

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

May 17, 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	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 referred to the capital equipment plan. He stated that he is looking to purchase three (3) cars this year with an approximate cost of \$21,700.00 The State quantity purchase agreement is on for Dodge Chargers. Chief Patz stated that he is working with local dealerships to see if they can work with this price. May 22<sup>nd</sup>, Chief Patz will be giving the history of the police department for the historical association. The Police Commissioners have requested a joint meeting with Town Council to discuss consolidation; Bob Carnahan stated that he is working on a date. Roger Patz reported on statistics of officers killed in the line of duty; it is National Police Week. He referred to police reports.

**Public Works:** Ian Nicolini stated that a written report was submitted to Council. Spring clean-up had about 125 customers; five (5) thirty (30) yard containers of waste were filled. Robert Carnahan commented that Household Waste had 209 households participate. Dale Poston thanked Public Works for the clean up at 6801 W. 124<sup>th</sup> Court.

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

**Clerk-Treasurer:** Clerk-Treasurer Amy Sund reported that the following investments were made: \$2,000,000.00 – all town funds; \$3,000,000.00 – wastewater funds; \$300,000.00 – water utility funds; \$150,000.00 police pension funds; \$250,000.00 storm water funds; and \$250,000.00 sewer sinking funds. Amy Sund stated that she has been receiving requests from the schools to put information on the utility bills and requested Councils opinion on this. It was noted that the Town has three (3) school corporations. Dale Poston noted that school's have the proper technology for information. Amy Sund suggested that the utility bills are for Town information; Council agreed.

**Fire Department:** No report.

**Town Administrator:** Ian Nicolini reported that four (4) Right-of-Way proposals for the Safe Routes to Schools have been received. Packets are being assembled for review by the committee. The Unsafe Building Committee has requested use of the Community Development Block Grant (CDBG) for unsafe and blighted structures. Robert Carnahan noted that there would not be enough funds to do road work. Ian Nicolini and Jim Cornett have reviewed some of the options; there is about \$53,000.00 bi-annually. Motion by Dale Poston and seconded by Greg Parker to authorize the application with those submissions.

Roll Call Vote: 6 to 0

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

Ian Nicolini reported the paving and restoration work is being completed on the 129<sup>th</sup> Avenue water main extension. A punch list is being worked on. The advertisement for bids for reconstruction and road work in the Cedar Point Park and Shades Oaks LM area will go out on Monday. A special meeting will be needed in June to approve the bids. The work requires a substantial completion by the end of November 2011 with restoration in 2012. Robert Carnahan inquired of Amy Sund to explain why we just don't pave all of the roads; she responded that in 2007 a \$6.2 million bond will mature in 2024 & 2028; in 2011 \$3.81 million bond for Cedar Point Park and Shades LM. Ian Nicolini noted that the property tax caps are limiting the Towns availability for bonds. Cedar Lake is at their ceiling for capital projects, but noted that the new bonds are only for seven (7) years.

**Town Attorney:** Attorney David Austgen stated that last week the Clerk Treasurer was contacted by Brenda Roberts regarding the annexation of Roberts Farm and the taxes they are being charged and that are collected. The first parcel annexed that noticed this was the Huseman family. It was discovered that the property taxes charged and collected were wrong. County stated that there is nothing they can do to correct this matter and that the Town should give the money back. He recommended that a strong worded communication to Lake County from the Town Council President. Indiana parcels that are annexed but not improved stay at the same tax level for a ten (10) year period of time; it appears that Lake County has not conformed to this. Motion by Greg Parker and seconded by Dale Poston to draft the letter.

Roll Call Vote: 6 to 0

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

Ian Nicolini and Attorney David Austgen are to compose the letter. This will be similar to the information from the Huseman brother's agricultural resources and information. This action does not mean that the

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Town will be refunding any monies. This is a going forward process; it is a start and should not be construed as anything more.

**Town Council:**

Robert Carnahan appointed William Landske, Dale Poston and Greg Parker to the Park Committee. Motion by William Landske and seconded by Randy Niemeyer to approve the Park Committee appointments.

**Roll Call Vote: 6 to 0**

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

**PUBLIC COMMENT:**

**Pastor Brian Powers of Harvest Church** thanked Council for the job they do. He invited Council to be recognized on June 26<sup>th</sup> during their worship service followed by a cake reception. He requested that Council RSVP so that they can plan and coordinate with the media. **Heather Brannon** address inaudible stated that she rented a pavilion for a family event on May 28<sup>th</sup> requested alcoholic beverages. Randy Niemeyer inquired on the policy; alcohol is not allowed. Robert Carnahan inquired of David Austgen on the Town's liability; David Austgen responded that the Town is not liable if they approve it. This would be the Eagle's Nest with thirty (30) people including children from noon to dusk. Motion by Jerry Smith and seconded by Greg Parker to allow the temporary use for the date and time specified and restrict the alcohol to the shelter only.

**Roll Call Vote: 4 to 2**

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

**CONSENT AGENDA**

1. Minutes of the Regular Public Meeting – Minutes of the May 5, 2011.
2. Docket: Town Claims 68573 - 68629 for \$2,653,346.64; Wastewater Claims 26625 - 26652 for \$3,170,211.48; Sewer Sinking Fund Claim 26635 for \$250,000.00; Storm Water Claims 68579 – 68580, 68574 – 68573 – 68579, and 68599 for \$277,147.96; and Water Utility Claims 80654 - 80673 for \$363,324.70. Motion by Dale Poston and seconded by Greg Parker to approve the consent agenda.

**Roll Call Vote: 6 to 0**

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

**PUBLIC HEARING:**

**Ordinance No. 1131 – Public Way Vacation – Vicinity of 8505 W. 141<sup>st</sup> Lane**

1. **Attorney Review of Legals:** Attorney David Austgen reviewed the legal advertisements. Notice was timely published in the Cedar Lake Star and Crown Point Star. The list of adjacent property owners is in evidence and notice was given. They were notified by evidence of the green return receipt cards and the undeliverable mail envelope.
2. **Presentation:** The petitioner explained that he owns lots 1 & 2. Several years ago this vacation went through, but it was not recorded. He wants to tear the house down and build another one. Discussions occurred on the possibility of lot 4 being land locked. It was recommended that lots 4 & 5 be combined into one tax id number so as to not land lock lot 4. The house would be torn down and re-subdivided to get another buildable lot.
3. **Remonstrators:** There were none.
4. **Council Comment:** There were none.
5. **Council Decision:** Ian Nicolini read Ordinance No. 1131 by title only. Motion by Dale Poston and seconded by William Landske to approve Ordinance No. 1131.

**Roll Call Vote: 5 to 1**

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

David Austgen noted that the adoptive reading will be at the next meeting.

**ORDINANCES AND RESOLUTIONS:**

**1. Ordinance No. 1132 – Repeal Recreation Impact Fee Ordinance**

Ian Nicolini read Ordinance No. 1132 by title only. This repeals the recreation impact fee ordinance. There were errors in inventory which has been directed to be corrected. This is to repeal and reinstate process. Motion by Randy Niemeyer and seconded by Dale Poston to approve Ordinance No. 1132 as read.

**Roll Call Vote: 6 to 0**

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

Motion by Randy Niemeyer and seconded by Greg Parker to suspend the rule and have the second reading of Ordinance No. 1132 by title only.

**Roll Call Vote: 6 to 0**

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

Ian Nicolini read Ordinance No. 1132 by title only. Motion by Randy Niemeyer and seconded by Dale Poston to adopt Ordinance No. 1132 as read.

**Roll Call Vote: 6 to 0**

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

Ian Nicolini stated that a meeting is scheduled with the consultant tomorrow and he will report back.

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**2. Ordinance No. 1133 – Park & Recreation Fee Schedule Ordinance**

Ian Nicolini read Ordinance No. 1133 by title only. He noted that exhibit “a” was finalized today which includes fees for summer and fall allowing for less specific if additional programs are needed. The fees and rates must be approved legislatively. Motion by Jerry Smith and seconded by William Landske to approve Ordinance No. 1133 as read.

**Roll Call Vote: 6 to 0**

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

Motion by Jerry Smith and seconded by Greg Parker to suspend the ruled and have the second reading of Ordinance No. 1133 by title only.

**Roll Call Vote: 6 to 0**

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

**Ian Nicolini read Ordinance No. 1133 by title only. Motion by Jerry Smith and seconded by Greg Parker to approve the second reading of Ordinance No. 1133.**

**Roll Call Vote: 6 to 0**

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

**3. Ordinance No. 1130 – Amending Salary Ordinance No. 1112 – Police Department**

Jerry Smith stated that even though he has a conflict of interest disclosure on file he would like to preclude himself from voting on this item. Motion by Randy Niemeyer and seconded by Greg Parker to preclude Jerry Smith from voting on this Ordinance.

**Roll Call Vote: 6 to 0**

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

Ian Nicolini read Ordinance No. 1130 by title only and section two which states that this will be effective with the pay period beginning June 19, 2011 with the pay date of July 1<sup>st</sup>. This is for a five percent (5%) increase for full time officers and full time civilian positions. Robert Carnahan inquired of Amy Sund on this; Amy Sund stated that she is comfortable with the increase. Dale Poston stated that it is within the budget. This will make the Deputy Chief of Police Appointment pay even with the pay of a Captain. Motion by Randy Niemeyer and seconded by Greg Parker to approve the first reading of Ordinance No. 1130.

**Roll Call Vote: 5 to 0**

Foreman	Poston	Smith	Niemeyer	Landske	Parker	Carnahan
ABSENT	YES	N/A	YES	YES	YES	YES

Motion by Randy Niemeyer and seconded by Greg Parker to suspend the ruled and have the second reading of Ordinance No. 1130 by title only.

**Roll Call Vote: 5 to 0**

Foreman	Poston	Smith	Niemeyer	Landske	Parker	Carnahan
ABSENT	YES	N/A	YES	YES	YES	YES

Ian Nicolini read Ordinance No 1130 by title only. Motion by Randy Niemeyer and seconded by Greg Parker to adopt Ordinance No. 1130.

**Roll Call Vote: 5 to 0**

Foreman	Poston	Smith	Niemeyer	Landske	Parker	Carnahan
ABSENT	YES	N/A	YES	YES	YES	YES

**TOWN BUSINESS:**

**Old Business:**

**1. Park Employee List (deferred from May 5, 2011 Meeting)**

Motion by Dale Poston and seconded by Jerry Smith for Council at authorize the Council Committee to approve and authorize as necessary. Ian Nicolini to schedule time to review with the director.

**Roll Call Vote: 6 to 0**

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

**New Business**

**1. Right-of-Way Engineering – 133<sup>rd</sup> Phase II Supplemental Agreement – American Structurepoint**

Ian Nicolini stated that this is a supplemental agreement with American Structurepoint. The Redevelopment Commission sent a unanimous favorable recommendation. Ian Nicolini stated that there was a math error in the original contract. Ian Nicolini explained the Right-of-Way process. These prices are lower than the original contract. Ian Nicolini explained the revision to part 4 and the addition of part 5. The total amount of Amendment No. 1 shall not exceed \$273,275.00. This includes the appraisal cost by the subcontractor. The total original agreement and supplemental is \$656,825.00. This is within the established ranges and INDOT guidelines. The proposed costs are with in the approvable range. The calendar is currently ahead of schedule. Ian Nicolini explained the cost process, local spending and calculations for funding requests. Motion by Dale Poston and seconded by William Landske to approve as read and as presented in an amount not to exceed \$273,275.00.

**Roll Call Vote: 6 to 0**

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

**2. Public Works Department & Water Utility Hiring**

Ian Nicolini stated that this item was directed to be on the agenda for this meeting. There are two (2) full time public works positions and one (1) full time water position that are open and within the budget. Dale Poston noted that the department is down three (3) employees. Motion by Greg Parker and

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seconded by Dale Poston to advertise in accordance with the personnel policy manual and provide Town Council with a recommended list of employees for hire.

**Roll Call Vote: 6 to 0**

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

**3. Public Works Department – Dump Trucks – Vehicle Bid Opening Report & Award**

Ian Nicolini stated that bids have been received for dump trucks with snow plow equipment. Bids were received from Monroe Truck Equipment, Truck City of Gary, and Chicago International. Truck City of Gary's net bid was \$346,873.50 meeting 100% of the qualifications; they are the lowest responsive and responsible bidder. The other bids had exceptions. This would be a lease purchase. The equipment is part of the capital improvement plan and Cumulative Capital Development Funds (CCD) would be used for the payments. Amy Sund stated that she received bids from three banks on interest rates; Chase is the lowest with 3.02%. Motion by Greg Parker and seconded by Dale Poston to award the bid as presented to Truck City of Gary in an amount not to exceed \$346,873.50 and authorize the Town Clerk and Town Administrator to enter into the lease purchase.

**Roll Call Vote: 6 to 0**

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

**4. Public Works Department – Combination Sewer Cleaner Bid Opening Report & Award**

Ian Nicolini reported that five (5) bids were received for the Combination Sewer Cleaner. Bids were received from Standard Equipment, Truck City of Gary, Best, Equipment Co., Finkbinder Equipment, and Brown Equipment. Standard Equipment and Truck City of Gary bids had no exceptions and met 100% of the criteria. Standard Equipment's net bid is \$335,198.00; they are the lowest responsive and responsible bidder meeting Council's specifications. This will follow the same process as with the dump trucks. Robert Carnahan inquired of Clerk-Treasurer Amy Sund on the lease; she responded that it would be the same. Amy Sund noted that the Wastewater Depreciation Fund have over \$400,000.00 in it, but recommended putting half of the cost down and financing the other half as to not deplete the fund. **Motion by Jerry Smith and seconded by William Landske to award the bid.** Randy Niemeyer inquired of Jim Cornett of the tangible use for the sewer cleaner. Jim Cornett stated that the machine they are currently using is not designed for what they do. The current machine has been rebuilt three times. Its function is to clean out the sanitary lift stations and storm sewer lines. Randy Niemeyer inquired on what improved function the equipment will provide; Jim Cornett responded that it comes with a positive displacement pump which will allow them to go down into a full manhole and suck from the bottom. Currently, they have to start at the top and work their way down. Jim Cornett stated that if a lift station is overflowing, they have to start at the top and work their way down which could take some time before getting to the bottom to the pumps and getting the blockage out of there so that the pumps can run on their own. Robert Carnahan inquired on the psi; Jim Cornett responded 30,000 pounds, but would need to refer to his notes on it. This will be a useful tool in maintaining proper sanitary sewer service, storm sewers, culvert pipes and the like.

**Roll Call Vote: 6 to 0**

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

**5. Sign Damage – 9600 W. 133<sup>rd</sup> Avenue**

Ian Nicolini stated that around August 2007 the Town of Cedar Lake was moving the right of way in the areas at the corner of Parrish Avenue and 133<sup>rd</sup> Avenue during which time damage was caused to a sign on the property. Due to ongoing construction, it was determined that the best course of action would be to replace the sign after constructions. No claim was processed and this is an ongoing issue; officials and employees at the time of the incident are no longer working for the Town. Robert Carnahan questioned the records; Ian Nicolini stated that the only paper trail so far is the information in the letter submitted to Council from him. While record keeping has been enhanced, there are no reports on this. Based upon the proposal submitted to split the cost for the sign; the Town's cost would be \$620.60. Motion by Jerry Smith and seconded by Dale Poston to approve based upon the recommendation of the Town Administrator.

**Roll Call Vote: 2 to 4**

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

Motion denied. Greg Parker stated that if documentation can be presented this item can be reconsidered. Jim Cornett was present when the incident occurred and will look through records to see if there are any documents.

**6. Proclamation – National Nurses Week – May 6 through May 12, 2011**

Robert Carnahan read the proclamation. Motion by William Landske and seconded by Randy Niemeyer to approve.

**Roll Call Vote: 6 to 0**

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

**7. Proclamation – National Police Week – May 15 through May 21, 2011 & Peace Officers' Memorial Day May 15, 2011**

Robert Carnahan read the proclamation. Motion by Dale Poston and seconded by William Landske to approve the proclamation.

**Roll Call Vote: 6 to 0**

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

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**8. Proclamation – Flag Day – June 14, 2011**

Robert Carnahan read the proclamation. Motion by Dale Poston and seconded by Greg Parker approve the proclamation and have it signed by Council and attested by the Clerk-Treasurer.

**Roll Call Vote: 6 to 0**

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

**WRITTEN COMMUNICATION:**

**1. Harvest Church – dated May 10, 2011**

This item was addressed during public comment. Ian Nicolini will RSVP for Council.

**2. Comcast - Local Alert System.**

Ian Nicolini stated that Comcast is discontinuing local alert systems. We do not have notices at this time and this does not directly impact the Town. The emergency alert system is still intact.

**PUBLIC COMMENT:**

**Patsy Cassassa** thanked Council for getting the pictures back up.

**FINAL COMMENTS:**

- 1. Town Council Comment:** Randy Niemeyer thanked Chief Patz for his work on reaching the numbers for Ordinance No. 1130. The Clerk Treasurer worked hard on the budget and funding. The original request asked for an additional officer and hopefully after the first of next year this may be possible to provide even better service for the taxpayers. Randy Niemeyer thanked Dale Poston, William Landske and Clerk Treasurer Amy Sund for the work done on this.
- 2. Town Administrator Comment:** Ian Nicolini had no comments.
- 3. Town Attorney Comment:** David Austgen had no comments.

**Adjournment:** Motion by Jerry Smith and seconded by Randy Niemeyer to adjourn the meeting at approximately 8:30 pm.

**Roll Call Vote: 6 to 0**

Foreman	Poston	Smith	Niemeyer	Landske	Parker	Carnahan
ABSENT	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, William Landske, Randy Niemeyer, Greg Parker, Dale Poston, Jerry Smith, Clerk-Treasurer Amy Sund, Town Administrator Ian Nicolini, Town Attorney David Austgen and Mary Joan Dickson.

**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.