

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

January 8, 2013  
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. Gross Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	Ian Nicolini Town Manager	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

1. **Nomination and Appointment of Town Council Officers:**  
**Town Council President:** Motion by Patsy Casassa and seconded by Greg Parker to re-elect Randy Niemeyer as Town Council President. There were no other nominations.  
**Roll Call Vote: 6 to 0**

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

- Town Council Vice President:** Motion by Greg Parker and seconded by Patsy Casassa to nominate Ralph Miller for Town Council Vice President. There were no other nominations.  
**Roll Call Vote: 6 to 0**

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

2. **Appointments to Town Council Committee:**
- **Public Works and Safety Committee**  
Police Commission, Public Works and Public Safety
    1. Patsy Casassa
    2. Randy Niemeyer
    3. Greg Parker
  - **Park and Recreation Committee**  
Parks Department, Historical Association and Summerfest Committee
    1. Ralph Miller
    2. Patsy Casassa
    3. Randy Niemeyer
  - **Redevelopment Committee**  
Redevelopment Commission, Stormwater Management Board, Ecosystem Restoration and 133<sup>rd</sup> Avenue
    1. John Foreman
    2. Bob Carnahan
    3. Randy Niemeyer
  - **Planning Committee**  
Planning and Building Department, BZA and Unsafe Building Hearing Authority
    1. John Foreman
    2. Greg Parker
    3. Bob Carnahan
  - **Council Affairs Committee**  
Budget and Finance committee, Personnel Policy and Employee Benefits and Chamber of Commerce
    1. Randy Niemeyer
    2. Ralph Miller
    3. Vacant
  - **Northwest Indiana Regional Planning Commission (NIRPC)**
    1. Bob Carnahan
  - **Lake County Solid Waste**
    1. Bob Carnahan
  - **South County Community Development**
    1. Bob Carnahan

- Motion by Greg Parker and seconded by John Foreman to approve the above list as read by Randy Niemeyer.  
**Roll Call Vote: 6 to 0**

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

3. **Appointments to Boards and Commissions:**
- **Redevelopment Commission**
    1. Pat Conlon (expires 12/31/2013)
    2. Jeff DeVries (expires 12/31/2013)
    3. Nathan Vis (expires 12/31/2013)
    4. Becky Davis (expires 12/31/2013)
    5. Tony Bender (expires 12/31/2013)

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- **Plan Commission**
  - 1. Jim Hunley (expires 12/31/2015)
  - 2. Diane Cusack (expires 12/31/2016)
  - 3. Julie Rivera (expires 12/31/2013)
- **Board of Zoning Appeals**
  - 1. Jeremy Kuiper (expires 12/31/2016)
  - 2. Eric Olson (expires 12/31/2016)
- **Police Commission**
  - 1. Dominick Kortokrax (expires 12/31/2015)
  - 2. Terri Blagojevic (expires 12/31/2013)
  - 3. Charlie Kaper (expires 12/31/2013)
  - 4. Mike DeFrancesco (expires 12/31/2015)
  - 5. Michael Taborski (expires 12/31/2015)
- **Unsafe Building**
  - 1. Diane Cusack (expires 12/31/2016)
- **Stormwater Board**
  - 1. Glenn Sechen (expires 12/31/2015)
  - 2. Joe Trtan (expires 12/31/2013)

Randy Niemeyer read the above list and noted that the Council will need to make three (3) appointments to the Plan Commission, one (1) appointment to the Unsafe Building Department and one (1) appointment from the Plan Commission to the Board of Zoning Appeals. These are all annual appointments. Motion by Ralph Miller and seconded by Patsy Casassa to reappoint Bob Carnahan, Greg Parker and John Foreman to the Plan Commission.

**Roll Call Vote: 6 to 0**

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

Motion by Ralph Miller and seconded by Bob Carnahan to reappoint Greg Parker to the Unsafe Building Department.

**Roll Call Vote: 6 to 0**

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

Motion by John Foreman and seconded by Ralph Miller to reappoint Tim Kubiak to the Board of Zoning Appeals.

**Roll Call Vote: 6 to 0**

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

Clerk-Treasurer Amy Gross stated that all appointees will need to take an Oath of Office before their first meeting. Ms. Gross noted that she will be available before the start of each Board's and Commission's first meeting to swear in new members. Police Commission members will need to contact Interim Chief Smith, as they must be sworn in by County. Motion by Greg Parker and seconded by Patsy Casassa to approve all Boards and Commissions appointments as read. Bob Carnahan voted for these appointments, but stated disappointment that Mr. Dan Engelmann was not retained.

**Roll Call Vote: 6 to 0**

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

**PUBLIC COMMENT:** None.

**CONSENT AGENDA**

- 1. Minutes of the December 18, 2012 Public Meeting.
- 2. Docket: Town Claims \$646,932.77; Wastewater Claims \$185,212.98; Storm Water Claims \$2,004.16; Water Utility Claims \$3,661.030.73\*; and Payroll #41, 42, & 43 Claims \$278,107.79. \*Water Utility Claims include closing of the Water BAN Financing. Motion by Patsy Casassa and seconded by Greg Parker to accept and waive the reading of the Minutes and to accept the Consent Agenda.

**3. Roll Call Vote: 6 to 0**

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

**ORDINANCES & RESOLUTIONS**

**1. Amendment to Agenda**

Motion by Ralph Miller and seconded by Patsy Casassa to amend the agenda to discuss part-time employee bonuses.

**Roll Call Vote: 6 to 0**

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

Motion by Ralph Miller and seconded by Patsy Casassa to approve a \$250.00 bonus to all part-time employees who are employed year-round and work a minimum of one thousand (1,000) hours per year.

**Roll Call Vote: 6 to 0**

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

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2. **Ordinance No. 1169 – 2013 Salary Ordinance – 2<sup>nd</sup> Reading**  
Randy Niemeyer read Ordinance No. 1168 by title only. Motion by John Foreman and seconded by Greg Parker to adopt Ordinance No. 1169, as amended.  
**Roll Call Vote: 6 to 0**
- |          |         |        |        |          |         |        |
|----------|---------|--------|--------|----------|---------|--------|
| Carnahan | Foreman | Poston | Miller | Niemeyer | Casassa | Parker |
| YES      | YES     | ABSENT | YES    | YES      | YES     | YES    |
3. **Ordinance No. 1170 – EMS Non-Resident Charges – 2<sup>nd</sup> Reading**  
Attorney David Austgen stated that he and Clerk-Treasurer Gross are currently working on revisions to this Ordinance and that it is not yet ready for a second reading. This item will be placed on the agenda for a second reading once the revisions have been completed.

PLANNING/ZONING & BZA

1. **Variance of Special Use – 9905 W 133<sup>rd</sup> Avenue – Sporting Goods Store with Retail Sale of Firearms**  
*Favorable recommendation from the Board of Zoning Appeals, and to allow a twenty foot by twenty foot (20'x20') outdoor storage area, contingent that the existing storage trailer be removed.*  
Motion by Bob Carnahan and seconded by Greg Parker to approve the recommendation from the Board of Zoning Appeals.  
**Roll Call Vote: 6 to 0**
- |          |         |        |        |          |         |        |
|----------|---------|--------|--------|----------|---------|--------|
| Carnahan | Foreman | Poston | Miller | Niemeyer | Casassa | Parker |
| YES      | YES     | ABSENT | YES    | YES      | YES     | YES    |
2. **Variance of Use – 11009 W 133<sup>rd</sup> Avenue – Digital Message Sign**  
*Favorable recommendation from the Board of Zoning Appeals, contingent that sign does not flash, messages remain for a minimum of six (6) seconds and messages do not scroll from side to side.*  
Motion by Greg Parker and seconded by Bob Carnahan to approve the recommendation from the Board of Zoning Appeals.  
**Roll Call Vote: 6 to 0**
- |          |         |        |        |          |         |        |
|----------|---------|--------|--------|----------|---------|--------|
| Carnahan | Foreman | Poston | Miller | Niemeyer | Casassa | Parker |
| YES      | YES     | ABSENT | YES    | YES      | YES     | YES    |

NEW BUSINESS

1. **E85 Fuel Tank Specifications Proposal**  
Ian Nicolini stated that as part of the Clean Cities Grant, the Town of Cedar Lake has qualified to receive approximately \$180,000.00 in fully subsidized Federal funding for E85 fuel to be used in the Police squad vehicles. In addition, the grant provides additional funding that will be used for the purchase of an E85 fuel tank, which will become the property of the Town of Cedar Lake. Nies Engineering has submitted a proposal in a not-to-exceed amount of \$6,240.00 to develop the specifications, distributions, tank placement, software monitoring, as well as prepare bid documents, reports and inspections. Mr. Nicolini stated this amount is a not-to-exceed amount, but that it is expected to be much lower than this. Mr. Nicolini recommended that the Council approve the proposal, as presented from Nies Engineering. Greg Parker asked if this will be the only fuel source from now on. Ian Nicolini explained that after two (2) years, the tank will become property of the Town. At that time, the Town can decide whether or not to continue to use E85 fuel, or can be switched to gasoline. Motion by Bob Carnahan and seconded by Ralph Miller to accept the proposal from Nies Engineering in an amount not to exceed \$6,240.00, as recommended by Town Manager Ian Nicolini.  
**Roll Call Vote: 6 to 0**
- |          |         |        |        |          |         |        |
|----------|---------|--------|--------|----------|---------|--------|
| Carnahan | Foreman | Poston | Miller | Niemeyer | Casassa | Parker |
| YES      | YES     | ABSENT | YES    | YES      | YES     | YES    |
2. **Bid Award – Industrial Drive Sanitary Sewer**  
Ian Nicolini stated that a Bid Opening was held on November 30, 2012. Of the bids, the lowest responsive and responsible bidder was B&D Sewer & Backhoe Service, in an amount of \$140,851.00, which was considerably lower than the engineer's opinion of cost of \$225,000.00. Documentation was included with the recommendation. Mr. Nicolini stated that a lower bid was received. However, the bid did not include the addenda, which was required with the bids. Motion by Bob Carnahan and seconded by Greg Parker to accept the bid received from B&D Sewer in the amount of \$140,851.00.  
**Roll Call Vote: 5 to 1**
- |          |         |        |        |          |         |        |
|----------|---------|--------|--------|----------|---------|--------|
| Carnahan | Foreman | Poston | Miller | Niemeyer | Casassa | Parker |
| YES      | NO      | ABSENT | YES    | YES      | YES     | YES    |
3. **Forwarding Encumbrances**  
Clerk-Treasurer Gross stated that there are Purchase Orders from 2012 that are still open or in use. This is a typical year-end procedure that needs approval to carry over these Purchase Orders to 2013. Motion by Ralph Miller and seconded by Greg Parker to approve forwarding these encumbrances in the amount of \$12,729.12.  
**Roll Call Vote: 6 to 0**
- |          |         |        |        |          |         |        |
|----------|---------|--------|--------|----------|---------|--------|
| Carnahan | Foreman | Poston | Miller | Niemeyer | Casassa | Parker |
| YES      | YES     | ABSENT | YES    | YES      | YES     | YES    |
4. **Outstanding Check**  
Clerk-Treasurer Gross stated this is another year-end procedure to request the cancelling of outstanding warrants. There is one check dated July 21, 2010 in the amount of \$281.96. This amount will revert back to the LEEF Fund #210. Motion by Greg Parker and seconded by Ralph Miller to approve the cancellation of Check No. 26400 in the amount of \$281.96.  
**Roll Call Vote: 6 to 0**
- |          |         |        |        |          |         |        |
|----------|---------|--------|--------|----------|---------|--------|
| Carnahan | Foreman | Poston | Miller | Niemeyer | Casassa | Parker |
| YES      | YES     | ABSENT | YES    | YES      | YES     | YES    |

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5. Monastery Clubhouse – Fee Waiver

- A. Little League – March 2, 2013 – Coach Clinic
- B. Little League – April 17, 2013 – Pictures

Motion by Greg Parker and seconded by Patsy Casassa to waive the rental fees for use of the Monastery Clubhouse.

Roll Call Vote: 6 to 0

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

6. Little League Parade Date – May 4, 2013

Motion by Bob Carnahan and seconded by John Foreman to approve May 4, 2013 for the Little League parade.

Roll Call Vote: 6 to 0

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

7. Emergency Siren Acceptance

Motion by John Foreman and seconded by Patsy Casassa to accept all emergency sirens within the Town of Cedar Lake. Attorney David Austgen stated that some sort of transfer document or bill of sale should be prepared. Chief Wilkening stated that the sirens were acquired through grants and donations. Attorney Austgen asked Fire Chief Wilkening to prepare a list of all the equipment and fixtures that the Town will be inheriting in order to prepare a transfer document. John Foreman amended his motion to reflect the recommendation from Attorney Austgen to prepare transfer documents for the equipment. Patsy Casassa concurred.

Roll Call Vote: 6 to 0

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

8. Donations – VIPs – \$500.00

Motion by Bob Carnahan and seconded by John Foreman to accept donations.

Roll Call Vote: 6 to 0

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

OLD BUSINESS

1. Redevelopment Commission – Branding Review Team Appointments

Deferred from November 13 & December 4, 2012 Meetings

Motion by Ralph Miller and seconded by Greg Parker to appoint Doug Spencer and Martin Oleksi to the Branding Review Team.

Roll Call Vote: 6 to 0

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

TOWN COUNCIL REPORTS

1. Town Council

Bob Carnahan gave a reminder that the Lake County Advancement Committee will hold its monthly meeting at Teibel’s Restaurant on January 11, 2013 at 12:00 p.m. and the topic will be the Chicago-Gary International Airport. The cost is \$20.00 to attend.

Randy Niemeyer stated that he would like to make a slight change to the meeting format, which will need to be voted on by the Council. This will be an item on the next agenda. Mr. Niemeyer stated this will include changes to the consent agenda, as well as allowing a voice vote on all items, except for Ordinances. This will be a way to clean up and professionalize the way Council meetings are held.

2. Town Attorney – No report.

3. Clerk-Treasurer – Amy Gross stated she will have more year-end items for approval at the next public meeting, including ambulance billing write-offs and utility account adjustments.

4. Town Manager – Ian Nicolini stated that land acquisition offers are beginning to go out to residents in the Safe Routes to School areas. The Redevelopment Commission has directed staff and legal counsel to begin the process of analyzing TIF financing for the water main improvement portion of the reconstructing and widening of the second phase of 133<sup>rd</sup> Avenue, which will extend the water main to the west side of US Highway 41 and also to begin examining the possibility of reconstructing and widening 133<sup>rd</sup> Avenue on the east side of Town, heading east from Morse Street to Colfax. Bob Carnahan inquired about the status of laying brick at the intersection of 133<sup>rd</sup> Avenue and Morse Street. Ian Nicolini stated that the Redevelopment Commission last discussed looking at different surfacing options in the spring. Discussion of thermoplastic recoating of the intersection occurred and concerns of laying actual brick were stated. A work session will be scheduled for early spring to discuss what will be done at the intersection. Ian Nicolini stated that he would like to begin discussion of expanding the Utility Master Plan at the February work session. January 15, 2013 at 7:00 p.m. Ball State will be present for the Strategic Planning work session. January 31, 2013 at 6:00 p.m., a Public Open House will be held for the Greenway Corridor Project. Interested residents are invited to come.

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Ian Nicolini stated that Indiana University Northwest has extended his contract to serve as a member of the adjunct faculty in the School of PEA. Courses will be Thursday evenings from 4:00 p.m. to 9:45 p.m. and will be held once a week. Mr. Nicolini asked that the Council approve his serving as an adjunct professor. Motion by Greg Parker and seconded by John Foreman to approve Ian Nicolini to continue to serve as an adjunct professor at Indiana University Northwest.

Roll Call Vote: 6 to 0

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

**Public Comment:** Al Bunge, 7120 W 133<sup>rd</sup> Avenue, thanked the Council for approving his variance request. Mr. Bunge stated concerns about having to remove the existing storage unit. Mr. Bunge proposed to move the storage unit behind the building rather than getting rid of it altogether. Bob Carnahan stated that the discussion of the storage trailer was brought up by Tim Kubiak, who stated that if the Board allows this business to do it, then other businesses might want to do the same thing. Randy Niemeyer asked that Mr. Bunge work with Town Manager Ian Nicolini to formalize a proposal that the Council may act upon.

**Adjournment:** Randy Niemeyer adjourned the meeting at approximately 7:43 p.m.

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 Bob Carnahan, John Foreman, Patsy Casassa, Ralph Miller, Greg Parker, Randell Niemeyer, Amy J. Gross, Clerk-Treasurer, and Ian Nicolini, Town Manager.

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. Gross, 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.