

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

August 16, 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 H. 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	

DEPARTMENT REPORTS

Police: Chief Roger Patz reported that he attended the luncheon which discussed funding for Law Enforcement Academies. August 2nd was National Night Out with over sixty three (63) parents and children in attendance. Sgt. Smith and Mary Joan Dickson organized the program which continues to grow each year. The Neighborhood Watch Organizational Meeting will be September 28th at 7:30 pm. Neighborhoods will be invited to participate and information will be put on the utility bills. A progress memo was distributed to Council regarding the 911 consolidation. The Commission will be seated on August 27, 2011 where a public meeting will be held at the St. John Police Department. A letter from the sheriff recommended all councils and boards make an appointment to the public safety committee. Motion by Randy Niemeyer and seconded by bill Landske to appoint Chief Roger Patz. Chief Patz explained the commission; this would allow each community to have a vote regarding the 911 dispatch consolidation that needs to be in place by December 31, 2014. A Public Safety Communication Board is being made. Attorney David Austgen stated that this body is a home rule body and explained the statute regarding the 911 consolidation. This is for policy making preparations and some discussions may need to be had. Roger Patz has direction from the Council and the Police Commission to keep the dispatchers here. Roger Patz stated that he anticipates that there will be a vote at the organizational meeting as to who will be in what position. Discussions occurred on the role of the appointment and voting. Dale Poston stated that we should have a representative speak on our behalf. Randy Niemeyer inquired of Robert Carnahan if anyone is trying to line up legislatures regarding the consolidation. Randy Niemeyer stated that he is not in favor of another layer of county government and withdrew his motion. The organizational meeting is on August 25, 2011 at 10:00 am. Roger Patz requested direction from Council; should he attend the meeting as a non-voting member. This is the first public meeting and the format has not been established yet. Jerry Smith stated that we should have a representative for input; it would be good to interject the Town's views. Motion by Jerry Smith and seconded by Dale Poston to appoint Chief Patz.

Roll Call Vote: 4 to 3

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

Ian Nicolini is to draft a letter to Lake County certifying the appointment. Town Council thanked the Police Department, Public Works Department and Fire Department for the efforts on Mr. Vicari and Tim White's services. John Foreman gave Chief Patz information from a homeowner's association regarding situations in a neighborhood.

Public Works: Jim Cornett reported that chip sealing crews are out. Robin's Nest Park is being worked on. He spoke with Truck City of Gary regarding the trucks; they should have the chassis' the first two weeks in October with 60 days after that to assemble.

Parks & Recreation: Ian Nicolini reported that the park's fall surfacing is in compliance with general liability requirements.

Clerk-Treasurer: Clerk-Treasurer Amy Sund stated that the Indiana Association of Cities & Towns (IACT) Annual Conference will be October 9th – 11th in Indianapolis. Registrations need to be completed.

Fire Department: No report.

Town Administrator: Ian Nicolini reported that road reconstruction projects are underway. Underground and milling is being done in Cedar Point Park; then the crews will go the Shades/Oaks area. A change order will be on the next agenda for additional drainage improvements. This change is within the budget. Cedar Point Park storm sewer lift stations and underground work are underway, weather dependent things are moving along. Jerry Smith reminded all that school starts Thursday and there will be a bus run; the engineer and site manager will establish clear walking areas during bus times. Mark Kaiser of Christopher B. Burke Engineering Ltd. (CBBEL) submitted a recommendation on the drainage issue to alleviate storm water; Council was copied on the documents and Mark Kaiser is drafting the easements. The drainage should be resolved with the construction. Town Council awarded the bid to Walsh & Kelly for Lynnsway Subdivision work. The bond expires on August 25th. Ian Nicolini explained the work being done; no work is being done in the northern area. This work will need to be done when the lots are developed. There is a change order for \$17,016.10 out of the bond funds for quantities and construction of turn arounds. The work needs to be completed in nine (9) days. Motion by John Foreman and seconded by Greg Parker to approve the change order in the amount of \$17,016.10 for Lynnsway Subdivision.

Roll Call Vote: 7 to 0

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

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Ian Nicolini showed a picture of the Robin's Nest Park equipment that has been installed. There will be a ribbon cutting ceremony on September 4, 2011 at 4:00 pm. The soft tile fall surfacing will be installed soon. Ian Nicolini commended the work of public works on this project including Jerry Porter and Clayton Stevens. Robert Carnahan recognized Ian Nicolini's work on this project; all of the equipment was going to be scrapped, but he was able to get information on the equipment and order the parts that were needed. Robert Carnahan noted that at another meeting it was mentioned that the parts to assemble the equipment were lost; the Radisson Hotel who donated the equipment stated that the bolts were not lost; they were cut off when the equipment was disassembled. The beach on the west side of the building still needs some landscaping, but is accessible. A permit needs to be secured from Department of Natural Resources (DNR) to put the buoys in. Signage regarding no swimming, no life guard is being made. Randy Niemeyer inquired if there is rip rap in the swimming area; Ian Nicolini stated that a separate permit would be need for any dredging as well as cost estimates. John Foreman inquired on the pylons in the lake; this would be the responsibility of DNR. Motion by Greg Parker and seconded by Randy Niemeyer to have the Plan Commission review the adequacy of the zoning plat for Union Station Subdivision.

Roll Call Vote: 7 to 0

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

Ian Nicolini stated that there were two recommendations from staff in house to promote from part-time to full-time for the public works positions. Motion by Dale Poston and seconded by Greg Parker to have the public works director elevate one part-timer to full-time status and in two weeks at the August 30th meeting Council will visit the second part-time person to be full time. Ian Nicolini clarified that the two full-time positions are for public works laborers with a pay scale of \$14.49 to \$17.49 per hour.

Roll Call Vote: 7 to 0

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

Town Attorney: David Austgen distributed a marked copy of the Interlocal Agreement which is being developed for the consolidated dispatch. Council has appointed a police chief that will keep you informed. There will be an Executive Session after the meeting.

Town Council: Greg Parker questioned who owns the property where the Parrish Fields subdivision storm water pond is located; Ian Nicolini stated that it is privately owned. It is the responsibility of the private owner. Stormwater drainage responsibilities were discussed. Multiple discussions occurred. Infrastructure can not be maintained without easements. It is not the Town's responsibility to maintain a swale if it not located within an easement or a right-of-way. The obstruction was caused by the property owner; the water flows west to the basin then east to the retention pond down 141st. Greg Parker noted that there were a lot of people at the Storm Board meeting regarding the variance that will be at the Board of Zoning Appeals (BZA) meeting on Thursday. Motion by Greg Parker and seconded by Dale Poston to have the Town engineer review the site on Reeder Court before the BZA meeting.

Roll Call Vote: 7 to 0

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

Ian Nicolini is to review the Parrish Fields pond information, contact the property owner and report back. A recommendation was received from CBBEL on Wicker Meadow's pond to increase capacity. The design calculations include a twelve inch (12") outlet; currently there is an eight inch (8") outlet. There is a restriction in outfall during serious rain events. Discussions occurred on whether a larger pipe will create problems down stream. It was recommended to analyze the down stream impact and the map was viewed. Motion by Greg Parker and seconded by John Foreman to have CBBEL analyze the down stream impact.

Roll Call Vote: 7 to 0

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

Robert Carnahan introduced Tamara Young King from AT&T. She presented and distributed information to Council. AT&T is in the process of acquiring T-Mobile. She requested a resolution from the Town in support of economic growth, 4g service and expansion of services. Randy Niemeyer stated that he is not in favor of another corporate merger.

Clerk Treasurer Amy Sund stated that it is 8:15 pm and questioned why we have not gotten to the agenda yet, noting that there are people in the audience for agenda items. We need to get to Town business; there should be work sessions to discuss this other issues.

PUBLIC COMMENT: John Schutz of Schneider Court expressed his concern for safety when police vehicles are down and recalls on vehicles are not taken care of. He noted that Center Garage did not get the bid for the police cars noting that they will take the warranty work. He stated that they will sell 2012 vehicles at cost for the police department. Mitch Dudlack of Oak Street questioned why there are not no turn on red signs on 133rd & Parrish. He inquired on the stop signs by the basketball courts; Jim Cornett will take care of this. The light on the flag pole is out and he questioned why the Indiana flag is at half mast; Jim Cornett will address these. Sharon Zunica of 135th Place inquired if there were any figures from Summerfest; Robert Carnahan responded that they have ninety (90) days after the event to submit the report. Yvonne Taves of Dewey Street questioned Veech's place; Ian Nicolini responded that the Unsafe Building Committee is working on this. The Town is in the process of acquiring the property and waiting on closing documents. Mike Fryzel of Drummond complimented Council on the work they are doing. Becky Govert of W. 127th Lane in Wicker Meadows stated that the street department is always helpful and that the police department is working to catch someone. She stated that she has emailed pictures of flooding and spoke on her concerns. Greg Parker stated that he is continuing to work on this issue. Dave Bollinger of 147th Lane in Wicker Meadows spoke on the overflow of the pond. It was noted that this is a subdivision problem. He noted concerns with motor scooters and golf carts in the area. He

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requested signage in the park which would state park rules. Discussions occurred on notifying property owners regarding variances and such. Ian Nicolini noted that they are required to notify adjacent property owners. **Yvonne Taves** of Dewey Street thanked Council for the road project. She stated that the easement and drainage problem discussed earlier was the residents own problem because he added fill and suggested addressing the eight inches that is allowed. **Fred O'Parka** of Lake Shore Drive spoke on the Town grounds and inquired if there are any negotiations to sell it; Robert Carnahan stated that he pledged never to sell this asset and Greg Parker stated that there are no negotiations taking place. **Dave Bollinger** stated concerns with calling 911 and the call going to Lake County then back to Cedar Lake Police. He inquired on the ordinance for trailers and work vehicles. **Yvonne Taves** of Dewey Street stated that Cedar Lake is a recreation community.

CONSENT AGENDA

1. Minutes of the Regular Public Meeting Minutes of July 19, 2011 and Special Public Meeting Minutes of August 12, 2011.
2. Docket: Town Claims - 68955 - 69102 for \$735,337.53; Wastewater Claims 26808 - 26888 for \$965,066.69; Storm Water Claims 68956, 68960 – 68961, 69003 – 69004, 69013, 69026, 69028 – 69030 for \$31,888.02; and Water Utility Claims 80748 - 80778 for \$67,273.25. Motion by Greg Parker and seconded by Randy Niemeyer to accept and waive the reading of the Minutes, and to accept 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

PUBLIC HEARING

Ordinance No. 1139 - Public Way Vacation – Moody – Alley north of 141st Court, East of Soper Street

1. **Attorney Review of Legals:** Attorney David Austgen reviewed legal ads which were published on August 4th. The certification list from the auditor's office and green mailing cards. This was properly advertised.
2. **Presentation:** Information was reviewed with Council.
3. **Remonstrators:** Wendy Spencer of 8506 W. 141st Lane requested clarity on the vacation area. Ian Nicolini reviewed the map of the area with her.
4. **Council Comment:** Ian Nicolini read Ordinance No. 1139 by title only explaining that this was an old alley at some point.
5. **Council Decision:** Motion by Randy Niemeyer and seconded by John Foreman to accept the first reading of Ordinance No. 1139.

Roll Call Vote: 6 to 1

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

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1138 – Park Impact Fee

Ian Nicolini read Ordinance No. 1138 by title only. He explained that this has gone through the requisite review and public hearings in accordance with Indiana Code. Ian Nicolini explained the fees and the annual escalator. There is a 3% annual increase built into the fees. Discussions occurred on the fees. This fee applies to new residential construction. Motion by Randy Niemeyer and seconded by Jerry Smith to approve the first reading of Ordinance No. 1138.

Roll Call Vote: 7 to 0

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

Motion by Randy Niemeyer and seconded by Greg Parker to have the updates to Option No. 3 and the escalator updated for the second reading of Ordinance No. 1138.

Roll Call Vote: 7 to 0

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

2. Resolution No. 1053 – Amendment to Y2007 Town Comprehensive Plan

Ian Nicolini read Resolution No. 1053 by title only. This is the process for the recreation impact fee. Motion by John Foreman and seconded by Randy Niemeyer to approve Resolution No. 1053 and include the June 14, 2011 Lehman and Lehman report.

Roll Call Vote: 7 to 0

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

3. Resolution No. 1054 – Transfer – Motor Vehicle Highway Fund

Amy Sund read Resolution No. 1054 in its entirety which transfers the following in the Motor Vehicle Highway Fund: \$4,275.00 from Operations Director to Equipment Repair and \$4,275.00 from Operations Director to Fuel. Motion by Jerry Smith and seconded by Dale Poston to approve Resolution No. 1054.

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 BUSINESS:

New Business

1. Cedar Lake Public Works – Water Operator Appointment

This was deferred to the next meeting.

2. Police Commission Recommendation – Full-Time Officer Appointment

Chief Roger Patz stated that the Police Commission requested ratification of appointing Jayson Villars as a full-time Cedar Lake Police Officer subject to the terms of the conditional offer of employment and a training reimbursement agreement; and authorizing the Chief of Police to execute said agreements and file same with the Clerk-Treasurer. He will begin the academy in January. The officer will be given a take home vehicle if he is within the radius with restricted off duty use. Motion by Greg Parker and seconded by Jerry Smith to appoint Jayson Villars with requested conditions.

Roll Call Vote: 7 to 0

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

3. Facility/Shelter Rental Fees

Amy Sund stated that the Town council approves the fees for shelters, Club House and the Community Center and requested that Council allow David Austgen to draft an Ordinance for the next meeting. Discussions occurred on the fees. David Austgen stated that there have always been fees on this. This was deferred to the next meeting.

4. Tag Day Request – Fire Department

The fire department has requested an additional tag date for the family of a firefighter who passed away. It was noted that all tag dates for the remained of the year are scheduled. Motion by John Foreman and seconded by Greg Parker to allow any available rain date for the requested tag day.

Roll Call Vote: 7 to 0

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

5. Constitution Week - Proclamation

September 17th – 21st, 2011 was proclaimed as Constitution Week. Motion by Dale Poston and seconded by Randy Niemeyer to proclaim Constitution Week.

Roll Call Vote: 7 to 0

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

WRITTEN COMMUNICATIONS:

- 1. Lois Whitmore – Thank You Letter** – Robert Carnahan read letter thanking Council for the Symphony.

PUBLIC COMMENT: There were no comments.

Ian Nicolini stated that Mr. Thiel of Midwest PGM has basically bee approved in the plan process and with schedules and timing, he needs to relocate to the new building. Motion by Greg Parker and seconded by Randy Niemeyer to have the site inspected and grant the Town Administrator and Building Inspector permission to determine if a temporary occupancy permit can be given.

Roll Call Vote: 7 to 0

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

FINAL COMMENTS:

- 1. Town Council Comment:** Randy Niemeyer recognized the efforts of the CLEA Expo. Condolences were given to the families of Augy Vicari and Tim White.
- 2. Town Administrator Comment:** Ian Nicolini had no comments.
- 3. Town Attorney Comment:** David Austgen had no comments

Adjournment: Motion by Greg Parker and seconded by Randy Niemeyer to adjourn the meeting at approximately 9:25 pm.

Roll Call Vote: 7 to 0

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

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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 H. 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.