ordinance No. 1124

Roll Call Vote: 7 to 0

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

2. Ordinance No. 1125 – Amending Salary Ordinance No. 1112

Ian Nicolini read Ordinance No. 1125 by title only. He explained that the Part-Time Crew Worker pay rate distribution is being changed to 40% Wastewater, 30% Storm Water and 30% Water Utility which would be retroactive to March 7, 2011. Motion by Randy Niemeyer and seconded by Dale Poston to adopt Ordinance No. 1125.

Roll Call Vote: 7 to 0

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

Motion by Jerry Smith and seconded by Bill Landske to suspend the rules and have the second reading of Ordinance No. 1125.

Roll Call Vote: 7 to 0

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

Ian Nicolini read Ordinance No. 1125 by title only. Motion by Jerry Smith and seconded by Randy Niemeyer to approve the second reading of Ordinance No. 1125.

Roll Call Vote: 7 to 0

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

3. Resolution No. 1043 – Appropriation Reduction – Rainy Day Fund

Amy Sund read Resolution No. 1043 in its entirety. The Rainy Day Fund #0061 shall be reduced by \$12,000.00. Budget approval received on March 4, 2011 by the Department of Local Government Finance (DLGF) in the amount of \$11,353.00. An additional appropriation may be done this year if more of the cash balance is to be expended. A copy of Resolution No. 1043 is included at the end of the Minutes. Motion by Jerry Smith and seconded by Bill Landske to approve Resolution No. 1043.

Roll Call Vote: 7 to 0

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

TOWN BUSINESS:

New Business:

1. Police Station Roof

Ian Nicolini stated that \$17,706.90 has been received from the insurance company; which includes approximately \$13,000.00 for roof repairs and \$5,000.00 for interior repairs. It was acknowledged that this will repair the roof but will not prevent future incidents from ice damming and related damage because of the design of the roof. The only way to ensure that this type of damage does not continue is to replace the roof. Options on roof repairs and roof replacement were discussed. Roof replacement would involve public bidding due to the cost being anticipated at over \$75,000.00. Ian Nicolini recommended Council direct public works to patch the leaky areas of the roof and get quotes from contractors to do the interior work which includes drywall and insulation. He advised Council that this is a patch, not a repair; we need to move swiftly, but responsibly. John Foreman inquired of Amy Sund on funding; Amy Sund responded that there are Rainy Day Funds and Cumulative Capital Development Funds. Randy Niemeyer inquired of Ed Robinson if his crew can handle doing this; Ed Robinson responded yes. There is a product that will be applied to treat the areas; he suggested utilizing a flexible membrane after that. Motion by Randy Niemeyer and seconded by Dale Poston to repair the roof utilizing Public Works and have a contractor fix the interior damage.

Roll Call Vote: 7 to 0

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

2. Summerfest Contracts: Fireworks and Amusements

Motion by Randy Niemeyer and seconded by Greg Parker to adopt a rolling 13-month contract with Summerfest Committee for the use of the Town Grounds to negotiate contracts; the Town Attorney will draft the Resolution.

Roll Call Vote: 7 to 0

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

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3. Refuse and Recycling Bid Award

The bid opening was Friday, March 11th. Republic and Waste Management were in attendance. Waste Management submitted a letter thanking the Town for the opportunity to bid, but did not submit a bid. Republic Services bid was a complete package with attachments. The base bid was for the exact services the Town currently has with the monthly fees per dwelling unit being: year 1 - \$15.30; year 2 - \$15.84; year 3 - \$16.39 and year 4 - \$16.96. Years 5 and 6 would be negotiated at mutually agreed upon terms and pricing by the Town and Contractor. The alternate bid included tow (2) – 96 gallon carts, 1 trash and 1 recycling with recycling picked up every other week (biweekly recycling). The bid is in order and met the requirements. Republic Services is the apparent lowest and responsible bidder. Motion by Jerry Smith and seconded by Dale Poston to approve Republic Services base bid in the amounts of year 1 - \$15.30; year 2 - \$15.84; year 3 - \$16.39; year 4 - \$16.96 and years 5 and 6 being negotiated.

Roll Call Vote: 7 to 0

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

Robert Carnahan suggested Council consider lowering the amount residents pay; he suggested the first two years reducing the rate to \$16.00 and in the third year raising it back to \$17.00. Ian Nicolini clarified that the current rate the Town is being charged is \$16.61 per resident; it was changed to \$17.00 per resident which includes administrative costs and previous subsidies the Town was paying. The Fund would need to be healthy to decrease the rate. Amy Sund stated that there are residents who have weekly complaints and inquired of Jim Metros, Republic Services, on this. Jim Metros, stated that the information is given to the operation foreman; if the issue is not resolved, give the residents his information off of his business card and have them call him directly. Ian Nicolini suggested service continue and the contract be drafted. A public hearing would be needed to discuss rates.

4. Department of Public Works Equipment Purchase

Ed Robinson stated that on Friday, March 11th, the committee liaisons met to discuss the proposed equipment purchases. The current vac truck that was purchased in 1994 was purchased quickly and is not outfitted for the uses it is needed for. Estimated costs to repair the roddng system are \$130,000.00 and this estimated cost does not include repairing the cab and chassis. There are vehicles on the list for snow removal; there have been nothing new on the road since 2000. The vehicles that are 1996 and older will be added to the fleet for sealing and patching. The specifications are designed to purchase equipment that we can grow into and not grow out of. The vac truck will have a useful life of 12 years and the other vehicles would be 10 years. The other vehicles include three (3) smaller dump trucks which would replace the 1989, 1997 and 1998 models with one being kept for mowing. There would be two (2) pick up trucks for snow removal and deicing. Ed Robinson explained that the vac truck is designed for use by all utilities; storm water, water and wastewater. It is used for rodding and cleaning the lines. A locator could be attached to the hose when maps of the lines are not available. He explained the various depths and hoses that are used with the vac truck. The vac truck can do hydro excavating as well. It was noted that this is a safer way of excavating in an emergency situation versus using a backhoe. Dale Poston stated that he has seen the current vac truck; the hose has tape holding it together. The vehicles and equipment plan was approved two (2) years ago with funding available in the budget utilizing Cumulative Capital Funds. A revolving system and increasing depreciation funds to cover the purchase of a new vac truck in 12 years. Ian Nicolini noted that communities usually do not partner on equipment like this; when there is an emergency situation it takes time to get a hold of another community to use the equipment. No one takes care of our equipment like we do. Motion by Dale Poston and seconded by Greg Parker to approve and proceed with the bidding.

Roll Call Vote: 7 to 0

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

Greg Parker excused himself from the meeting.

5. Tag Days

Organization

Cedar Lake Lions Club

Tag Date

October 29th

Rain Date

None

Motion by Jerry Smith and seconded by Dale Poston to approve the requests.

Roll Call Vote: 6 to 0

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

PUBLIC COMMENT: Mary Joan Dickson of 132nd Place requested clarification on the motion for Summerfest. The Town would still be named as insured and it would still include the coordination of the departments as in the existing resolution. The contracts were considered part of the Resolution.

FINAL COMMENTS:

- 1. Town Council Comment:** There were no comments.
- 2. Town Administrator Comment:** Ian Nicolini had no comments.
- 3. Town Attorney Comment:** Tim Kuiper had no comments.

Adjournment: Motion by Jerry Smith and seconded by Dale Poston to adjourn the meeting at approximately 8:35 pm.

Roll Call Vote: 6 to 0


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

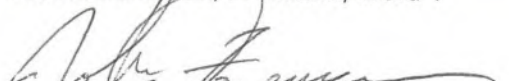
**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA
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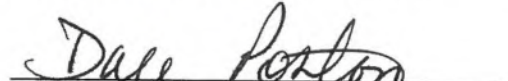
An Executive Session was advertised and conducted pursuant to IC 5-14-1.5-6.1(b) before the meeting with discussion consisting of litigation, acquisition and personnel issues. Those in attendance were Robert Carnahan, John Foreman, William Landske, Randy Niemeyer, Greg Parker, Dale Poston, Jerry Smith,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

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

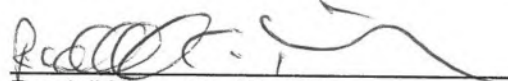

Robert Carnahan, President, Ward 1

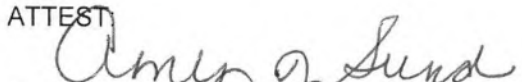

Greg Parker, Vice-President, Ward 7

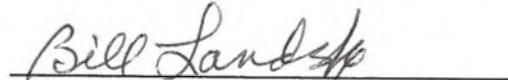

John Foreman, Ward 2


Dale Poston, Ward 3

Jerry Smith, Ward 4


Randell Niemeyer, Ward 5

ATTEST:

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


William Landske, Ward 6

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.

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

RESOLUTION NO. 1043

A RESOLUTION TO REDUCE CURRENT 2011 BALANCES FROM THE RAINY DAY FUND (REDUCE NECESSARY EXPENDITURES, FORM 4A)

WHEREAS, it has been shown that certain existing appropriations now have unobligated balances which will not be needed for the purposes for which appropriated, it is further resolved that the following amounts be cut from the 2011 Rainy Day Fund Appropriations as follows:

RAINY DAY FUND #0061:

	Line Reduction	Total Reduction
1000 Personal Services		\$5,000
119 - Employees	\$5,000	
2000 Miscellaneous Materials & Supplies		\$1,000
241 - Misc Supplies	\$1,000	
3000 Miscellaneous Services		\$6,000
313 - Professional Services	\$5,000	
396 - Misc Services	\$1,000	
..... Total All Reductions:		\$12,000

An emergency exists for the immediate taking effect of this Resolution and that the same shall be in full force and effect from and after the 15th day of March 2011.

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

Robert H. Carnahan, President

Greg Parker, Vice President

Dale Poston

Jerry Smith

Randell Niemeyer

John Foreman

ATTEST:

William Landske

Amy J. Sund, IAMC, CMC
Clerk-Treasurer

Budget approval received March 4, 2011 by DLGF in the amount of \$11,353. Additional appropriation may be done this year if more of the cash balance is to be expended.