

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

**January 17, 2012
Public Meeting 7:00 PM at the Cedar Lake Town Hall
Pledge of Allegiance & Moment of Silence**

Roll Call:

Present	Robert H. Carnahan Council Member	Ward 1	Present	Patsy Casassa Council Member	Ward 6
Present	John Foreman Council Member	Ward 2	Present	Greg Parker Council Member	Ward 7
Absent	Dale Poston Council Member	Ward 3	Present	Amy J. Sund Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	Ian Nicolini Town Administrator	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

PUBLIC COMMENT: There were no comments.

CONSENT AGENDA

- Minutes of the Regular Public Meeting Minutes of January 3, 2012 and Special Public Meeting Minutes of January 5, 2012.
- Docket: Town Claims 69849 - 69946 for \$665,722.80; Wastewater Claims 27243 - 27288 for \$264,117.83; Storm Water Claims 69849 – 69851 and 69879 - 69884 for \$29,634.99; Water Utility Claims 80919 - 80937 for \$30,002.69. Motion by John Foreman and seconded by Patsy Casassa to accept and waive the reading of the Minutes, and to accept the Consent Agenda.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Miller	Casassa	Parker	Poston	Niemeyer
YES	YES	YES	YES	YES	ABSENT	YES

UTILITY BUSINESS

1. Ordinance No. 1148 - Wastewater Payment in Lieu of Taxes (PILT)

Ordinance No. 1148 was read by title only. Ian Nicolini explained payment in lieu of taxes; this is the amount that would be collected if it were a taxable entity. The amount is \$52,124.00 annually. Motion by Greg Parker and seconded by John Foreman to approve Ordinance No. 1148.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Miller	Casassa	Parker	Poston	Niemeyer
YES	YES	YES	YES	YES	ABSENT	YES

Motion by Greg Parker and seconded by John Foreman to suspend the rules and have the second reading of Ordinance No. 1148.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Miller	Casassa	Parker	Poston	Niemeyer
YES	YES	YES	YES	YES	ABSENT	YES

Ordinance No. 1148 was read by title only. Motion by Ralph Miller and seconded by Greg Parker to adopt Ordinance No. 1148.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Miller	Casassa	Parker	Poston	Niemeyer
YES	YES	YES	YES	YES	ABSENT	YES

2. Ordinance No. 1149 – Wastewater Treatment Plant Special Fund Transfer

Ordinance No. 1149 was read by title only. Clerk-Treasurer Amy Sund stated that the Town' financial consultant has updated the calculations and those recommendations are reflected in the Ordinance. Motion by John Foreman and seconded by Patsy Casassa to approve Ordinance No. 1149.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Miller	Casassa	Parker	Poston	Niemeyer
YES	YES	YES	YES	YES	ABSENT	YES

Motion by Greg Parker and seconded by Patsy Casassa to suspend the rules and have the second reading of Ordinance No. 1149. It was recommended to wait until complete copies of all pages of the Ordinance were available.

Roll Call Vote: 0 to 6

Carnahan	Foreman	Miller	Casassa	Parker	Poston	Niemeyer
NO	NO	NO	NO	NO	ABSENT	NO

The second reading of Ordinance No. 1149 will be on the agenda for the second meeting in February.

3. 14530 Wheeler Street Project – Utility Billing Matters

The home at 14530 Wheeler Street was demolished utilizing Community Block Grant Development Funds (CDBG). The sewer was disconnected on September 28, 2011 and the project is complete. It is recommended that the monthly charges not accrue since the service has been disconnected. Motion by John Foreman and seconded by Greg Parker to cease the utility billing effective September 28, 2011.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Miller	Casassa	Parker	Poston	Niemeyer
YES	YES	YES	YES	YES	ABSENT	YES

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1150 – Job Descriptions

Ordinance No. 1150 was read by title only. Ian Nicolini explained that this creates a Building Commission position and outlines its duties. This will be the anchor for job descriptions that have been

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updated since 2009. Discussions occurred on the Building Commissioner position; Council will need to direct that the position be advertised for possibly in March or April to allow for training before the season gets busy. Discs were given to Council with all of the job descriptions. Motion by Ralph Miller and seconded by Greg Parker to approve the first reading of Ordinance No. 1150.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Miller	Casassa	Parker	Poston	Niemeyer
YES	YES	YES	YES	YES	ABSENT	YES

2. Ordinance No. 1151 – Council Committees

Ordinance No. 1151 was read by title only. Attorney David Austgen explained that this is an amendment to the Town Code based upon the format that was approved at the January 3, 2012 Town Council meeting. The Town Code will be amended to reflect the current committees. Motion by Patsy Casassa and seconded by Ralph Miller to approve Ordinance No. 1151.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Miller	Casassa	Parker	Poston	Niemeyer
YES	YES	YES	YES	YES	ABSENT	YES

David Austgen requested Council consider suspending the rules for a second reading as this Ordinance codifies the committee format going forward. Motion by Ralph Miller and seconded by Greg Parker to suspend the rules and have the second reading of Ordinance No. 1151.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Miller	Casassa	Parker	Poston	Niemeyer
YES	YES	YES	YES	YES	ABSENT	YES

Ordinance No. 1151 was read by title only. Motion by Ralph Miller and seconded by Patsy Casassa to adopt Ordinance No. 1151.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Miller	Casassa	Parker	Poston	Niemeyer
YES	YES	YES	YES	YES	ABSENT	YES

3. Ordinance No. 1147 – Floodplain Management Regulations – Second Reading

Ordinance No. 1147 was read by title only. Ian Nicolini explained the Ordinance and requirements. Publication of the Ordinance is required. Motion by Ralph Miller and seconded by Patsy Casassa to accept the second reading of Ordinance No. 1147.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Miller	Casassa	Parker	Poston	Niemeyer
YES	YES	YES	YES	YES	ABSENT	YES

4. Resolution No. 1063 – Temporary Transfer to RDA Lease Rental Bond Fund

Resolution No. 1063 was read in its entirety. The sum of \$73,600.93 shall be transferred from the Casino Gaming Fund #105 to the RDA Lease Rental Bond Fund #410 in order to make timely payment to the paying agent Wells Fargo Bank for the 2007 Cedar Lake Redevelopment Authority Lease Rental Revenue Bonds. Motion by John Foreman and seconded by Patsy Casassa to approve Resolution No. 1063.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Miller	Casassa	Parker	Poston	Niemeyer
YES	YES	YES	YES	YES	ABSENT	YES

NEW BUSINESS

1. Approval of Forwarding Encumbrances

Clerk Treasurer Amy Sund explained that it is standard procedure to carry items over from the 2011 budget to the 2012 budget for items that are going to be disbursed in the following year. The amount encumbrances are \$155,487.40. Motion by Ralph Miller and seconded by Greg Parker to approve the forwarding encumbrances.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Miller	Casassa	Parker	Poston	Niemeyer
YES	YES	YES	YES	YES	ABSENT	YES

2. Lincoln Plaza Well Decommissioning

Ian Nicolini explained that this is part of the Strack & Van Til subdivision project. The former pump house/well house will be decommissioned. Bids were received to decommission the well from Sheehy Well and Pump Co., Inc in an amount not to exceed \$4,250.00 which requires no variance and an alternative option in an amount of \$3,500.00 which would require a variance from the Indiana Department of Natural Resources (IDNR) to use chlorinated pea gravel and submit the proper forms including the abandonment log to IDNR. Demolition of the block building will be by the Public Works department. The 6" water main that is above-ground needs to be relocated. Reichelt Plumbing has the lowest cost utilizing ductile iron piping at \$3,200.00; Sheehy Well's cost for this alternate is \$1,800.00 additional. Motion by John Foreman to have Sheehy Well do the entire project; motion died with a lack of a second. Motion by Robert Carnahan and seconded by Ralph Miller to accept the recommendation of Ian Nicolini to utilize Sheehy Well to decommission the well and Reichelt Plumbing to relocate the line.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Miller	Casassa	Parker	Poston	Niemeyer
YES	YES	YES	YES	YES	ABSENT	YES

3. Cedar Lake Park Foundation – IRS Filing

Attorney David Austgen explained that this is the item for the tax exempt status for the Park Foundation, Inc. A fee of \$400.00 payable to the Department of Treasury is needed. Motion by Ralph Miller and seconded by Greg Parker to move forward with the filing. Discussions occurred on the

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budget to pay for this out of; Council's General Fund budget or Park's budget. It was noted that CDBG funds are going to be used to pay for park equipment. Motion was withdrawn. Motion by Greg Parker and seconded by John Foreman to pay for the filing out of the Park budget.

Roll Call Vote: 4 to 2

Carnahan	Foreman	Miller	Casassa	Parker	Poston	Niemeyer
NO	YES	NO	YES	YES	ABSENT	YES

4. 911 Committee Appointment

Motion by Robert Carnahan and seconded by Patsy Casassa to accept the appointment of Chief Randy Mayersky to the 911 Committee.

Roll Call Vote: 5 to 1

Carnahan	Foreman	Miller	Casassa	Parker	Poston	Niemeyer
YES	YES	YES	YES	YES	ABSENT	NO

5. 2012 Meeting Schedule – Board of Zoning Appeals

In order to make the Board of Zoning Appeals' process more timely; the meeting dates will change from the third Thursday of each month to the second Thursday, so that applicants may attend the public meeting in the same month. The new meeting date will begin in April 2012; meeting time will remain at 7:00 pm. The Board of Zoning appeals concurred with the recommendation at last Thursday's meeting. Motion by Ralph Miller and seconded by John Foreman to accept the 2012 meeting schedule for the Board of Zoning Appeals with contingencies.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Miller	Casassa	Parker	Poston	Niemeyer
YES	YES	YES	YES	YES	ABSENT	YES

6. Donation Acceptance – Parks Department

- a. Received from Cedar Lake Summerfest**
- b. Received from Cedar Lake Summerfest**
- c. Received from Dawn Schmidt**

Ian Nicolini stated that the value of the donations is \$131, \$141, and \$30 respectively. Motion by John Foreman and seconded by Greg Parker to approve the donations.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Miller	Casassa	Parker	Poston	Niemeyer
YES	YES	YES	YES	YES	ABSENT	YES

TOWN COUNCIL REPORTS:

Town Council: Robert Carnahan commended Ian Nicolini's staff member Michelle on her work on reporting streetlights that are out; they are being fixed quickly by NIPSCO. Randell Niemeyer stated that he is not opposed to the appointment of Randy Mayersky to the 911 Committee, he is opposed to the 911 Committee.

Town Attorney: Attorney David Austgen had no comments.

Clerk-Treasurer: Clerk-Treasurer Amy Sund had no comments.

Town Administrator: Ian Nicolini stated that tree clearing will begin at 13513 Dewey Street this week with demolition work being completed with public works staff next week. Demolition of 13212 Marquette is out to bid with a required completion date of February 15, 2012. Demolition is occurring on the future Strack & Van Til site. The building department is working on weed and rank vegetation violation liens which will be recorded on individual properties and developments.

PUBLIC COMMENT: There were no comments.

Adjournment: Randell Niemeyer adjourned the meeting at approximately 7:40 pm.

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 and personnel. Those in attendance were Robert Carnahan, Patsy Casassa, John Foreman, Ralph Miller, Randy Niemeyer, Greg Parker, Dale Poston, and Town Administrator Ian Nicolini, Clerk Treasurer Amy Sund, and Town Attorney David Austgen and Attorney Adam Sworden.

COUNCIL OF THE CIVIL TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

Randell Niemeyer, President, Ward 5

Dale Poston, Vice-President, Ward 3

Robert H. Carnahan, Ward 1

John Foreman, Ward 2

Ralph Miller, Ward 4

Patsy Casassa, Ward 6

ATTEST:

Greg Parker, Ward 7

Amy J. Sund, IAMC, CMC, Clerk-Treasurer

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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.