

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

May 5, 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	David Austgen	
	Council Member			Town Attorney	

PRESENTATION: Honoring Brenda Roberts by the Honorable State Senator Sue Landske

Senator Sue Landske was unable to attend. Bill Landske presented the State of Indiana, 117th General Assembly Resolution No. 27, as adopted February 3, 2011, to Brenda Roberts of Cedar Lake, which honored her achievements as an opera singer and her upcoming Carnegie Hall debut. The Resolution was resolved by the Senate, General Assembly and House of Representative concurred. Brenda Roberts will be singing at Flag Day on June 14th.

DEPARTMENT REPORTS

Police: Information was distributed to Council and press on cases the department is involved with. These are emergency situations that involve health, welfare and safety. Chief Patz stated that at 6801 W. 134th Court the remains of a burnt house are exposed; Greg Parker stated that Jim Cornett, Public Works, is involved with this and clean-up and removal will be taken care of. It was noted that the Bureau of Veterans Affairs office has been contacted regarding this property, but they will not talk with the police department; the department is Congressman Visclosky's office. Public Works will remove what is there and will document the work, quantities, their time and efforts for lien purposes. This is part of the Indiana Unsafe Building code. May 15th is National Peace Officer Memorial Day. Motion by Dale Poston and seconded by Greg Parker to participate on the proclamation.

Roll Call Vote: 7 to 0

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

Chief Patz spoke on the history of National Peace Officer Memorial Day. Chief Patz was unable to comment on the on-going investigation in the area of the trailer court.

Public Works: Ian Nicolini stated that a written report was submitted by Public Works. Robert Carnahan read the permit report. It was noted that the value is comparable to last year, but the number of new home permits is down about ten (10) compared to last year. Jerry Smith inquired on the status of public work employee openings; Jim Cornett responded that a few full-time are still needed. An ad was submitted to the local newspaper for part-time openings with a deadline of May 27th. Jerry Smith inquired on the full time openings; Dale Poston inquired if they are actively working on it. Jim Cornett responded that he is waiting on clarification as to when he can hire full time employees. Dale Poston stated that there are openings and it is within the budget. Ian Nicolini noted that the hiring of full-time employees is generally executed by Council. Motion by Dale Poston to start the process; Greg Parker suggested this be moved to the next meeting with discussion in between regarding finances and making sure everything is straight on this. Robert Carnahan questioned the pumps at lift stations. Jim Cornett reported that they are down one pump, but lift stations are back to normal. The last pump is being repaired. Discussions occurred on the top structure of the lift station; Jim Cornett responded that lift station #5 is in bad shape and needs to be repaired. It was scheduled for rehabilitation by WPM as part of their development plan; Ian Nicolini noted that the development plan has not been approved. Clerk-Treasurer Amy Sund noted that her office looked into the financial situation for public works and that it is ok at that time to proceed with hiring. This will be an agenda item for the next meeting.

Parks & Recreation: A written report was distributed to Council. Mowing has begun. Mary Joan Dickson thanked Jerry Wilkening for his help with the flooring at the Monastery Clubhouse and the sixty (60+) plus participants in the road side clean-up. LaVerde Foundation brought out 30 volunteers and made a donation to pay for the lunches served during the roadside clean-up. Arbor Day trees were planted at parks in memory of Lee Boyer, Eileen Hunley, Joseph McClymont, and Jack Jostes.

Clerk-Treasurer: Clerk-Treasurer Amy Sund requested that the public safety committee needs to meet to work on the 2012 Fire/EMS contract. The budget and finance committee needs to meet to discuss next year's budgets.

Fire Department: Todd Wilkening stated that the activity report was submitted.

Town Administrator: Ian Nicolini stated that Town Council needed to appoint a member to the Joint Management Oversight Board (JMOB); this involves the shared wastewater facility with Lowell. The previous citizen appointment for this position was Ed Robinson and. With the vacancy, Jim Cornett is filling in the duties of the department; a logical appointment would be Jim Cornett. Motion by John Foreman and seconded by Greg Parker to appoint Jim Cornett to the JMOB.

Roll Call Vote: 7 to 0

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

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The road projects should be ready for bid by May 23rd. Eleven (11) easements are needed and design should be completed next week. Crews are working on 129th Avenue preparing for paving; this is part of the water main extension project. Paving is scheduled for tomorrow provided the grinding is approved. 133rd Avenue Right-of-Way design proposals are going to be reviewed by the Redevelopment Commission on Monday, May 9th; they will then be sent to Council. There is tentative good news regarding the 133rd Avenue Phase II project. Ian Nicolini stated that at the end of 2009 the Town was re-awarded \$1.9 million for Phase II as it is a continuation of Phase I. A funding request was submitted for \$2.4 million in transportation improvements for 2011 recommended funding projects with Northwest Indiana Regional Plan Commission (NIRPC). Federal funding of \$2.408 million will close the funding gap. The funding is currently under public comment review at NIRPC. It is anticipated that this will go through as it is a continuation project. Supplemental funding and adequate Federal funding allows for \$200,000.00 land acquisition for the right of way; this is the maximum amount allowed for supplemental funding. Council thanked Ian Nicolini for his job on this.

Town Attorney: Attorney David Austgen stated that meeting with representatives at the Indiana Utility Regulator Commission (IURC) related to water utility rates and end financing. An item that was addressed for the completion of the Robin’s Nest utility is a small accounts receivable listing. There is \$3,900 owed by customers and asked Council to consider payment of fifty percent (50%) and have the entirety assigned to the Town. For consideration of fifty cents (\$0.50) on the dollar (\$1.00); this will give the Town rights to collect outstanding amounts and turn water off. Robin’s Nest Water can no longer shut water off to collect the amount owed to them. Motion by Greg Parker and seconded by Randy Niemeyer to pay Robin’s Nest subject to a legal document to assign rights to the Town. The amount would be half of \$3,900.00, about \$1,950.00.

Roll Call Vote: 7 to 0

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

Town Council: Greg Parker thanked all military for their work. John Foreman inquired about the “Welcome to Cedar Lake” sign on Morse Street by Rod Hansen’s; it was noted that it was already moved. Dale Poston noted the sign south of 135th on US-41; Robert Carnahan noted this is a Chamber of Commerce sign and that they are working on relocating it and repairing it. John Foreman inquired on who is responsible for stop signs in Havenwood? John Foreman stated that a packet of information in which the Havenwood Homeowner’s Association requesting to have the area around the water tower mowed by their company when the rest of the subdivision is mowed. The cost would be fifty dollars (\$50.00). John Foreman noted that he has met with Jim Cornett and Ed Robinson regarding this a few weeks ago. It was noted that this is a tough area to mow. It was clarified that the cost would be \$50.00 per week not to exceed once per week. Attorney David Austgen questioned if the contract with the Town was with the Havenwood Property Owner’s Association or the mowing company. John Foreman stated that the proposal is with Vince’s Landscaping. It was noted that Vince’s Landscaping does the mowing for the Town on properties that need to be mowed. Motion by John Foreman and seconded by Randy Niemeyer retroactive to today.

Roll Call Vote: 7 to 0

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

Dale Poston inquired on the spill on 133rd and US-41 today; Todd Wilkening of the Fire Department responded that it was waste from the Little Calumet River. The load was not secure and it was noted that it was non-hazardous material. Robert Carnahan stated that the Town Wide Clean-Up is going on through Saturday; gates are open until 4:45 pm tomorrow and from 7:00 am to 3:15 pm Saturday. Lake Michigan Household Waste collection will be at Town Hall on Saturday from 9:00 am to 2:00 pm. They will have the gas can exchange.

PUBLIC COMMENT:

Jack Marsh of Alexander stated that the locks should be changed at the Monastery and spoke on the mowing around Town suggesting having a company do the work. He stated that Council needs to tighten up. **Mitch Dudlack** of Polk Street spoke on the speed limit on 133rd Avenue near Robin’s Nest. He suggested moving the Welcome to Cedar Lake sign; Robert Carnahan noted that this is a Chamber of Commerce sign and that was the only sight that was secured for the sign. Jurisdiction on 133rd becomes Lake County’s after Robin’s Nest. Mitch Dudlack asked about the new streets on Oak and Maple; bids will go out May 23rd, then be awarded and work can begin. The American flag light by the funeral home is out; Jim Cornett stated that he will take care of it. **Jack Marsh** of Alexander spoke on the big lot by the Monastery and suggested cleaning and scraping it to have POP Warner football. John Foreman stated that Brian Demoff was going to look at sites and review them. **Mitch Dudlack** stated that the Indiana Flag is tattered; Jim Cornett stated that he has a new one to put up. **Steve Gouvert** of Leo’s Feed & Garden Center spoke on his business and questioned if there is going to be a time span for the temporary permit; He noted no disrespect to the Wornhoff’s. He noted that they plan all year for this time of year. He noted parking, handicap accessibility and restrooms. **Michael Hair** of Crown Point spoke on the large group of bushes on Parrish Avenue by the Friary. It is a hazard. He spoke on putting up a guard rail and the State not allowing it even if you pay for it. Public comment was closed.

CONSENT AGENDA

- 1. Minutes of the Regular Public Meeting – Minutes of the April 5, 2011 Public Meeting; April 26, 2011 and April 28, 2011 Special Public Meetings.
- 2. Docket: Town Claims 68420 - 68572 for \$571,516.06; Wastewater Claims 26525 - 26625 for \$850,029.67; Storm Water Claims 68429, 68432 – 68436; 68465 – 68566, 68481 – 68482, and 68505 for \$33,602.57; and Water Utility Claims 80628 - 80653 for \$208,772.72. Motion by Greg Parker and seconded by Dale Poston to approve the consent agenda.

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Roll Call Vote: 7 to 0

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

Motion by Greg Parker and seconded by Bill Landske to accept and acknowledge the Park Board Minutes of March 24th and incorporate into the Town Council's minutes.

Roll Call Vote: 7 to 0

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

PUBLIC HEARING:

Resolution No. 1047 Community Development Block Grant (CDBG)

- 1. Attorney Review of Legals:** Attorney David Austgen reviewed the legal advertisements. Notice was published in the Post-Tribune and the Times
- 2. Presentation:** Ian Nicolini read the Opening Remarks for CDBG Public Hearing which is incorporated at the end of the minutes. He noted the date for submission needs to be changed.
- 3. Remonstrators:** **Mary Joan Dickson** of 132nd Place spoke on the Meyer Manor Subdivision stated that there are numerous buildings in the area that would qualify. She stated that during previous discussions with Mitch King; these funds could be used to assist with cleaning this up. Ian Nicolini noted that this is a bi-annual distribution. This has been discussed at the Unsafe Building meetings. Remonstrations were closed by Robert Carnahan.
- 4. Council Comment:** Jerry Smith inquired if this could be used to complete the repairs in the area of 128th & Fairbanks. Robert Carnahan stated that a new survey would need to be completed as the last one was done in 2007. It was noted that the last map had limited low income areas that qualified. If there is no response on a survey, it counts against the area. Guidelines were discussed; while a whole area might not qualify, a street could. Previous projects include handicap accessibility at Town Hall and Monastery Clubhouse. Ian Nicolini incorporated by reference and stated that pages six (6) and seven (7) should be incorporated into the record of the meeting. Ian Nicolini read Resolution No. 1047 in its entirety. Acceptance of the Resolution allows the Town Council President to make the entitlement.
- 5. Council Decision:** Motion by Greg Parker and seconded by John Foreman to accept Resolution No. 1047.

Roll Call Vote: 7 to 0

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

PLANNING/ZONING & BZA

- 1. Variance of Use – Sawaska – to allow outdoor storage for a business in a General Business (B-3) Zoning District (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 storage of no more than three (3) standard size horse trailers to be placed with no more than two (2) in the front and one (1) along the side for display on hard surface, contingent upon no interference with required retail parking, as presented. This is the commercial unit on the front of Emerald Towing. It will be a tack shop with outdoor displays. Motion by Jerry Smith and seconded by Greg Parker to allow the Variance of Use with contingencies based upon the favorable recommendation of the Board of Zoning Appeals.

Roll Call Vote: 7 to 0

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

- 2. Variance of Use – Gonzalez – to allow a fireworks store in a Community Business (B-2) Zoning District (Unfavorable Recommendation from the Board of Zoning Appeals)**

Roll Call Vote: 7 to 0

The Board of Zoning Appeals sent an unfavorable recommendation to the Town Council for the requested Variance of Use to allow the sale of fireworks in Community Business (B-2) Zoning District by a vote of 5 in favor and 0 against. Greg Parker noted the hazard to safety; there is a residential dwelling above this. Motion by Greg Parker and seconded by Dale Poston not to approve the requested Variance of Use.

Roll Call Vote: 7 to 0

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

ORDINANCES AND RESOLUTIONS:

- 1. Resolution No. 1044 – Summerfest Agreement (continued from the April 5, 2011 Town Council Meeting)**

Attorney David Austgen stated that he revised the Resolution with the adjustments. This is the basis for the Summerfest event and allows the committee to contract through August 1, 2012 and is the term of the 2011 event. David Austgen read Resolution No. 1044 by title only. Jerry Smith stated that Section Six is vague and open ended. Discussions occurred on overtime and that this is paid out of the police department's budget. Randy Niemeyer inquired of Chief Patz on this item; Chief Patz responded that the department's call double during this weekend; only one officer is allowed on vacation. The level and degree to maintain security and order will be at the discretion of the Chief of Police. Changes will be made to the language regarding the amount of security provided. Motion by Greg Parker and seconded by Dale Poston to approve Resolution No. 1044 as amended.

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Roll Call Vote: 7 to 0

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

2. Resolution No. 1045 – Declaring Un-Collectible Accounts of the Town of Cedar Lake

Amy Sund read Resolution No. 1045 in its entirety. Amy Sund noted that the total uncollectible amount is \$26,345.23. Amy Sund stated that her EMS billing clerk has been cleaning up the accounts. It was noted that some of the accounts have been outstanding since 2004. A copy of the Resolution is incorporated at the end of the minutes. Motion by Jerry Smith and seconded by Dale Poston to approve Resolution No. 1045.

Roll Call Vote: 7 to 0

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

3. Resolution No. 1046 – To Reduce Current 2011 Balance

Amy Sund read Resolution No. 1046 in its entirety which states:

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

RESOLUTION NO. 1046

**A RESOLUTION TO REDUCE CURRENT 2011 BALANCES
(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 Budget.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, INDIANA THAT:

GENERAL FUND REDUCTIONS

TOWN COUNCIL

101-002-312	Engineer	\$	50,000
101-002-313	Other Professional Services	\$	15,000
101-002-395	Election Expense	\$	15,000
101-002-398	Town Promotion	\$	3,000
101-002-399	Interest on TAW's	\$	15,000
		<u>\$</u>	<u>98,000</u>

POLICE DEPARTMENT

101-003-114	COPS Grant Officer	\$	40,000
101-003-445	Machinery & Equipment	\$	12,000
		<u>\$</u>	<u>52,000</u>

PLANNING, ZONING & BUILDING

101-004-113	Secretary	\$	13,400
101-004-361	Equipment Repairs	\$	200
101-004-396	Misc Services	\$	500
101-004-445	Machinery & Equipment	\$	500
		<u>\$</u>	<u>14,600</u>

TOTAL REDUCTIONS

\$ 164,600

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 5th day of May 2011. Motion by Randy Niemeyer and seconded by Greg Parker to approve Resolution No. 1046.

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. Temporary Sales Approval – Homescapes Garden Center & Landscaping Supply

This is to allow the temporary sale of flowers and plants in a lot zoned B-2. Dale Poston questioned if the guidelines have been followed. John Foreman explained the plan commission process. He noted that last night's Plan Commission meeting was a non-voting meeting. The overall plan and concept in the end are fine. Greg Wornhoff stated that the prior Town Council Meeting was cancelled and noted that the other Council meetings were for special items. He stated that while they were getting ready, people stopped by to purchase flowers. Greg Wornhoff stated that they plan to move forward with this. They would like to operate until everything is together. They have applied for and received their Federal tax identification number and state sales number. There is a preliminary site plan and the lot is zoned B-2. They hope to grow their own products within the second year; currently the utilize wholesalers. John Foreman stated that normally, the Town does not and will not allow any permits

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without a site plan; the Town needs to stay consistent. The Plan Commission has done something similar in the past; allowing a temporary use permit while the business gets up and running. Dale Poston inquired if there is an Ordinance outlining the plan process; John Foreman responded that most businesses do not start until approved. Discussions on business licenses occurred. Discussions occurred on greenhouses and whether or not they are temporary structures. Ian Nicolini noted that there are two (2) issues that are melding together; commercial activity and structure. Principal use approval is being sought. Business standards were discussed. Randy Niemeyer inquired of John Foreman if restrooms and parking were discussed at the Plan Commission. Greg Wornhoff and Dawn Wornhoff (from the audience) requested a temporary permit to sell flowers for Mother's Day. John Foreman compared a temporary permit to that of a farmer's market. He referred to the subdivision control ordinance; this should go through the same process. Jerry Smith inquired how long would be temporary; precedence needs to be set. Jerry Smith stated that he doesn't want everyone just setting up tents around Town to sell stuff. Greg Wornhoff discussed storm drainage, the area set aside for the 133rd project and that the plans would not be ready until June. Greg Wornhoff stated that they will be selling vegetables, plants and produce from local growers. David Austgen noted that this could be reviewed on a periodic basis with continual monitoring. Motion by Randy Niemeyer and seconded by Jerry Smith to allow temporary sales seven (7) days per week with a thirty (30) day review.

Roll Call Vote: 4 to 3

Foreman	Poston	Smith	Niemeyer	Landske	Parker	Carnahan
NO	NO	YES	YES	YES	YES	NO

2. Park Employee List

Motion by Dale Poston and seconded by Bill Landske to defer this to the next meeting.

Roll Call Vote: 7 to 0

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

3. 2011 Park Summer Fee Schedule

David Austgen noted that the proposed fees will have to be an amendment to the Ordinance. He suggested that this be deferred until the proper fees are updated. Motion by Dale Poston and seconded by Randy Niemeyer to defer this to the next meeting.

Roll Call Vote: 7 to 0

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

4. Uniform Conflict of Interest Disclosure Form

Ian Nicolini stated that Greg Parker works for Indiana Spray Foam. If the Town were to utilize them, this discloses a potential conflict of interest.

Motion by John Foreman and seconded by Randy Niemeyer to accept the Conflict of Interest Disclosure Form.

Roll Call Vote: 6 to 0 (Greg Parker abstained from voting)

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

5. Recreation Impact Fee - Update

Ian Nicolini stated that the Recreation Impact Fee (RIF) was scheduled to be implemented in 2011. After reviewing the information, it was noted that there is an error in inventory which affects the level of service and fees. The RIF Ordinance will need to be repealed until it is amended. The approval and statutory process will need to begin again. The six (6) month waiting period will begin after the process is approved. David Austen explained further. The consultant could not verify the accuracy of the inventory and the fee. Twelve (12) months is a reasonable time frame for this. David Austgen stated that a repealer ordinance will be required. Motion by Greg Parker and seconded by Randy Niemeyer to proceed to resolve this.

Roll Call Vote: 7 to 0

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

UTILITY BUSINESS:

New Business:

1. Reduction/Elimination of Sewer Utility Billing – 7318 W. 129th Place

Ian Nicolini noted that all documents are in place. The sewer has been capped and the inspection has occurred. Motion by Greg Parker and seconded by Dale Poston at approve the elimination of sewer utility billing.

Roll Call Vote: 7 to 0

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

WRITTEN COMMUNICATION:

1. Representative Peter J. Visclosky – Cedar Lake Ecosystem Restoration Project.

Ian Nicolini requested the entire letter be entered into the record verbatim. The letter stating the Town's support crossed with this letter. Robert Carnahan stated that he will have the committee meet with Visclosky's staff. David Austgen noted that there is a large local financial commitment. The strategy on funding and the impact on the Town's commitment, obligations and debt service should be reviewed. Clerk-Treasurer Amy Sund and Town Administrator Ian Nicolini are to review the finances.

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2. Comcast - Local Alert System.

This was deferred to the next meeting.

PUBLIC COMMENT:

Yvonne Taves of Dewey Street expressed her disappointment on the temporary sales approval. She thought the Town was trying to get away from that. Discussions occurred between Yvonne Taves and Greg Parker. Yvonne Taves stated that he should have had his ducks in a row before buying any product. **Sharon Zunica** of 135th Place stated that what Council did was wrong regarding the temporary sales permit; they should have been held up to the same standards. She stated she heard him regarding the extra twenty feet. This was not fair or right. They didn't have to meet all the standards like they make the others. **Yvonne Taves** of Dewey Street inquired if TJ Landscape would have been allowed to sell their items. Greg Parker noted that the Town needs to encourage new businesses. He has been told by others that it is a hassle to bring a business to Cedar Lake; they go to Lowell or Crown Point. **Jack Marsh** of Alexander Street spoke regarding Summerfest and the funds collected for parking; they should pay the overtime for the officers. He stated that the Town is doing a good job cleaning it up. Mitch Dudlack of Oak Street suggested a cell phone/texting law; revenue could be made. Discussion occurred on the stop sign on Grimm Street by Truman Circle, it was noted that a stop sign could not be placed on private property.

FINAL COMMENTS:

- 1. **Town Council Comment:** Bill Landske suggested doing something about the garage sales that are all the time.
- 2. **Town Administrator Comment:** Ian Nicolini had no comments.
- 3. **Town Attorney Comment:** David Austgen had no comments.

Adjournment: Motion by Dale Poston and seconded by John Foreman to adjourn the meeting at approximately 9:30 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:

William Landske, Ward 6

Amy J. Sund, IAMC, CMC, 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.

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OPENING REMARKS FOR CDBG PUBLIC HEARING

Each spring, the Lake County Community Economic Development Department applies to the U.S. Department of Housing and Urban Development (HUD) for new funding through the Community Development Block Grant program (CDBG).

One of the application requirements is to hold public hearings in the communities where CDBG funding is allocated in order to obtain input from the local citizens on the proposed use(s) of the new funding. For FY2011, the Town of Cedar Lake CDBG allocation is \$ 53,760.00.

The most common use of CDBG funds is for infrastructure, including street reconstruction, sanitary sewers, water line extensions, storm drainage improvements, sidewalks, and projects to remove architectural barriers (handicapped access), such as curb cuts and wheelchair ramps. CDBG funds may also be used to eliminate slums and blight through demolition of unsafe buildings or other clearance activities.

CDBG funded infrastructure projects may only be done in areas where the neighborhood is at least 51% low/moderate income according to HUD guidelines. In most cases, an income survey must be done to qualify the area for funding eligibility. The income information taken by the survey is strictly confidential, and is used solely for the purpose of determining the area's eligibility for CDBG funding.

Handicapped access projects and demolition may be done anywhere in a community, without the need for area income determinations.

The public hearing is just the start of the application process for Lake County. There are a series of legal advertisements and comment periods that take place during the summer, prior to final grant approval from HUD in late August. New CDBG funding is released to the County and its entitlement communities on or around **September 1st** and **needs to be expended by June 17th** of the following year.

After public comment tonight, three documents need to be read and adopted: the Affirmative Action Program, Section 3 Understanding, and a Resolution authorizing the City/Town Executive to submit a project proposal for CDBG funding.

Finally Project Applications, and supporting documentation, need to be submitted no later than April 24th 2009 for review by Lake County.

The floor is open for comments.

CITIZEN PARTICIPATION PLAN

The following is detailed citizen participation plan which:

1. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used, and provides participation of residents in low and moderate income neighborhoods as defined by the local jurisdiction;
2. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the grantee's proposed use of funds, as required by the regulations of the Secretary, and relation to the actual use of funds under the Act;
3. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance to be determined by the grantee;
4. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;
5. Provides for a timely written answer to written complaints and grievances, within fifteen (15) working days where practicable; and
6. Identifies how the needs of non-English speaking residents will be in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

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**AFFIRMATIVE ACTION PROGRAM
IMPLEMENTING SECTION 3 OF THE
HOUSING AND URBAN DEVELOPMENT ACT OF 1968**

SPECIFIC AFFIRMATIVE ACTION STEPS

TOWN OF CEDAR LAKE agrees to implement the following specific affirmative action steps directed at increasing the utilization of lower income residents and project area businesses.

- A. To ascertain from the HUD Area Office Director the exact boundaries of the Section 3 covered project area and where advantageous, seek the assistance of local officials of the department in preparing and implementing the affirmative action plan.
- B. To attempt to recruit from the appropriate areas the necessary number of lower income residents through: local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, Hometown Plan or the U.S. Employment Service.
- C. To maintain a list of all lower income area residents who have applied either on their own or on referral from any source and to employ such persons, if otherwise eligible and if a vacancy exists.
- D. To insert this Affirmative Action Plan in all bid documents, and to require all bidders to submit a Section 3 affirmative action plan including utilization goals and the specific steps planned to accomplish the goals.
- E. To insure that contracts which are typically let on a negotiated rather than a bid basis in areas other than Section 3 covered project area, are also let on a negotiated basis, where ever feasible when let in a Section 3 covered project area.
- F. To formally contact unions, subcontractors and trade associations, to secure their cooperation for this program.
- G. To insure that all appropriate project area business concerns are notified of pending contractual opportunities.
- H. To maintain records including copies of correspondence, memoranda, etc., which document that all of the above affirmative action steps have been taken.
- I. To appoint or recruit an executive official of the company or agency as Equal Opportunity Officer to coordinate the implementation of this Section 3 Affirmative Action Plan.

**LAKE COUNTY, INDIANA
Section 3 Understanding**

The U.S. Department of Housing and Urban Development (HUD) issued regulations that provide the directive to creative job opportunities for low-income persons when HUD funds are expended on a construction project. These regulations are known as Section 3 policy. The purpose of the Section 3 policy is to ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low and very low-income persons.

Section 3 covered projects are construction, reconstruction, conversion, or rehabilitation of housing, including reduction and abatement of lead based paint hazards, or other public construction which includes building and improvements assisted with HUD housing and community development assistance. Section 3 covered contracts do not include contracts for purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 covered contract.

Fund recipients and contractors must show compliance with the numerical goals set forth by the regulations. The numerical goals for new hires apply only to the number of new hires generated because of the financial assistance of the HUD programs. The numerical goals are not absolute numerical requirements. They are goals that each recipient and contractor should try to reach. The goals, if not met, do not trigger sanctions against the recipient or contractor. However, if challenged on the issue of compliance with Section 3, the recipient or contractor should be ready to demonstrate that they tried to reach these goals. The goals are as follows:

- 30% of all covered new hires for the year FY 2011

In addition, recipients and contractors are required to show compliance with the goal that at least 10% of any building trade activity which is subcontracted, and 3% of non building trade activity (construction management, etc.), is awarded to eligible Section 3 business concerns.

Further information regarding these requirements may be found in the Federal Regulations at 24 CFR 135 and the Lake County Section 3 Plan.

I certify that I have read the information above and understand the Section 3 requirements and numerical goals.

Name: _____

Title: _____

Date: _____

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

RESOLUTION NUMBER 1047

**A RESOLUTION AUTHORIZING AND DIRECTING
THE TOWN COUNCIL PRESIDENT OF THE TOWN OF CEDAR
LAKE TO SUBMIT A PROJECT PROPOSAL FOR COMMUNITY
DEVELOPMENT BLOCK GRANT FUNDS FOR FEDERAL FISCAL
YEAR 2011**

WHEREAS, under the provisions of Title 1 of the Housing and Community Development Act of 1974, as amended to date, Lake County, Indiana is authorized to provide financial assistance to units of general local government for undertaking and carrying out Community Development activities; and

WHEREAS, it is provided in such Act that the unit of general local government shall provide a satisfactory assurance prior to submission of its Application, that it has held one public hearing to obtain the views of citizens of Community Development needs; and

WHEREAS, the Town of Cedar Lake is proposing a project for assistance under the Housing and Community Development Act of 1974, as amended to date, and proposes to undertake and make available a total project cost of Fifty Three Thousand Seven Hundred and Sixty dollars (\$ 53,760.00) and

WHEREAS, the Town of Cedar Lake has held one formal public hearing on the proposed program and has made available to the general public, through the mass media and other sources, information concerning the program; and

WHEREAS, the Town of Cedar Lake has general knowledge of the proposed uses of such funds and is cognizant of the conditions that are imposed in the undertaking and carrying out of Community Development activities and undertaking with Federal financial assistance under Title 1, including those prohibiting discrimination because of race, color, creed, sex or national origin;

NOW THEREFORE, BE IT RESOLVED, by the Town of Cedar Lake, Indiana:

Section 1: That the Town Council President of the Town of Cedar Lake, IN is hereby authorized to file a Project proposal for funds under Title 1 of the Housing and Community Development Act of 1974, as amended to date, with Lake County, Indiana and provide all information and assurances as may be necessary under the Act.

CEDAR LAKE TOWN COUNCIL

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

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

RESOLUTION NO. 1045

A RESOLUTION DELCARING UN-COLLECTIBLE ACCOUNTS OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA AS "BAD DEBT", AND AUTHORIZING COLLECTION EFFORTS TO CEASE AND ALLOWING THE CLERK-TREASURER TO WRITE OFF SAID ACCOUNTS.

WHEREAS, the Town of Cedar Lake, Lake County, Indiana did on May 6, 2010 adopt Ordinance No. 1088, the same being an ordinance establishing a Policy and Procedure to cease further collection procedures and expense the amounts outstanding on the accounts as bad debt of the Town of Cedar Lake; and

WHEREAS, the Town of Cedar Lake, Lake County, Indiana has been advised by the State Board of Accounts, throughout its most recent review and audit, that uncollectible accounts receivable should be written off on an annual basis; and

WHEREAS, the Town of Cedar Lake has been presented with a report prepared by the appropriate agent of the Town of Cedar Lake, pursuant to the provisions of Ordinance No. 1088.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Cedar Lake, Lake County, Indiana, as follows:

SECTION ONE: The report attached hereto, and identified as the **2011 EMS Billing Write Off Request**, which contains a detailed breakdown of uncollectible accounts with a total uncollectible amount of **Twenty-Six Thousand, Three Hundred Forty-Five Dollars and forty-three cents (\$26,345.43)**, for the period ending December 31, 2010.

SECTION TWO: That the Clerk-Treasurer of the Town of Cedar Lake, Lake County, Indiana, pursuant to the applicable procedures of the State Board of Accounts, is hereby authorized to write off said delinquent accounts in the amount of **Twenty-Six Thousand, Three Hundred Forty-Five Dollars and forty-three cents (\$26,345.43)**, as "bad debt" as same is determined to be uncollectible.

ALL OF WHICH IS RESOLVED THIS 5TH DAY OF MAY 2011.

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