

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

**November 15, 2011
Public Meeting 7:00 PM at the Cedar Lake Town Hall
Pledge of Allegiance & Moment of Silence**

Roll Call:

Absent	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	

1. Appointment of Police Officer – Favorable Recommendation from Police Commission

Chief Roger Patz requested approval and ratification to appoint Allen Sulski as a full-time police officer subject to the requirements of the conditional Offer of Employment. Allen Sulski is currently a part-time dispatcher. Chief Patz gave a background on Allen Sulski. Motion by Jerry Smith and seconded by Randy Niemeyer to appoint Allen Sulski as a full-time officer to be paid for with the COPS grant.

Roll Call Vote: 6 to 0

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

2. Appointment of Reserve Officers – Favorable Recommendation from Police Commission

Chief Roger Patz requested approval and ratification to appoint Jason Daviera, Kandise Spergeon, Kyle Fricke and Randall Lukasik as reserve police officers. Chief Patz gave a background on each. Motion by Jerry Smith and seconded by Dale Poston to approve the appointments.

Roll Call Vote: 6 to 0

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

Jason Daviera, Kandise Spergeon, Kyle Fricke and Randall Lukasik were sworn in as reserve police officers by Clerk-Treasurer Amy Sund.

PUBLIC COMMENT: There were no comments.

CONSENT AGENDA

- Minutes of the Regular Public Meeting Minutes of October 18, 2011
- Docket: Town Claims 69485 - 69603 for \$521,761.31; Wastewater Claims 27061- 27119 for \$794,204.67; Storm Water Claims 69495 – 69496, 69590 – 69591, 69522 – 69523 and 69602 – 69603 for \$29,523.02; and Water Utility Claims 80844 - 80867 for \$57,789.70. Motion by Jerry Smith and seconded by Dale Poston to accept and waive the reading of the Minutes as amended, and to accept the Consent Agenda.

Roll Call Vote: 6 to 0

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

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1145 – EMS Non-Reverting Equipment Fund Amendment

Ordinance No. 1145 was read by title only by Ian Nicolini. Clerk Treasurer Amy Sund stated that this is the conclusion of the Fire/EMS agreement to reduce the transfer from 15% to 10% on the EMS collections. Motion by Randy Niemeyer and seconded by Greg Parker to defer Ordinance No. 1145 to the next meeting.

Roll Call Vote: 6 to 0

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

PLANNING/ZONING & BZA

1. Special Use Variance - United EMS, 9019 W. 133rd Avenue – Favorable Recommendation from the Board of Zoning Appeals to allow the dispatch, service, parking and storing of the business’ vehicles within an enclosed building.

The Board of Zoning Appeals sent a favorable recommendation for the requested special use variance to allow the dispatch, service, parking and storing of the business’ vehicles within an enclosed building. Randy Niemeyer inquired if they had relocated without permission; Ian Nicolini replied that the facility has been reviewed. Motion by Greg Parker and seconded by Randy Niemeyer to approve the special use based upon the findings of the Board of Zoning Appeals.

Roll Call Vote: 6 to 0

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

2. Variance of Use – Hanover Community School Corporation, 10631 W. 141st Avenue – Favorable Recommendation from the BZA to allow an illuminated, digital message sign.

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The Board of Zoning Appeals sent a favorable recommendation for the requested variance of use to allow an illuminated digital message sing with contingencies as follows: messages must remain on the screen for a minimum of six (6) seconds, messages may not scroll from side to side, and messages may not flash. Motion by Greg Parker and seconded by Jerry Smith to approve the Variance of Use based upon the favorable recommendation of the Board of Zoning Appeals with contingencies.

Roll Call Vote: 6 to 0

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

3. Variance of Use – Robert Wilson, Corner of Wrightwood Street and 128th Place – Favorable Recommendation from the Board of Zoning Appeals to allow the construction of an accessory structure without the construction or existence of a residential structure with the contingency that the future residential structure and garage will be applied for on the same building permit.

The Board of Zoning Appeals sent a favorable recommendation with contingencies as follows: that the building permit for the garage and home be included on the same application, for the requested Variance of Use to allow the construction of a garage without the construction or existence of a residential structure. Motion by Greg Parker and seconded by Randy Niemeyer to approve the Variance of Use.

Roll Call Vote: 6 to 0

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

4. Variance of Use – Strack & Van Til, 9704 Lincoln Plaza – Favorable Recommendation from the Board of Zoning Appeals to allow a secondary use of a banking center within a grocery store.

The Board of Zoning Appeals sent a favorable recommendation for the requested Variance of Use to allow the operation of a branch bank facility within the new Strack & VanTil supermarket building. Motion by Greg Parker and seconded by Dale Poston to approve the Variance of Use.

Roll Call Vote: 6 to 0

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

The Board of Zoning Appeals recommends the Variance of Use be coterminous with the building permit. Motion by Greg Parker and seconded by Dale Poston to have the term of the Variance of Use be conterminous with the building permit.

5. Variance of Use – CVS, southeast corner of 133rd Avenue and US 41, Favorable Recommendation from the Board of Zoning Appeals to allow one (1) illuminated digital message sign.

The Board of Zoning Appeals sent a favorable recommendation for the requested variance of use to allow one (1) illuminated digital message sing with contingencies as follows: messages must remain on the screen for a minimum of six (6) seconds, messages may not scroll from side to side, and messages may not flash or mimic emergency vehicles. Motion by Greg Parker and seconded by Dale Poston to approve the Variance of Use based upon the favorable recommendation of the Board of Zoning Appeals with contingencies.

Roll Call Vote: 6 to 0

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

Motion by Greg Parker and seconded by Dale Poston to have the term of the Variance of Use be conterminous with the building permit.

Roll Call Vote: 6 to 0

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

6. Building Permit Fee Waiver Request – Cedar Lake Girls Softball

Cedar Lake Girls Softball requested to waive the \$250.00 fee for their fence permit for the new field. Motion by Greg Parker and seconded by Dale Poston to waive the permit fee for the fence.

Roll Call Vote: 6 to 0

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

There will be an amended ordinance to correct the scribes error that was in the right of way ordinance on the next agenda.

TOWN BUSINESS:

New Business

1. Property Purchase – 13513 Dewey Street – Favorable Recommendation from the Unsafe Building Committee

This is to purchase a vacant structure in an amount of \$4,500.00. Motion by Dale Poston and seconded by Randy Niemeyer to approve the purchase and authorize the Town Council President to sign the documents. Greg Parker thanked Ian Nicolini for his follow through on this.

Roll Call Vote: 6 to 0

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

2. Bid Award – 14530 Wheeler Street

The bid opening was yesterday. This is a 4-unit complex. A complete bid package was received. The lowest responsive and responsible bidder was Thornmeadow Estates LLC. They will need to renew their license with Cedar Lake prior to work commencing. A ten (10) day notice needs to be given to IDEM. The cost is \$15,987.00 which will be funded through a grant from Housing and Urban

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Development (HUD). The remainder of the grant funds will be used for park equipment. Motion by Greg Parker and seconded by Jerry Smith to award the bid.

Roll Call Vote: 6 to 0

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

3. Bid Award – Demolition of 10833 W. 133rd Avenue

Bid opening was on November 14, 2011. This is subject to legal review. The Redevelopment Commission authorized the use of TIF funding for this project. This item was deferred until more information is available to proceed.

4. Professional Services Contract – Lincoln Plaza Detention Pond Improvements

Christopher Burke Engineering submitted a proposal to evaluate and prepare shoreline stabilization plans for the detention pond located at the SWC of 133rd Street and Parrish Avenue. This is a detention area; the pond needs maintenance. The fee estimate is \$11,000.00, which needs to be a not to exceed amount. This is a necessity for the Strack & VanTil project. Motion by Jerry Smith and seconded by Greg Parker to approve the contract contingent upon the addition of a not to exceed amount of \$11,000.00 and authorizing signature.

Roll Call Vote: 6 to 0

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

5. Sewer Utility Billing Elimination – 6705 W. 141st Avenue

The Public Works department has inspected and approved this as capped. It was questioned if the building was demolished. This item was deferred to the next meeting.

WRITTEN COMMUNICATIONS:

1. Storm Water Board Resignation Letters – Jerry Wilkening and Walter “Skip” Crissey
2. Cedar Lake Town Hall Building Corporation Bonding Committee Resignation – Lester “Charlie” Kaper

Motion by Randy Niemeyer and seconded by Jerry Smith to accept the letters of resignation.

Roll Call Vote: 6 to 0

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

3. Thank you letter from FOP #173

Police: Chief Roger Patz reported on the Lake County Safety Committee meeting which was held at the end of October. Council was copied on all information from the meeting. The next meeting will be November 22, 2011 at St. John. Greg Parker noted that this is a recommendation from the State to save dollars. Randy Niemeyer noted that more tax dollars are going to be spent for less service. Discussions occurred on costs with the 911 consolidation. Randy Niemeyer noted that this is another State Government unfunded mandate.

Public Works: Jim Cornett had no report.

Parks & Recreation: Ian Nicolini stated that Council should have received weekly reports from the park director. Information is being compiled for prospective locations for park improvements.

Clerk-Treasurer: Clerk-Treasurer Amy Sund reported that a tax advance in the amount of \$165,719.36 was received from county on October 31, 2011. Amy Sund stated that in 2008 employee HSA accounts were established as a high deductible health insurance plan which was created to encourage enrollment and savings. The initial sum of money put for each employee was \$500 for one employee; \$750 for employee and spouse; and \$1,000.00 for employee and family; on an annual basis further contributions may be made. She inquired on contributions for 2009, 2010 and 2011. She stated that there are one to two employees who participate in this; \$110.00 per month per year would be \$3,960.00. Greg Parker suggested the wage and benefit committee review this.

Fire Department: Todd Wilkening had no report.

Town Administrator: Ian Nicolini reported that a public hearing is scheduled for November 17, 2011 at 7:00 pm for the 133rd Avenue Phase II Environmental Documents; with an open house beginning at 6:00 pm. Updates were given on the road construction projects in Cedar Point Park and Shades/Oaks areas. Work is weather contingent. There has been informal communications between financial consultants on the Lowell on the Wastewater Treatment Plant. Cedar Lake has not been copied on this project. The bar screen component addition requires an amendment to the preliminary engineer’s report; to date this has not been received. Discussions occurred concerning the engineering costs.

Town Attorney: David Austgen noted that there are a series of infrastructure and utility items upcoming; the refund of the BAN financing extension. The interest rate of 1.75% will be extended until December 1st of next year. This will allow for a complete review of 2011 financials to the IURC. David Austgen noted the gap in communication by Lowell on the financing and wastewater treatment plant project. He referred to email strings and an article in the paper. He noted Cedar Lake is receiving information after the fact; Cedar Lake residents are affected by this. This is detrimental to our rate payers. Motion by Randy Niemeyer and seconded by Greg Parker to have Ian Nicolini compose a letter to SRF and Lowell representing the comments of the Town Attorney. It was suggested that Ian Nicolini include bids, letting and advertising without requirement of SRF.

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ABSENT	YES	YES	YES	YES	YES	YES

Lowell's public works director has begun the application with the county for the special exception for this project. Randy Niemeyer stated that in the stewardship of pubic interest and financing; transparency is needed for our ratepayers. There will be an executive session after the meeting.

Town Council: William Landske inquired on the cell phone tower status; Greg Parker stated that there will be no contract without an approved lease. Ian Nicolini stated that comments were sent back on the proposed lease; no response has been received. Randy Niemeyer thanked the newly appointed reserve officers. Dale Poston stated that the ice rink has been delivered. He noted the public discussions that occurred on the location; a location has not been determined. Motion by Dale Poston and seconded by Bill Landske to revolve the ice rink to a different area each year; beginning at Hanover Park with later locations to be determined by the park committee. Randy Niemeyer questioned considerations of available infrastructure including lighting, restrooms and parking such as on the Town grounds. Jerry Smith supports the ice rink but suggested deferring this for discussion. He noted he would vote against this consideration as there are no restrooms or lighting at Hanover Park; noting that there is parking at both locations. Here (town grounds) are ADA compliant. Dale Poston and Bill Landske withdrew their motion. This was deferred to the next meeting. Jerry Smith thanked Council, those who supported him and he complimented Ian Nicolini's work. The next Town Council meeting will be December 13th.

PUBLIC COMMENT: **Yvonne Taves** of 13513 Dewey Street thanked Jerry Smith for everything. She thanked Council and Ian Nicolini for the wonderful work that is being done in Cedar Point Park as well as the progress on 13513 Dewey.

Adjournment: Motion by Greg Parker and seconded by Randy Niemeyer to adjourn the meeting at approximately 9:16 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 and after the meeting with discussion consisting of litigation. Those in attendance were Robert Carnahan, Randy Niemeyer, Greg Parker, Dale Poston, Jerry Smith, William Landske, Town Administrator Ian Nicolini, Clerk-Treasurer Amy Sund 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.