

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

October 18, 2011
Public Meeting 7:00 PM at the Cedar Lake Town Hall
Pledge of Allegiance & Moment of Silence

Roll Call:

Present	John Foreman Council Member	Ward 2	Present	Greg Parker Vice-President	Ward 7
Present	Dale Poston Council Member	Ward 3	Present	Robert H. Carnahan President	Ward 1
Present	Jerry Smith Council Member	Ward 4	Absent	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	

Also in attendance was Jennifer Montgomery, Administrative Assistant as Recording Secretary.

PUBLIC COMMENT:

Mitchell Dudlack of 12801 Oak Street discussed initiating a cell phone ban while driving in order to fund the extended warranty for the new electric car. The Council stated that while it may be a good idea, time and research needs to be done before voting on new laws. Mr. Dudlack also discussed concerns of a stop sign at North Point Marina. Chief Patz responded that the property in question is private property and that the police are not able to take any action. **Shirley Moody** of 14209 Wicker Avenue, member of Cedar Lake Softball, stated concerns regarding the new ice rink proposal and who would be responsible for maintaining the new equipment, as well as liability for the surrounding properties. **Larry Henderson** of 13501 Osborne stated concerns about the new rink and the increased traffic it and a basketball court will bring to the neighborhood. **Eric Medina** of 12618 Havenwood Pass stated he doubts that a new basketball court would get as much attention as some are assuming, and that he would rather see the Town work with the Cedar Lake Little League and Softball League. **Tracy Poston** of 13463 Schneider Street stated she is in favor of a new ice rink and possible basketball courts. Not all children are interested in baseball and softball; they need more things to do. **Mark Deenik** of 10813 W 134th Place inquired if drainage plans have been looked and stated concerns of an increase in traffic in the neighborhood. Mr. Deenik would like to see the equipment put into less developed parks in the Town. **Ralph Holden** of 10819 W 134th Place stated concerns of increased traffic if the ice rink and basketball court are installed in Hanover Park. Mr. Holden also stated he would rather see the funds go to paving the parking lots for the baseball and softball fields. **Kelly Henderson** of 13501 Osborne Street stated she is not opposed to the basketball court and ice rink, but stated concerns of losing so much green space, as there is not much left in the area. **Shirley Moody** of 14209 Wicker reiterated that she is not opposed to the ice rink and basketball court; rather she is concerned about possible vandalism, destruction and the issue of liability. **Mark Stenger** of 13925 Wicker Avenue stated that the Leagues have good relationships with the surrounding homeowners, and that someone is almost always there to keep an eye on the fields. Jerry Smith noted that the police department is working on a neighborhood watch program. **Norbert Schmidt** of 13453 Osborne stated he is against any additions to the park and that it would bring an increase to traffic. Mr. Schmidt also stated concerns about the lights at the field staying on too late, and that other cities have ordinances against keeping them on too late at night. **Yvonne Taves** of 13518 Dewey Street expressed disappointment that so many people make the assumption that all kids who want to play basketball will be destructive and cause problems to the surrounding area. **Karen Mika** of 13513 Schneider Court stated that the Town should take any opportunity to give something positive to kids. **Mark Deenik** of 10813 W. 134th Place is for anything positive for kids, but suggested looking at different locations for the ice rink/basketball court noting other parks that are not improved. He questioned supervision. John Foreman noted that the logic was the kids are there why not give them the option to play basketball. **Larry Henderson** 13501 is concerned about traffic and gave Ian Nicolini a DVD regarding people not stopping at the stop signs. **Greg Parker** stated that the Town just wants to improve the parks, not disrupt neighborhoods. The Council wants to improve the parks. The basketball court is conceptual; we just want something for the kids to do that is functional. We appreciate all the comments and concerns.

CONSENT AGENDA

- Minutes of the Regular Public Meeting Minutes of October 4, 2011 and Joint Public Meeting Minutes of October 6, 2011.
- Docket: Town Claims 96395 - 69484 for \$791,105.78; Wastewater Claims 27025 - 27060 for \$2; Storm Water Claims 69400, 69404 – 69405, and 69415 - 69420 for \$27,451.28; and Water Utility Claims 80828 - 80843 for \$55,855.88. Motion by Jerry Smith and seconded by Greg Parker to accept and waive the reading of the Minutes as amended, 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

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1141 – 2012 Budget (Second Reading)

Ordinance No. 1141 was read by title only by Ian Nicolini. Motion by John Foreman and seconded by Dale Poston to adopt Ordinance No. 1141. Robert Carnahan noted that Clerk-Treasurer Amy Sund is at Clerk's school this week.

Roll Call Vote: 7 to 0

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

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2. Ordinance No. 1142 – Weapons Control Regulations Repealer Ordinance

Attorney David Austgen read Ordinance No. 1142 by title only. He explained the ordinance and noted that several sections of the current Town Code are pre-empted by State Law. Motion by Dale Poston and seconded by Jerry Smith to approve the first reading of Ordinance No. 1142.

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 Greg Parker to suspend the rules and have the second reading of Ordinance No. 1142 by title only.

Roll Call Vote: 7 to 0

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

Attorney David Austgen read Ordinance No. 1142 by title only. Motion by Dale Poston and seconded by Jerry Smith to adopt Ordinance No. 1142.

Roll Call Vote: 7 to 0

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

3. Resolution No. 1060 – Transfer Resolution

Resolution No. 1060 was read in its entirety which transfers the following:

Motor Vehicle Highway Fund

\$250.00	From: 322 Travel Expense	To: 231 Repair Parts
\$250.00	From: 331 Printing Service	To: 231 Repair Parts
\$300.00	From: 394 Instruct/Training	To: 231 Repair Parts
\$200.00	From: 397 Membership Dues	To: 231 Repair Parts
\$500.00	From: 445 Machinery/Equip	To: 231 Repair Parts
\$1,500.00		

Law Enforcement Continuing Education Fund:

\$1,600.00	From: 445 Equipment	To: 394 Instruct/Training
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Motion by Dale Poston and seconded by Randy Niemeyer to approve Resolution No. 1060. Randy Niemeyer inquired on the transfer; Jim Cornett responded that it is to keep the trucks running for the rest of the year.

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. Ice Rink

Motion by John Foreman and seconded by Dale Poston to approve the purchase of the ice rink with the location to be determined at a later date. The installation will not require any asphalt and is movable and portable. The price is \$4,579.13 to be paid for out of Cumulative Capital Improvement Funds.

Roll Call Vote: 7 to 0

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

2. Cedar Lake Park Foundation Incorporation

Attorney David Austgen stated that the Articles of Incorporation, By-Laws and related documents for the Cedar Lake Park Foundation Incorporation are complete. He recommends Council authorize the Town Council President and Clerk-Treasurer to execute the Articles of Incorporation as original incorporators. Notification should be prepared advertising for the solicitation of members for the original board of directors for the entity. It will be a 509-A3 tax exempt, not-for-profit entity. Ian Nicolini reported that the park department has had grants but land and water conservation has not applied for funding since the 1980's. There will be three to nine members. Motion by John Foreman and seconded by Greg Parker to execute paperwork for the 509 A-3. Randy Niemeyer noted that there will be a Board of Directors and citizen's advisory rolls; he encouraged residents to get involved. There will be three to nine members. The next steps are being worked on.

Roll Call Vote: 7 to 0

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

3. Lowell WWTP Project – Bar Screen Component

The bar screen component for the wet weather treatment expansion at the Lowell treatment plant was discussed. The project is progressing through the design phase which was approved by Lowell. There seemed to be a consensus about proceeding with the work at the head works and with the bar screening. The Town is responsible for half of the costs (50%). Robert Carnahan stated that the bar screen is necessary for safety for those who work there. We had concerns on the cost of engineering. Greg Parker stated that no one from Lowell is saying what debris is getting into the system. Bill Landske questioned it as well. Dale Poston stated that not enough information is available to make a decision; why so much is being spent on engineering costs. Ian Nicolini stated that a portion of the interceptor which has been discussed in the Joint Management Oversight Board has discussed is compromised; missing manhole covers and beaver dam damage. Robert Carnahan noted that large

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debris and junk were identified when the lines were televised. Jerry Smith stated that there is a hazard to clean out the debris manually; safety is a concern. The interceptor needs to be looked at; how it has been maintained and utilized. The bar screen is a band aid to the system maintenance. The interceptor pipe and replacement needs to be considered; this cost needs to be looked at. Capital financing could affect the rate payers. Lowell owns the plant, Cedar Lake has a 50% cost share for participation. Each community will get 1,900 additional taps; this is the number given to us by engineers. The way the contract is written, we are responsible for 50% of the cost whether we agree with it or not. The agreement was written in 1974. Motion by Greg Parker and seconded by Dale Poston to not support the bar screen component. Randy Niemeyer requested it be a requirement of JMOB to have evidence of the system working and do more research to find the root of the problem. The JMOB will be taking the engineers out of the JMOB and adding staff; Ian Nicolini and Greg Shook. Engineers will be consultants. William Landske questioned if is continually working or just when it is needed.

Roll Call Vote: 5 to 2

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

4. Waiver of Fees Request – MOMS Club of Cedar Lake/Lowell, Indiana

The request is to waive the \$50 fee on October 29th and December 10th for the use of the Monastery Clubhouse. Motion by Dale Poston and seconded by John Foreman to approve the waiver of fees request. Randy Niemeyer inquired if insurance is needed or required; discussion occurred. It is not believed to be needed. Jerry Smith questioned how many groups fees have been waived for; the FOP had their fees waived. Fees and costs were discussed and are being analyzed.

Roll Call Vote: 6 to 1

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

Old Business

1. Elimination of Sewer Utility Billing – 8611 W. 132nd Place

Robert Carnahan removed the item from the agenda until further information is received.

WRITTEN COMMUNICATIONS:

1. Cedar Lake Chamber of Commerce – Parade of Lights – a letter was received regarding the Parade of Lights.

Police: Chief Roger Patz reported that a grant has been received for bullet proof vest; which pays for 50% of vests. This is the ninth time it has been received. Halloween trick-or-treat hours will be from 5 pm – 7 pm on Monday, October 31, 2011. Foot patrol officers and VIPS members will be out barring any inclement weather. Excise officers were out last week and accompanied by the gang task force. They did sweeps at Shane’s, Latitude and Hunley’s. Shane’s was cited for no tobacco license. One individual was arrested at Hunley’s on an outstanding warrant. There was nothing else found in any of the establishments. Road striping on Parrish Avenue was discussed; Chief Patz is to review and report back.

Public Works: Jim Cornett reported that chip sealing is complete and leaf pick up has begun. Trucks are at the vendors with an expected delivery date of 60 – 90 days for the Vactor truck and 30 – 60 days for the three dump trucks. Our vac truck is not usable; the vendor is giving us a loaner until ours is ready.

Parks & Recreation: Ian Nicolini stated that a written report was distributed from the Park Director. It is expected that there will be remaining funds from the CDBG (Community Development Block Grant) which could be used for handicap accessibility or fall surfacing in parks. Motion by Greg Parker and seconded by Dale Poston to utilize the remaining CDBG funds for handicap accessibility or fall surfacing in the parks. This will be after the demolition on Wheeler is funded.

Roll Call Vote: 7 to 0

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

The Town leases an area at North Park for public access to Cedar Lake. The contract expired two years ago. Ian Nicolini and Robert Carnahan met with the outdoor recreation division of the INDNR (Indiana Department of Natural Resources) fish and wildlife department. A lease will be drafted to include an addendum to address the fee schedule that is in place and parking fees will be contemplated. Staff and engineers will review upon receipt. Temporary repairs will be made to the ramp to bring it into compliance until the Town is eligible to received State funds to replace and upgrade the ramp.

Clerk-Treasurer: Clerk-Treasurer Amy Sund was not in attendance.

Fire Department: No report.

Town Administrator: There will be a meeting regarding the diesel oxidation catalyst retrofit grant on Thursday. The 133rd Phase II public hearing will be on Thursday, November 17th at 7 pm; an open house will be at 6:00 pm. The November 17th Board of Zoning Appeals meeting scheduled for November 17th has been rescheduled to November 10th. Ian Nicolini gave an update on road projects. The time schedule only applies to the original scope of work; since additional work has been added additional time is being allowed. Cedar Point Park storm sewers are 90% installed in the lower portion. Roads have been milled, curbs cut and binder asphalt will be installed weather permitting. Upper portions have not been milled and will not be done until spring. Shades/Oaks area northern area will have binder or final asphalt weather permitting.

Town Attorney: No report.

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Town Council: Council members met with Mr. Bellamy regarding a shared ethics committee. There is an annual fee which is currently \$750.00; the committee provides training. There is a benefit at the Eagle's on Saturday, October 22nd for an accident victim. The JMOB meeting will be on November 1, 2011 at 1:00 pm, Cedar Lake Town Hall. The next Town Council meeting will be November 15, 2011.

PUBLIC COMMENT:

Frank (last name and address inaudible) thanked all for their work on the projects. The work that is being done is unbelievable. It is inconvenient now, but the end result will be good. The road projects are ultimately going to help lake enhancement. Ian Nicolini noted that there will be one way streets and discussed curb installation. **Yvonne Taves** of Dewey Street inquired on the road projects. **Mitch Dudlack** of Polk Street inquired on other food groups coming into town, not just Strack & VanTil.

Adjournment: Motion by Jerry Smith and seconded by Dale Poston 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

An Executive Session was advertised and conducted pursuant to IC 5-14-1.5-6.1(b) before and after the meeting with discussion consisting of litigation. Those in attendance were Robert Carnahan, John Foreman, Randy Niemeyer, Greg Parker, Dale Poston, Jerry Smith, 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.