

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

**December 13, 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 H. Carnahan President	Ward 1
Absent	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	

**Jill Murr, Chief Deputy Clerk*

PUBLIC COMMENT: There were no comments.

PRESENTATION: Becky Cogley from The Arc Northwest Indiana gave a presentation on the organization and the services they offer.

CONSENT AGENDA

- Minutes of the Regular Public Meeting Minutes of November 15, 2011 and Special Public Meeting of November 18, 2011.
- Docket: Town Claims 69604 - 69788 for \$1,301,400.51; Wastewater Claims 27120 - 27206 for \$636,709.00; Storm Water Claims 69614 – 69615, 69630, 69647 - 69649 and 69661 – 69669 for \$33,397.05; Water Utility Claims 80868 - 80902 for \$131,629.21 and Wastewater Sinking Claim 27206 for \$500.00. Motion by Randy Niemeyer 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: 5 to 0

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

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1144 – 2012 Salary Ordinance

Motion by Dale Poston and seconded by Randy Niemeyer to defer this to the December 20, 2011 meeting.

Roll Call Vote: 5 to 0

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

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

Ordinance No. 1145 was read by title only by Ian Nicolini. This reduces the transfer from 15% to 12% of the EMS collections to the EMS Non-Reverting Equipment Fund. Motion by Randy Niemeyer and seconded by Dale Poston to approve the first reading of Ordinance No. 1145.

Roll Call Vote: 5 to 0

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

3. Ordinance No. 1146 – Rezone of Union Station – Favorable Recommendation from the Plan Commission to revert zoning to A-1.

On November 16, 2011, the Plan Commission held a public hearing on the advisability and necessity of rezoning the property. The property owner's attorney had requested a continuance which was not granted. It has been requested to remand this to the Plan Commission so that the property owner may be heard. A new public hearing does not need to be held. Motion by Randy Niemeyer and seconded by Dale Poston based upon the recommendation to remand this to the plan commission at their next meeting. It was noted that the next meeting will be December 21, 2011.

Roll Call Vote: 5 to 0

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

4. Ordinance No. 1147 – Job Description Amendment – Building Commissioner

This Ordinance is still being perfected. Robert Carnahan deferred this to the next meeting.

5. Ordinance No. 1111A – Public Way Vacation – Girls Softball Amendment

Ian Nicolini read Ordinance No. 1111A by title only. He noted that the vacation language was revised for recordation purposes. The right of way was discussed; the easements will be reserved. Motion by Randy Niemeyer and seconded by Greg Parker to approve Ordinance No. 1111A.

Roll Call Vote: 5 to 0

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

**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA
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Motion by Randy Niemeyer and seconded by Greg Parker to suspend the rules and have the second reading of Ordinance No. 1111A.

Roll Call Vote: 5 to 0

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

Ian Nicolini read Ordinance No. 1111A by title only. Motion by Randy Niemeyer and seconded by Greg Parker to adopt Ordinance No. 1111A.

Roll Call Vote: 5 to 0

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

6. Resolution No. 1061 – Transfer of Funds

Jill Murr read Resolution No. 1061 in its entirety which transfers the following in the General Fund and Cumulative Capital Improvement Fund:

GENERAL FUND:

Clerk-Treasurer

\$ 930.00	From: 394 – Instruction/Training	To: 111 – Clerk-Treasurer
\$ 700.00	From: 396 – Misc. Supply	To: 114 – EMS Billing Clerk
\$ 700.00	From: 211 – Office Supplies	To: 112 – Full-Time Staff
\$ 400.00	From: 212 – Postage	To: 112 – Full-Time Staff
\$ 2,000.00	From: 322 – Travel	To: 112 – Full-Time Staff
\$ 500.00	From: 332 – Legal	To: 112 – Full-Time Staff

CUMULATIVE CAPITAL IMPROVEMENT FUND

\$ 750.00	From: 313 – IT Contract	To: 445 - Equipment
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Motion by Randy Niemeyer and seconded by Greg Parker to approve Resolution No. 1061.

Roll Call Vote: 5 to 0

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

7. Resolution No. 1062 – 2011 Budget Reduction

Jill Murr read Resolution No. 1062 in its entirety. Motion by Randy Niemeyer and seconded by Greg Parker to defer to the December 20, 2011 meeting.

Roll Call Vote: 5 to 0

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

TOWN BUSINESS:

New Business

1. 13212 Marquette Street Demolition Plan

Ian Nicolini explained that the structure at 13212 Marquette Street is within twelve (12) feet of a cemetery. This is a protected historical burial ground. Indiana Department of Natural Resources requires a Cemetery Development Plan. This plan should be included with the bid documents as a process that is required. When the building comes down we do not want anything disturbed. Motion by Dale Poston and seconded by Randy Niemeyer to set forth the guidelines.

Roll Call Vote: 5 to 0

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

2. Accessible Park Equipment Grant

Ian Nicolini noted that the remaining Community Development Block Grant (CDBG) funds will be utilized for handicap accessible park equipment. There is \$37,760.00 available which should be enough to equip a whole park. Lynnsway Park already has sidewalks and the park committee has been briefed on this location. Motion by Dale Poston and seconded by Greg Parker to direct that application be made for Lynnsway Park.

Roll Call Vote: 5 to 0

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

3. Safe Routes to School Grant – Right-of-Way Services Contract

The contract is for the Right-of-Way services being provided by First Group Engineering and is based upon the number of parcels needed. Motion by Dale Poston and seconded by Greg Parker to award the contract to First Group Engineering in an amount not to exceed \$70,245.00.

Roll Call Vote: 5 to 0

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

4. Financial Services Proposal – WWTP Expansion

Council acknowledged receipt of a letter from the Town of Lowell's Clerk-Treasurer Judy Walters. There was no action on this item

5. Participation in Leadership Northwest Indiana

Ian Nicolini explained the Leadership Northwest Indiana program which focuses on Quality of Life issues in Northwest Indiana. It was requested to allow Randy Niemeyer and Ian Nicolini participate in the program at a cost of \$1,300.00 each. Motion by Dale Poston and seconded by Greg Parker to cover the costs for attendance in this program for Randy Niemeyer and Ian Nicolini.

Roll Call Vote: 5 to 0

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

**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA
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6. 2012 Boards and Commissions Meeting Schedule

Motion by Randy Niemeyer and seconded by Greg Parker to accept the 2012 meeting schedule.

Roll Call Vote: 5 to 0

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

7. Donation Acceptance – Neighborhood Watch Program

Clerk-Treasurer Amy Sund's report requested Council accept the donation of \$178.00 by the Neighborhood Watch Program. The funds were receipted into the General Non-Reverting Donation and Gift Fund under a separate line item known as "Neighborhood Watch." Motion by Dale Poston and seconded by Randy Niemeyer to accept the donation of \$178.00.

Roll Call Vote: 5 to 0

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

8. Summerfest Committee – Dispersal of Innkeeper's Tax

Clerk-Treasurer Amy Sund's report requested authorizing the sum of \$374.99 be paid to the Cedar Lake Summerfest Committee per their requested dated November 29, 2011 payable from the Economic Development Tourism Fund. These funds were carried over from last year for our share of Innkeeper's Tax; no funds have been received in 2011. Robert Carnahan noted that these funds are used to attract tourism and this is a reasonable item. Motion by Dale Poston and seconded by Randy Niemeyer to disperse the funds.

Roll Call Vote: 5 to 0

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

9. Health Savings Account – Town contribution

Ian Nicolini gave a description of the Health Savings Account which is connected with a High Deductible Health Plan. He referred to Ordinance No. 1035. Randy Niemeyer noted that John Foreman, Amy Sund and himself met to discuss this and a favorable recommendation was made from the wage and benefit committee. Motion by Randy Niemeyer and seconded by Greg Parker to authorize the Clerk-Treasurer to deposit funds into employees' Health Savings Account for 2012 with the amounts being \$500.00 for single employee, \$750.00 for employee and spouse and \$1,000.00 for employee and family.

Roll Call Vote: 5 to 0

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

10. Participation in Certified Public Managers Program

Ian Nicolini gave a description of the Certified Public Managers Program. Clerk-Treasurer Amy Sund's report was read into the record which stated: I received an invitation from Ball State University, Bowen Center for Public Affairs, to participate in the Public Manager Program. Ian has been involved in this program and has found it to be very beneficial. The cost to the Town is \$1,495, which works out to less than \$125 per full-day training sessions. The sessions begin March 2012 and go through February 2013 for Phase I. Since the training takes place one Tuesday per month in Valparaiso, there would be no additional cost to the Town for lodging or meals. Further education would assist me in obtaining the Master Municipal Clerk designation with the International Institute of Municipal Clerks. Randy Niemeyer noted that opportunities to educate public servants will benefit public service with long term results. Attorney David Austgen noted for the record that Clerk-Treasurer Amy Sund leads by example. Her staff is going through the same training regiment which is shown in the Towns Funds and budget noting that the Town is able to reduce its budget and not borrow to support it. Motion by Randy Niemeyer and seconded by Greg Parker to allow participation in the Certified Public Managers Program.

Roll Call Vote: 5 to 0

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

OLD BUSINESS

1. Ice Rink Location

The ice rink will be located on the Town Grounds this year. Portable lighting was discussed; Jim Cornett is to look into the cost and feasibility of lighting. David Austgen noted that Crown Point may have portable lighting available; Ian Nicolini to follow up. Motion by Dale Poston and seconded by Randy Niemeyer to have the ice rink located on the Town Grounds and have the Town Superintendent prepare the ice rink.

Roll Call Vote: 5 to 0

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

2. Sewer Utility Billing Elimination – 6705 W. 141st Avenue – Retroactive to November 15, 2011.

Ian Nicolini stated that the structure is down and the sewer is capped. Motion by Greg parker and seconded by Dale Poston to approve the utility billing removal retroactive to November 15, 2011.

Roll Call Vote: 5 to 0

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

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA
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WRITTEN COMMUNICATIONS:

1. Cedar Lake Fire Department – Todd Wilkening reported on the letter submitted regarding the proposed fence on the north side of the Hanover Community School Administration office. A fence permit application has been applied for and a revision has been received. Options were discussed. It was recommended that the fire department and EMS committee meet with the school and discuss this matter.

Police: Interim Police Chief Randy Mayersky reported on the arson case; five felonies were filed. Allen Sulski started on Sunday.

Public Works: Jim Cornett thanked Council for putting him in charge of public works. Staff cooperation is good and things are going well. He reported on the departments accomplishments. The vac truck had a part on back order from the factory; we should have it by the end of January. It is hoped that one dump truck should be ready next week.

Parks & Recreation: Ian Nicolini stated that Council should have received weekly reports from the park director. The beach – land swamp agreement has been finalized.

Clerk-Treasurer: Jill Murr noted that items were covered on the agenda and that the other items will be addressed at the next meeting when Clerk-Treasurer Amy Sund returns.

Fire Department: Todd Wilkening had no report.

Town Administrator: Ian Nicolini reported that the Shades storm sewer work should be done in March. He noted that Midwest PGM was on the cover of Indiana’s Business Monthly. Council will send a letter of appreciation to them. The demolition is complete and grass will be planted in the spring. Title work is being done on 13513 Dewey. Motion by Greg Parker and seconded by Dale Poston to waive the current sewer charges upon demolition retroactive to the date capped.

Roll Call Vote: 5 to 0

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

The Redevelopment Commission authorized the execution of a development plan with WPPI for the 133rd & Morse three (3) lot commercial development. The agreement is for \$90,000.00 which will be used to install a water main from Mac Arthur Elementary to the development. All leading up to it are not eligible. David Austgen noted that the RDC has thoroughly reviewed this and the funds will be generated. Motion by Randy Niemeyer and seconded by Greg Parker to authorize the Town Council President to sign the documents contingent upon the minutes and recording of the RDC meeting.

Roll Call Vote: 5 to 0

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

Lincoln Plaza easement release documents were discussed and are in the packet for signature. Council is the overseer of the water utility.

Town Attorney: David Austgen had no report.

Town Council: Motion by Randy Niemeyer and seconded by Dale Poston to extend the Boards and Commissions application deadline to December 20, 2011. December 20, 2011 at 6:30 pm there will be a Joint Executive Session with the Police Commission and the Town Council with a Joint Public Meeting to follow at 7:00 pm which will include other Town Council business items.

PUBLIC COMMENT: Todd Wilkening reported on the early warning siren which is going to be installed at the new middle school. This was received with a grant two and a half years ago. Two more sirens are needed.

Adjournment: Motion by Greg Parker and seconded by Dale Poston to adjourn the meeting at approximately 8:28 pm.

Roll Call Vote: 5 to 0

Foreman	Poston	Smith	Niemeyer	Landske	Parker	Carnahan
ABSENT	YES	ABSENT	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. Those in attendance were Robert Carnahan, Randy Niemeyer, Greg Parker, Dale Poston, William Landske, Town Administrator Ian Nicolini, Chief Deputy Clerk Jill Murr 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

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

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.