

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

**September 6, 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
Absent	Dale Poston Council Member	Ward 3	Present	Robert H. Carnahan President	Ward 1
Absent	Jerry Smith Council Member	Ward 4	Present	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	

**PUBLIC COMMENT:** There were no comments.

**CONSENT AGENDA**

- Minutes of the Regular Public Meeting Minutes of August 30, 2011.
- Docket: Town Claims – 69139 - 69222 for \$1,115,680.28; Wastewater Claims 26905 - 26936 for \$391,870.60; Storm Water Claims 69143 – 69148 and 69203 - 69204 for \$12,790.45; and Water Utility Claims 80784 - 80794 for \$7,228.18. Motion by Greg Parker and seconded by Randy Niemeyer to accept and waive the reading of the Minutes as amended, and to accept the Consent Agenda.

**Roll Call Vote: 4 to 0**

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

**PLANNING/ZONING & BZA**

- Variance of Use – Luke Land, LLC, 6905 W. 133<sup>rd</sup> Avenue – Favorable Recommendation from the Board of Zoning Appeals to allow the operation of a B-3 Zoned Service Station in a B-1 Zoning District**

The Board of Zoning Appeals sent a favorable recommendation for the requested variance of use to operator a B-3 zoned service station in a B-1 zoning district by a vote of 4 in favor and 0 against. This is for a gas station. Motion by Randy Niemeyer and seconded by Greg Parker to approve the Variance of Use for Luke Land.

**Roll Call Vote: 4 to 0**

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

- Variance of Use – St. Anthony, 6905 W. 133<sup>rd</sup> Avenue – Favorable Recommendation from the Board of Zoning Appeals to allow an illuminated digital message sign with contingencies**

The Board of Zoning Appeals sent a favorable recommendation for the requested variance of use to allow an illuminated digital message sign. It was recommended to include the timing, scrolling, non-flashing nor mimicking a siren contingency in the motion. Motion by Randy Niemeyer and seconded by Greg Parker to approve the Variance of Use for St. Anthony with provisions adding standard contingencies for digital signage and add this to the certification.

**Roll Call Vote: 4 to 0**

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

**ORDINANCES & RESOLUTIONS**

- Ordinance No. 1140 – Amendment to Town Zoning Ordinance No. 496 – Favorable Recommendation from the Plan Commission to approve amendment**

Ian Nicolini read Ordinance No. 1140 by title only. A favorable recommendation was sent from the Plan Commission. Ordinance No. 1140 amends Town Zoning Ordinance No. 496 Section One subsection A.(2) of Section 1, General Accessory Regulations. This is for outbuildings and storage sheds; anything detached. Attached garages shall be excluded when calculating the Maximum Accessory Buildings square feet.

**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA**

**ORDINANCE NO.: 1140**

**AN ORDINANCE AMENDING TOWN ZONING ORDINANCE NO.: 496,  
BEING:**

**“AN ORDINANCE REPLACING ZONING ORDINANCE NO. 278, ENTITLED CEDAR LAKE, INDIANA, ZONING ORDINANCE, PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF CEDAR LAKE, INDIANA, AND ALL AMENDMENTS PASSED SUBSEQUENT THERETO, REPEALING ZONING ORDINANCE NO. 278, ALL AMENDMENTS THERETO, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, ESTABLISHING NEW COMPREHENSIVE ZONING REGULATIONS FOR THE TOWN OF CEDAR LAKE, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE INDIANA STATE STATUTES.”**

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**WHEREAS**, the Town Council of the Town of Cedar Lake, Lake County, Indiana, has reviewed the present text provisions of Town Zoning Ordinance No.: 496, as amended from time to time, regarding accessory building regulations; and

**WHEREAS**, the Town Council of the Town of Cedar Lake, Lake County, Indiana, as a result of its review, has advised the Plan Commission that it is necessary to amend Town Zoning Ordinance No.: 496, as amended from time to time, regarding accessory building regulations; and

**WHEREAS**, the Plan Commission of the Town of Cedar Lake, Lake County, Indiana, held a Public Hearing on the 17<sup>th</sup> day of August, 2011, pursuant to published notice as required by applicable law, to consider the advisability and necessity of amending certain text provisions of the Town Zoning Ordinance No.: 496, as amended from time to time, regarding accessory building regulations; and

**WHEREAS**, the Plan Commission of the Town of Cedar Lake, Lake County, Indiana, has, at the conclusion of the public hearing held, certified a Favorable Recommendation to the Town Council of the Town of Cedar Lake, Lake County, Indiana, that Town Zoning Ordinance No.: 496, as amended from time to time, requires modification and amendment of certain text provisions contained therein regarding accessory building regulations; and

**WHEREAS**, the Town Council of the Town of Cedar Lake, Lake County, Indiana, having reviewed said certain recommended text amendments to Town Zoning Ordinance No.: 496, as amended from time to time, pertaining to accessory building regulations, now concurs that it is advisable, appropriate and in the best interests of the residents and property owners of the Town of Cedar Lake that certain text provisions of Town Zoning Ordinance No.: 496, as amended from time to time, be amended and modified pertaining to accessory building regulations.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, AS FOLLOWS:**

**SECTION ONE:** That subsection A.(2) of **Section 1**, entitled **General Accessory Regulations**, of **Title XXIII**, entitled **Accessory Regulations**, of Town Zoning Ordinance No. 496, as amended from time to time, be, and the same is amended to read and provide as follows:

**Section 1: General Accessory Regulations.**

- A. “(2) Accessory Buildings shall be permitted per building lot upon issuance of a duly authorized building permit by the Building Inspector, or duly designated representative of the Town. Grade level is ~~determinate~~ determined as 6” below the floor surface. Exterior wall height shall not exceed ten feet (10’) from the finish floor surface. Attached garages shall be excluded when calculating the Maximum Accessory Buildings Square Feet. Accessory Buildings shall only be allowed according to the following schedule:

<u>Lot Size</u>	<u>Maximum Square Feet for all Accessory Buildings</u>	<u>Maximum Height</u>
10,000 sf-15,000 sf	800 square feet	14’
15,000 sf-1 acre	1,000 square feet	14’
1.01 - 2.0 acres	1,600 square feet	15’
2.01 acres or greater	2,000 square feet	16’

Notwithstanding the following schedule, detached garages may have a maximum height greater than the allowable height stated herein as long as the roof pitch matches the primary residential structure roof pitch and as long as the detached garage has exterior construction similar to the primary residential structure. Cupolas shall be allowed up to a maximum height of three (3) feet, which shall not be counted towards the maximum height of the accessory building. Further, semi-trailers, truck boxes, pickup tops, and campers are prohibited from being used as an Accessory Building in all zoning districts. Additionally, no accessory structure shall be used for residential living facilities.”

**SECTION TWO:** That subsection A.(3) of **Section 1**, entitled **General Accessory Regulations**, of **Title XXIII**, entitled **Accessory Regulations**, of Town Zoning Ordinance No. 496, as amended from time to time, be, and the same is amended to read and provide as follows:

**Section 1: General Accessory Regulations.**

- A. “(3) Only two (2) accessory buildings, excluding attached garages, shall be allowed per building lot.”

**SECTION THREE:** That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed and declared to be null, void, and of no legal effect.

**SECTION FOUR:** That if any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

**SECTION FIVE:** That this Ordinance shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of Cedar Lake, Lake County, Indiana, pursuant to applicable law.

**ALL OF WHICH IS PASSED AND ADOPTED BY THE TOWN OF COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2011.**

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David Austgen noted that there is a word error in Section 1 A; Grade level is determinate should read Grade level is determined. Motion by Randy Niemeyer and seconded by Greg Parker to adopt Ordinance No. 1140 with the favorable recommendation of the Plan Commission and the correction to section one (1) as noted.

**Roll Call Vote: 4 to 0**

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

**2. Resolution No. 1057 – Transfer – Major Moves Fund**

Amy Sund Resolution No. 1057 in its entirety which transfers the following in the Major Moves Fund: \$10,856.00 from 363 Road Improve (Outsourced) to 445 Machinery & Equip and \$14,144.00 from 363 Road Improve (Outsourced) to 241 Road Maintenance for total transfers of \$25,000.00. Motion by Greg Parker and seconded by Randy Niemeyer to approve Resolution No. 1057.

**Roll Call Vote: 4 to 0**

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

**UTILITY BUSINESS**

**1. Elimination of Sewer Utility Billing – 8611 W. 132<sup>nd</sup> Place**

This item was continued; more information is needed. Greg Parker inquired of Jim Cornett if this sewer line is capped; Jim Cornett responded yes.

**TOWN BUSINESS:**

**New Business**

**1. Request for Waiver of Fees – Fraternal Order of Police**

The Fraternal Order of Police (FOP) Lodge #173 requested a waiver of the \$50.00 fee for use of the Monastery Clubhouse facility on September 17<sup>th</sup> from 11:00 am until 5:00 pm for their picnic. Motion by Greg Parker and seconded by Randy Niemeyer to waive the fee.

**Roll Call Vote: 4 to 0**

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

**2. Change Order – Soil Sampling – 133<sup>rd</sup> Avenue Phase II – Favorable Recommendation from the Redevelopment Commission**

This is part of the design of the 2<sup>nd</sup> phase of 133<sup>rd</sup> Avenue. Ian Nicolini explained soil sampling and the amendment. The Redevelopment Commission sent a favorable recommendation on the change order/amendment. A copy amendment No. 2 is incorporated at the end of the minutes. Motion by Randy Niemeyer and seconded by Greg Parker to approve the change order for soil sampling with the favorable recommendation of the RDC.

**Roll Call Vote: 4 to 0**

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

**3. Lake County Board of Elections – Use of Facility November 8, 2011**

The Lake County Board of Elections requested the use of the Cedar Lake Town Hall to hour their mechanics on Election Day, Tuesday, November 8, 2011 from 5:00 am to 6:00 pm. Council included the use of the Cedar Lake Park Building as well. Motion by Greg Parker and seconded by Randy Niemeyer to allow the use of the facilities for the Lake County Board of Elections.

**Roll Call Vote: 4 to 0**

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

**Old Business**

**1. Cedar Lake Public Works – Water Operator Appointment**

After reviewing application, Michael Schaller and Ian Nicolini recommend the appointment Jonathan Olszewski to the water operator position. Greg Parker inquired if there is a 120 day probation period; Ian Nicolini responded yes, it is in the personnel policy. The personnel policy would need to be amended to change the probation period. Ian Nicolini explained the water operator duties. Motion by Randy Niemeyer and seconded by Greg Parker to approve the appointment of Jonathan Olszewski to water operator.

**Roll Call Vote: 4 to 0**

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

**2. Facility/Shelter Rental Fees**

Amy Sund noted that information was distributed to Council at a previous meeting. Attorney David Austgen reviewed the documents. Fees need to be identified; there are no guidelines or basis of what services are being provided. There are two components; the shelter facilities and the Monastery Woods Clubhouse. The Clubhouse was compared to rental halls in town; there needs to be an assessment of amenities for citizens and nonresidents. The shelter fees are more open; what is being provided. Shelter fees are more easily determined including set-up ad clean-up. Forms and formats for application are needed for the Town; other communities' forms can be incorporated. The park committee, Ian Nicolini and park staff should look at this and break down fees. Motion by Greg Parker

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and seconded by Randy Niemeyer to continue this to the next meeting and have the park committee review this.

Roll Call Vote: 4 to 0

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

WRITTEN COMMUNICATIONS: None

Police: Chief Patz had no report.

Public Works: Jim Cornett had no report.

Parks & Recreation: Ian Nicolini reported that donations were received from the Cedar Lake Florist of decorations and supplies with a value of \$1,000.00 and from Diane Davenport of craft supplies with a value of \$800.00. Motion by Randy Niemeyer and seconded by Greg Parker to recognize and accept these donations to the park department.

Roll Call Vote: 4 to 0

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

Attorney David Austgen recommended all donations be an agenda item for acceptance; a cross-check of donations and acceptance. Ian Nicolini reported on the Robin's Nest Ribbon Cutting Ceremony on September 5<sup>th</sup>. Greg Parker thanked all the public works staff that showed up and everyone that had anything to do with the project. By doing the work in-house it saved the Town about \$30,000.00. Robert Carnahan gave a history on the equipment donation. This is a nice park facility; information will be updated on the website. Ian Nicolini reported that donations were made to the park department.

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

Fire Department: No report.

Town Administrator: Ian Nicolini reported that the Unsafe Building Committee is working to acquire 13513 Dewey Street. The cost for property acquisition will be \$4,500.00. Funds for this were discussed. Motion by Randy Niemeyer and seconded by Greg Parker to approve the purchase in an amount of \$4,500.00 from the Cumulative Capital Development (CCD) Fund and to authorize staff to do what is needed to consummate the transaction with demolition to be done by Town staff.

Roll Call Vote: 4 to 0

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

Ian Nicolini reported that the Town may receive a grant from the Department of Energy prior to the next meeting. Motion by Randy Niemeyer and seconded by Greg Parker to authorize the Town Council President to sign the documents for acceptance of the grant.

Roll Call Vote: 4 to 0

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

Town Attorney:

Attorney David Austgen requested a motion regarding the Dewey Street property. Motion by Greg Parker and seconded by Randy Niemeyer to authorize Town Council President and Clerk Treasurer to sign, execute and deliver documents regarding the Dewey Street property.

Roll Call Vote: 4 to 0

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

Town Council: Motion by Greg Parker and seconded by Randy Niemeyer at the recommendation of the Storm Water Board to have the engineer review the Reeder Road property. This would be their second review.

Roll Call Vote: 4 to 0

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

William Landske voiced his opinion on the resubdivision and flooding and this was discussed. Greg Parker and Council thanked police and fire for what they do. Robert Carnahan reported that there will be a 9/11 service at St. Michael's Archangel Church. Constitution Week is September 17<sup>th</sup> – 23<sup>rd</sup>.

PUBLIC COMMENT: Yvonne Taves of 13518 Dewey Street thanked Council for their work on the house at 13513 Dewey Street and for the road work. Marguerite Schulze of 7328 136<sup>th</sup> Court spoke on rain water and storm water from a neighbor's home going into her crawl space; Jim Cornett is to check on this. Beverly Mahns of 14711 Reeder Road spoke on drainage problems, the road work and ditches. Jim Cornett and the engineer will review it.

Adjournment: Motion by Randy Niemeyer and seconded by Greg Parker to adjourn the meeting at approximately 7:55 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) after the meeting with discussion consisting of litigation, acquisition and personnel issues. Those in attendance were Robert Carnahan, William Landske, Randy Niemeyer, Greg Parker, Clerk-Treasurer Amy Sund, Town Administrator Ian Nicolini, and Town Attorney David Austgen.

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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.

Amendment No. 2

This Amendment, made and entered into by and between Town of Cedar Lake, acting by and through its proper officials (hereinafter referred to as Local Public Agency or LPA) and American Structurepoint, Inc., (hereinafter referred to as CONSULTANT).

WHEREAS, on July 6, 2010, the LPA entered into a contract with the CONSULTANT for design services for the reconstruction of 133<sup>rd</sup> Avenue from Wicker Avenue (US 41) to Industrial Drive in Cedar Lake, Indiana (Des. 0200739); and

WHEREAS, on May 17, 2011, the original contract was modified by Amendment No. 1; and

WHEREAS, there is a need for a Phase II Environmental Assessment for the project; and

WHEREAS, the CONSULTANT has expressed a willingness to provide the qualified personnel necessary and to perform these additional services as desired by the LPA; and

WHEREAS, the LPA has concurred with CONSULTANT's determination of additional work and has requested the additional services be performed by the CONSULTANT.

NOW THEREFORE, it has been determined by the LPA and the CONSULTANT that the contract shall be amended as follows:

- 1. Revise Section VI General Provisions by adding Paragraph 37.  
**37. Employment Eligibility Verification.** The CONSULTANT affirms under the penalties of perjury that he/she/it does not knowingly employ an unauthorized alien.

The CONSULTANT shall enroll in and verify the work eligibility status of all his/her/its newly hired employees through the E-Verify program as defined in IC 22-5-1.7-3. The CONSULTANT is not required to participate should the E-Verify program cease to exist. Additionally, the CONSULTANT is not required to participate if the CONSULTANT is self-employed and does not employ any employees.

The CONSULTANT shall not knowingly employ or contract with an unauthorized alien. The CONSULTANT shall not retain an employee or contract with a person that the CONSULTANT subsequently learns is an unauthorized alien.

The CONSULTANT shall require his/her/its subcontractors, who perform work under this Contract, to certify to the CONSULTANT that the SUB-CONSULTANT does not knowingly employ or contract with an unauthorized alien and that the SUB-CONSULTANT has enrolled and is participating in the E-Verify program. The CONSULTANT agrees to maintain this certification throughout the duration of the term of a contract with a SUB-CONSULTANT.

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The LPA may terminate for default if the CONSULTANT fails to cure a breach of this provision no later than thirty (30) days after being notified by the LPA.

2. Appendix "A" shall be amended by **adding** Item HH as follows:

HH. The CONSULTANT shall conduct a Phase II Environmental Site Investigation of the proposed 133<sup>rd</sup> Street Improvement Project in Cedar Lake, Lake County, Indiana.

**Task 1 -- Data Review and Prepare Quality Assurance Project Plan (QAPP)**

The CONSULTANT shall compile the relevant published information (soil, groundwater, geology, etc.) as well as other relevant data (e.g., historical aerial photos, maps, and previous soil/groundwater investigation reports) to determine specific field sampling locations and to support a judgmental sampling approach.

The CONSULTANT shall prepare a Quality Assurance Project Plan (QAPP) including Data Quality Objectives (DQOs), a Health and Safety Plan (HASP), a Sampling and Analysis Plan (SAP), and Data Quality Assessment (DQA). The QAPP shall be consistent with the minimum QAPP elements as described in the *IDEM Risk Integrated System of Closures (RISC) Technical Guide* and the *INDOT Hazardous Material Unit Operating Manual*. A draft copy of the QAPP will be submitted to the LPA for approval prior to commencement of field sampling.

**Task 2 -- Soil and Groundwater Sampling**

The CONSULTANT shall complete up to six soil borings within the right-of-way of 133<sup>rd</sup> Street. Soil borings will be advanced to approximately five feet below the water table, and soil samples will be collected in two (2) foot intervals from the ground surface to the water table. Each soil sample will be visually inspected by a field geologist and described using the USDA Soil Texture Classification system. Soil samples will be field screened using a photo-ionization detector (PID). Each sample will be split into two aliquots and placed in a plastic bag and soil jar respectively. The soil jars are to be labeled, placed in an iced cooler, and retained for laboratory analysis. The bag samples are to be set aside to allow for headspace vapor equilibration for approximately 15 minutes. Following the equilibration time, the samples are to be field screened with the PID.

Each borehole shall be equipped with a temporary groundwater sampler device (i.e., temporary, retractable well screen) and groundwater extracted with a low-flow peristaltic pump. At least one liter of groundwater will be purged from the borehole until visibly clear. Laboratory-provided sample containers will be directly filled from the extracted groundwater and immediately placed in an iced cooler.

The CONSULTANT shall submit two soil samples and one groundwater sample from each boring to an accredited laboratory for analysis of the parameters listed below. Groundwater samples collected for metals

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analysis shall include a filtered and unfiltered sample for analysis of dissolved metals.

Soil Samples

- TPH-Extended Range Organics – method EPA 8015M
- TPH-Gasoline Range Organics – method EPA 5035/8015M
- Volatile Organic Compounds (VOCs) – method EPA5035/8260
- Semi-Volatile Organic Compounds (SVOCs) – method EPA 8270
- RCRA Metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, and thallium) – method EPA 6010

Groundwater Samples

- Volatile Organic Compounds (VOCs) – method EPA 5035/8260
- Semi-Volatile Organic Compounds (SVOCs) – method EPA 8270
- RCRA Metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, and thallium) – method EPA 6010
- Soil and groundwater samples analyzed shall utilize analytical methods, detection limits, and QA/QC reporting protocol consistent with the IDEM RISC Technical Guide (Appendix 2) or other IDEM guidance.

**Task 3 -- Prepare Soil and Groundwater Investigation Report**

The CONSULTANT shall prepare an Investigation Report describing and documenting the activities performed during the investigation, including the review of previous investigations, a summary of field activities, and the laboratory results. The Investigation Report shall be consistent with the format specified in the IDEM RISC User's Guide – Appendix 1.

The CONSULTANT shall include in the Investigation Report any opinions and conclusions regarding the presence and extent of contaminants in the soil or groundwater at the site. If during consultation with the LOCAL PUBLIC AGENCY it is determined the proposed project will require additional characterization or soil/groundwater remediation, the work required to complete these additional investigations will be considered out of scope, and additional or supplemental services will be required to complete a Further Site Investigation (FSI) or remediation workplan.

The CONSULTANT shall provide the LPA a draft Investigation Report for review and incorporate comments received into a final Investigation Report.

3. Appendix "C", shall be **amended** by adding Items H through K, as follows:

H. The CONSULTANT will submit a draft Quality Assurance Project Plan (QAPP) to the LOCAL PUBLIC AGENCY within 15 days of Notice to Proceed.

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- I. The CONSULTANT will complete the field investigation within 15 days of approval of the QAPP by the LOCAL PUBLIC AGENCY.
- J. The CONSULTANT will submit a draft Soil and Groundwater Investigation Report to the LOCAL PUBLIC AGENCY within 30 days of completion of the field investigation.
- K. The CONSULTANT will submit a final Soil and Groundwater Investigation Report to the LOCAL PUBLIC AGENCY within ten days following receipt of comments from the LOCAL PUBLIC AGENCY.

4. Appendix "D", Section A shall be **amended** as follows:

**Revise Part 1 to read as follows:**

- 1. The CONSULTANT shall receive as payment for the services performed under this Contract the total fee not to exceed **\$678,575** unless a modification of the Contract is approved in writing by the LPA and the Indiana Department of Transportation.

**Revise Part 2.a to read as follows:**

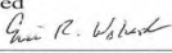
- 2. The CONSULTANT will be paid for the services performed under this Agreement, excluding right-of-way engineering, geotechnical services, and land acquisition as follows.
  - a. CONSULTANT will be compensated an amount equal to the cumulative hours charged to the project by each class of CONSULTANT's employees times the hourly rates shown in Exhibit 1 for each applicable billing class for all services performed on the projects. The fees for these services will not exceed **\$365,470** unless and until a supplemental agreement is executed.

**Add Part 2.a.P to read as follows:**

- |    |                                   |          |
|----|-----------------------------------|----------|
| P. | Phase II Environmental Assessment | \$21,750 |
|----|-----------------------------------|----------|
5. The total compensation to be paid to the Consultant, as outlined in the original contract and amendments will increase from \$656,825 to \$678,575, an increase of \$21,750 for services outlined in this Amendment No. 2. All other conditions as set forth in the original contract dated July 6, 2010, and Amendment No. 1, dated May 17, 2011, shall remain in full force, except as herein modified.

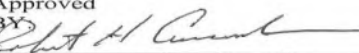
**In Witness Whereof**, LPA and CONSULTANT have, through duly authorized representatives, entered into this Amendment. The parties having read and understand the foregoing terms of this Amendment do by their respective signatures dated below hereby agree to the terms thereof.

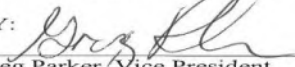
CONSULTANT:  
American Structurepoint, Inc.

Approved  
BY:   
Eric R. Wolverton, PE

Date: 8/23/14

LOCAL PUBLIC AGENCY:  
Town of Cedar Lake Town Council

Approved  
BY:   
Robert H. Carnahan, President

BY:   
Greg Parker, Vice President

BY: \_\_\_\_\_  
John C. Foreman, Member

BY: \_\_\_\_\_  
Dale Poston, Member

BY: \_\_\_\_\_  
Jerry Smith, Member

BY:   
Randell Niemeyer, Member

BY:   
William Landske, Member

ATTEST:   
Amy Sund, Clerk Treasurer

Date: 9-6-2011