# **December 2, 2014**

Public Meeting Advertised for 7:00 PM Conducted at the Cedar Lake Town Hall Pledge of Allegiance & Moment of Silence



Rol	ı	Call	:
RΟI	ı	Call	

Present	Robert H. Carnahan Council Member	Ward 1	Present	Patsy Casassa Ward 6 Vice President
Present	John Foreman Council Member	Ward 2	Present	Randell Niemeyer Ward 5 President
Absent	Gregory L. Wornhoff Council Member	Ward 3	Present	Amy J. Gross, IAMC, MMC Clerk-Treasurer
Present	Ralph Miller Council Member	Ward 4	Present	David Austgen Town Attorney
Present	Greg Parker Council Member	Ward 7		

#### **PRESENTATIONS**

#### Cal Bellamy, Shared Ethics Advisory Commission

This item was on the agenda; however Mr. Bellamy was not present.

### Kay Whitlock, Christopher B. Burke Engineering

Ms. Whitlock presented an update to the Council on the Ecosystem Restoration project. There are two options: NER being the Army Corps of Engineers recommendation, and LPP being the Town's preference. See PowerPoint presentation at end of minutes for details.

President Niemeyer moved to an item on the agenda relating to the Ecosystem Restoration discussion. An updated letter was needed and signed by the President to show continued support for the project. This letter was submitted to the new colonel of the Army Corps (ACOE). Letter appears at end of minutes.

#### Motion to ratify execution of the letter to ACOE.

Motion: John Foreman		Second: Patsy Casassa			Roll Call Vote: 6 to 0		
	Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
	YES	YES	ABSENT	YES	YES	YES	YES

President Niemeyer read an email from a citizen who was grateful for Cedar Lake EMT's lifesaving efforts during a recent call.

# **PUBLIC COMMENT**

**Gordon Dickson, 8711 West 132<sup>nd</sup> Place –** inquired about the Summerfest contract not on the agenda. President Niemeyer stated it was an oversight and will be discussed this evening.

## **CONSENT AGENDA**

Minutes: November 18, 2014 Public Meeting

**Claims:** All Town Funds: \$165,007.63 Wastewater: \$255,322.42

Waterworks: \$13,278.36 Storm Water: \$3,292.96

Payroll #115: \$132,077.13

Motion to accept and waive the reading of the Minutes, and to accept the Consent Agenda as listed.

Motion: Ralph Miller		Second: Greg Parker			Roll Call Vote: 6 to 0		
	Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
	YES	YES	ABSENT	YES	YES	YES	YES

### **ORDINANCES & RESOLUTIONS**

#### 1. Resolution No. 1129 - Reductions to Appropriations

Clerk-Treasurer Gross read by title and listed the reductions by budget and fund as follows. She concluded by explaining that this is typically done to increase the cash balance at year end, thereby assisting with the 2015 budget. Total General Fund reductions \$185,500; grand total reductions \$376,500.

NUMBER	DESCRIPTION	REDUCTION
DLGF #0101 G		
101-001-111	CT - CLERK-TREASURER	700.00
101-001-112	CT - FULL TIME	4,000.00
101-001-116	CT - OVERTIME	200.00
101-001-122	CT - FICA/MED	500.00
101-001-123	CT - PERF	600.00
101-001-124	CT - LONGEVITY	45.00

101-001-211	CT - OFFICE SUPPLIES	115.00
101-001-331	CT - PRINTING SERVICES	100.00
101-001-394	CT - INSTRUCTION/TRAINING	400.00
101-001-396	CT - MISC SERVICES	5.00
101-001-397	CT - MEMBERSHIP DUES & SUBS	70.00
	Total Clerk-Treasurer Reduction	6,735.00
101-002-111	TOWN - ADMINISTRATOR	8,000.00
101-002-114	TOWN - CUSTODIAN	350.00
101-002-121	TOWN - GROUP HEALTH	7,500.00
101-002-122	TOWN - FICA/MED	4,000.00
101-002-123	TOWN - PERF	6,200.00
101-002-124	TOWN - LONGEVITY	80.00
101-002-125	TOWN - UNEMPLOYMENT	9,350.00
101-002-212	TOWN - POSTAGE	740.00
101-002-232	TOWN - TIRE REPLACEMENT	500.00
101-002-312	TOWN - ENGINEER	9,500.00
101-002-313	TOWN - OTHER PROF SERV	500.00
101-002-321	TOWN - PHONES	1,000.00
101-002-322	TOWN - TRAVEL EXPENSES	540.00
101-002-331	TOWN - PRINTING SERVICES	420.00
101-002-361	TOWN - EQUIP REPAIRS	545.00
101-002-362	TOWN - VEHICLE REPAIRS	1,050.00
101-002-363	TOWN - MAINT AGREEMENTS	80.00
101-002-394	TOWN - INSTRUCT/TRAINING	870.00
101-002-397	TOWN - MEMBER DUES & SUBS	710.00
101 002 007	Total Town Council Reduction	51,935.00
101-003-118	PD - RESERVE OFFICER COURT	100.00
101-003-112	PD - FICA/MED	12,000.00
101-003-123	PD - PERF	20,000.00
101-003-321	PD - PHONES	1,360.00
101-003-322	PD - TRAVEL EXPENSES	1,000.00
101-003-445	PD - MACHINERY & EQUIP	3,250.00
101 003 443	Total Metropolitan Police Reduction	37,710.00
101-004-111	PZB - BLDG COMMISSIONER	30,000.00
101-004-111	PZB - FICA/MED	3,000.00
101-004-123	PZB - PERF	4,000.00
101-004-123	PZB - OFFICE SUPPLIES	1,225.00
101-004-211	PZB - ATTORNEY	14,650.00
101-004-311	PZB - ENGINEER	12,025.00
101-004-312	PZB - PROF SERVICES	1,000.00
101-004-313	PZB - TRAVEL EXPENSES	500.00
101-004-322	PZB - PRINTING SERVICES	800.00
101-004-331	PZB - LEGAL ADS/PUB.	800.00
101-004-394	PZB - INST/TRAINING	1,000.00
101-004-396	PZB - MISC SERVICES	450.00
101-004-396	PZB - MISC SERVICES  PZB - MACHINERY & EQUIP	1,000.00
101-004-445	Total Planning, Building, Zoning Reduction	•
101 006 221	PW - FUEL	70,450.00
101-006-221		3,500.00
101-006-222 101-006-231	PW - OPERATING SUPPLIES PW - REPAIR PARTS	200.00
101-006-231	PW - REPAIR PARTS PW - TIRE REPLACEMENT	100.00
		200.00
101-006-233	PW - VEHICLE MAINTENANCE	500.00
101-006-361	PW - EQUIPMENT REPAIRS	300.00
101-006-362	PW - VEHICLE REPAIRS	500.00
101-006-394	PW - INSTRUCTION/TRAINING	300.00
101-006-396	PW - MISC SERVICES PW - MEMBERSHIP DUES & SUBS	1,300.00
101-006-397		100.00 650.00
101 006 445		ควบ บบ
101-006-445	PW - MACHINERY & EQUIP	
	Total Public Works Reduction	7,650.00
101-007-321	Total Public Works Reduction PK - PHONES	<b>7,650.00</b> 420.00
	Total Public Works Reduction PK - PHONES PK - NIPSCO	<b>7,650.00</b> 420.00 5,300.00
101-007-321 101-007-351	Total Public Works Reduction PK - PHONES PK - NIPSCO Total Parks & Recreation Reduction	<b>7,650.00</b> 420.00 5,300.00 <b>5,720.00</b>
101-007-321 101-007-351 101-008-110	Total Public Works Reduction PK - PHONES PK - NIPSCO Total Parks & Recreation Reduction USB - HEARING OFFICER	<b>7,650.00</b> 420.00 5,300.00 <b>5,720.00</b> 150.00
101-007-321 101-007-351 101-008-110 101-008-119	Total Public Works Reduction PK - PHONES PK - NIPSCO Total Parks & Recreation Reduction USB - HEARING OFFICER USB - INSPECTOR	<b>7,650.00</b> 420.00 5,300.00 <b>5,720.00</b> 150.00 1,000.00
101-007-321 101-007-351 101-008-110 101-008-119 101-008-122	Total Public Works Reduction PK - PHONES PK - NIPSCO Total Parks & Recreation Reduction USB - HEARING OFFICER USB - INSPECTOR USB - FICA/MED	7,650.00 420.00 5,300.00 5,720.00 150.00 1,000.00 90.00
101-007-321 101-007-351 101-008-110 101-008-119 101-008-122 101-008-241	Total Public Works Reduction PK - PHONES PK - NIPSCO Total Parks & Recreation Reduction USB - HEARING OFFICER USB - INSPECTOR USB - FICA/MED USB - MISC SUPPLIES & MATL	7,650.00 420.00 5,300.00 5,720.00 150.00 1,000.00 90.00 750.00
101-007-321 101-007-351 101-008-110 101-008-119 101-008-122 101-008-241 101-008-311	Total Public Works Reduction PK - PHONES PK - NIPSCO Total Parks & Recreation Reduction USB - HEARING OFFICER USB - INSPECTOR USB - FICA/MED USB - MISC SUPPLIES & MATL USB - ATTORNEY	7,650.00 420.00 5,300.00 5,720.00 150.00 1,000.00 90.00 750.00 2,000.00
101-007-321 101-007-351 101-008-110 101-008-119 101-008-122 101-008-241 101-008-311 101-008-313	Total Public Works Reduction PK - PHONES PK - NIPSCO Total Parks & Recreation Reduction USB - HEARING OFFICER USB - INSPECTOR USB - FICA/MED USB - MISC SUPPLIES & MATL USB - ATTORNEY USB - PROFESSIONAL SERVICES	7,650.00 420.00 5,300.00 5,720.00 150.00 1,000.00 90.00 750.00 2,000.00
101-007-321 101-007-351 101-008-110 101-008-119 101-008-122 101-008-241 101-008-311 101-008-332	Total Public Works Reduction PK - PHONES PK - NIPSCO Total Parks & Recreation Reduction USB - HEARING OFFICER USB - INSPECTOR USB - FICA/MED USB - MISC SUPPLIES & MATL USB - ATTORNEY USB - PROFESSIONAL SERVICES USB - LEGAL ADS	7,650.00 420.00 5,300.00 5,720.00 150.00 1,000.00 90.00 750.00 2,000.00 900.00
101-007-321 101-007-351 101-008-110 101-008-119 101-008-122 101-008-241 101-008-311 101-008-313	Total Public Works Reduction PK - PHONES PK - NIPSCO Total Parks & Recreation Reduction USB - HEARING OFFICER USB - INSPECTOR USB - FICA/MED USB - MISC SUPPLIES & MATL USB - ATTORNEY USB - PROFESSIONAL SERVICES	7,650.00 420.00 5,300.00 5,720.00 150.00 1,000.00 90.00 750.00 2,000.00

	Total General Fund Reduction	185,500.00
DLGF #0708 MC	OTOR VEHICLE HIGHWAY	REDUCTION
201-001-321	MVH - PHONES	1,200.00
201-001-322	MVH - TRAVEL EXPENSES	500.00
201-001-394	MVH - INSTRUCT/TRAINING	1,850.00
201-001-445	MVH - MACHINERY & EQUIPMENT	85,050.00
201-001-446	MVH - TRUCK LEASE	1,900.00
201-001-447	MVH - NEW TRUCK LEASE	5,000.00
	Total MVH Reduction	95,500.00
DLGF #0706 LC	CAL ROAD & STREET	REDUCTION
202-001-234	LRS - ASPHALT	35,000.00
202-001-238	LRS - EMULSION	20,000.00
	Total LRS Reduction	55,000.00
TOWN #210 LA	W ENFORCEMENT CONTINUING EDU	REDUCTION
210-001-241	LEEF - MISC SUPPLIES	5,000.00
210-001-445	LEEF - EQUIPMENT	5,000.00
	Total LEEF Reduction	10,000.00
DLGF #2391 - 0	CUMULATIVE CAPITAL DEVELOP	REDUCTION
402-001-452	CCD - 2014 DUMP TRUCKS	10,000.00
402-001-453	CCD - 5 TON DUMP TRUCK	10,000.00
	Total CCD Reduction	20,000.00
DLGF #2430 - R	EDEVELOPMENT DISTRICT GENERAL	REDUCTION
404-001-111	RDC - TOWN MGR	250.00
404-001-114	RDC - SECRETARY	350.00
404-001-122	RDC - FICA/MED	350.00
404-001-123	RDC - PERF	350.00
404-001-211	RDC - OFFICE SUPPLY	200.00
404-001-212	RDC - POSTAGE	295.00
404-001-241	RDC - MISC SUPPLY & MATL	200.00
404-001-311	RDC - ATTORNEY	600.00
404-001-312	RDC - ENGINEER	350.00
404-001-322	RDC - TRAVEL EXPENSES	200.00
404-001-331	RDC - PRINTING SERVICES	175.00
404-001-394	RDC - INSTRUCTION	180.00
404-001-396	RDC - MISC SERVICES	800.00
404-001-397	RDC - MEMBERSHIP DUES & SUBS	200.00
404-001-445	RDC - EQUIPMENT	6,000.00
	Total RDC Reduction	10,500.00
	Total All Reductions	376,500.00

#### Motion to approve Resolution No. 1129.

Motion: Robert Carnahan		Second:	Ralph Mill	er	Roll Call V	ote: 6 to 0	
	Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
	YES	YES	ABSENT	YES	YES	YES	YES

#### **NEW BUSINESS**

### 1. Republic Services Contract Renewal

Mr. Carnahan contacted the Town of Lowell who provided him with their proposal from Republic a year ago. Lowell was offered \$16.00 per unit per month from 2013 to 2014 term. Their highest amount is \$16.89 from 2015 to 2016. Mr. Carnahan also noted that Lowell uses Lake County Solid Waste funds to subsidize .70 cents per month per citizen, so Lowell pays \$15.70. Lowell's current rate is \$16.40. Clerk-Treasurer Gross added that the Cedar Lake charges \$17.00 per month to customers and the Town's cost from Republic is \$16.96 per unit per month. The Town could subsidize for 2 to 3 years the additional cost proposed by the contractor, but after that, rates may have to increase to the customers.

Cedar Lake's proposal would be for two (2) 96-gallon totes; one marked for trash and the other for recycling. Recycling would change from weekly to biweekly due to the low recycling participation by residents. Mr. Jim Metros of Republic was present and stated that historically when the 96-gallon recycling tote is provided, the residents will recycle more. The contract would renew April 1, 2015 for one (1) year with subsequent years up to four (4) with an incremental increase in the charge to the Town; \$17.47, \$17.99, \$18.53 and \$19.09 respectively. The Town's Garbage Fund balance is currently \$520.246.

Discussion ensued among Town Council members and Attorney Austgen regarding the need to bid. Mr. Metros explained that in Crown Point, they had a transfer station for Republic which was part of the negotiation of the contract when he was mayor. Lowell is in the process of annexing where a landfill exists. Republic would be investing \$500,000 in totes for Cedar Lake.

#### Motion to start the bid process for a garbage contract.

Motion: Robert Carnahan		Second: Ralph Miller			Roll Call Vote: 6 to 0		
(	Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
	YES	YES	ABSENT	YES	YES	YES	YES

#### 2. Huseman Farm Lease Agreement

The Agreement encompasses the usage of 110 acres of land owned by the Town for tillable agricultural purposes by the Huseman Farm. The contract would be from March 1, 2015 to February 28, 2016. The rate will increase from \$120 to \$150 per acre for a total of \$16,500 paid semi-annually to the Town.

#### Motion to approve the lease agreement.

Motion: Robert Carnahan		Second: John Foreman			Roll Call Vote: 6 to 0	
Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	ABSENT	YES	YES	YES	YES

#### 3. Lease-Finance for Public Works Trucks

Clerk-Treasurer Gross received three (3) quotes from leasing companies: PNC Equipment Finance, Tax-Exempt Leasing Corp., and First Republic National. The lowest quote was for 2.57% interest rate by Tax-Exempt Leasing for 4-year semi-annual payments in arrears; principal \$114,054.00, interest \$6,693.36, and total \$120,747.36. A payment would be \$15,093.42 twice per year.

# Motion to approve proceeding with lease-finance agreement with Tax-Exempt Leasing Corp.

Motion: Robert Carnahan		Second: Ralph Miller			Roll Call Vote: 6 to 0	
Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	ABSENT	YES	YES	YES	YES

### **COMMITTEE REPORTS**

None

#### **TOWN COUNCIL & STAFF REPORTS**

A draft copy of **Resolution No. 1130** was presented for motion. This is the agreement for the Summerfest Committee with revision of dates as requested by the organization.

#### Motion to approve Resolution No. 1130 Summerfest Agreement.

Motion: Patsy Casassa		Second: Ralph Miller			Roll Call Vote: 6 to 0		
	Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
	YES	YES	ABSENT	YES	YES	YES	YES

The Town Attorney drafted a counter offer for a parcel acquisition at the Lincoln Plaza/Broadway thoroughfare. The amount offered is \$18,653 to Keith and Kathy Piszro. This amount has been negotiated and reviewed by legal counsel.

### Motion to accept the counter offer and submit to the property owner.

Motion: Ralph Miller			Second: Patsy Casassa			Roll Call Vote: 5 to 1	
	Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
	YES	YES	ABSENT	YES	YES	YES	NO

There is a request by Cedar Lake Ministries to utilize the ice rink as approved last year. This rink will be open to the public. President Niemeyer noted that his business has the ability to haul water to fill the rink so this will not cost the Town. Last time it took 20 truckloads to fill the rink. He would be able to fill it in 6 loads.

# Motion to approve usage of ice rink as requested.

Motion: John Foreman		Second: Ralph Miller			Roll Call Vote: 6 to 0		
	Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
	YES	YES	ABSENT	YES	YES	YES	YES

Robert Carnahan reported that MacArthur School is having their 2<sup>nd</sup> Annual Holiday Bazaar this Thursday at After Four Club. They want to raise \$40,000 for playground equipment. He has tickets for those who are interested.

John Foreman commented that the Lincoln Plaza thoroughfare was never owned by the Town. They have been making an effort to acquire land from curb to curb in order to maintain the roadway for safety of drivers and access to businesses.

Greg Parker requested to remove from the table the item from last meeting regarding the museum lease for the Cedar Lake Historical Association.

#### Motion to remove from the table.

Motion: Greg Parker			Second: Ralph Miller			Roll Call Vote: 5 to 1	
	Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
	NO	YES	ABSENT	YES	YES	YES	YES

Discussion ensued regarding concerns that Mr. Parker had from a previous Town Council vote. He was not in favor of approving a lease without legal review. Attorney Austgen stated that he did review the old lease due to the discussion. The lease should be brought current since it goes back to 1979 and there are stale and outdated items such as use of facility, caretakers and the like. There was some confusion as to the description of the extension requested by the Historical Society. The extension request was given due to the fact that the Society does not own the building and it would be easier to qualify for grants if there was documentation of longevity and commitment to their vision. The old lease was never recorded. Structural repairs are needed and the Society would like to pursue grant funding. It was determined that the organization should meet with a Town Council Committee to carve out a vision for the future of the museum. A revised lease could then be drafted.

Motion to approve meeting with the Cedar Lake Historical Society, outlining a museum plan, and then submitting such plan to Attorney for a lease review.

Motion: Greg Parker		Second: Ralph Miller			Roll Call Vote: 5 to 1		
	Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
	NO	YES	ABSENT	YES	YES	YES	YES

President Niemeyer commented on the Garbage Fund (current balance of \$520,246) and a need to focus on getting benefit for the ratepayers. Clerk-Treasurer Gross commented that when the former town manager was present, he suggested that surplus funds could be used towards smaller road projects. Mr. Niemeyer agreed. Mr. Carnahan added that a recent business forecast reported the area's residents lost \$3,000 in wages due to the economy.

Greg Parker introduced the pickup truck for the Building Department. Commissioner Kubiak was in contact with various vendors to obtain pricing for a used truck with low mileage that would be capable of handling a plow. He contacted Bobb Auto Group who did not have any used vehicles available that would work within the price range. Mike Raisor Automotive Group offered a 2013 Chevy Silverado with 12,526 miles for \$36,128 less trade in of the passenger van at \$10,500. The final cost would be \$25,628. Mike Raisor Group also offered a 2013 GMC Sierra for \$35,142 with 19,781 miles. Mr. Kubiak also searched internet sales within a 150-mile radius for a ½ ton and ¾ ton truck. He recommended the 2013 Chevy Silverado with trade in of the van as the best value for the price. Some discussion occurred regarding the difficulty to prepare bid specs for a used vehicle. Attorney Austgen stated that the purchase should go out to bid.

# Motion to proceed with bid for Building Commissioner truck.

Motion: Robert Carnahan		Second: Greg Parker			Roll Call Vote: 6 to 0		
	Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
	YES	YES	ABSENT	YES	YES	YES	YES

Attorney Austgen asked if there were any bids submitted for the sale of the used ambulance. Clerk-Treasurer Gross did not receive any bids. Comments were made regarding the transfer of the ambulance to another department or offering it to a smaller community. This was the second attempt to advertise for bids.

President Niemeyer requested Engineer Mark Kaiser to explain the paving situation at the 133<sup>rd</sup> and Wicker Phase II project. Mr. Kaiser presented the following options to improve the winter driving condition at the entrance to Bobb Auto Group and CVS Pharmacy.

Option 1 – Leave as is, install a no left turn sign on  $133^{rd}$  into CVS. Dodge dealership would have to shift there west entrance more east.

Option 2 – Install asphalt through entire low area up until almost flush. Would give access to both businesses where existing entrances are, and level travel lanes up to US 41. Asphalt would have to be milled in the spring. Sta 3+50 to Sta 7+00, 225 Tons @ \$75 = \$16,875,620 SYS @ 12.00 = \$7,440.

Option 3 – Leave west bound traffic in north lane then install asphalt ramps across middle area into both businesses, keeping existing maintenance traffic as is. In the spring, the contractor would have to mill out ramps. CVS Entrance – 58 Tons, Dodge Entrance – 12 Tons, 70 Tons @ \$75 = 5,250 for asphalt 175 SYS @ 12.00 = 2,100 for milling.

There is still a potential for accidents but option 2 and 3 would likely lessen the severity. Prices are estimates and are no way agreed upon prices from the Contractor; Mr. Kaiser is hopeful that they would agree to the INDOT prices. Also, travel lanes east of the Norfolk Southern Railroad can be discussed. Discussion ensued regarding the area at railroad tracks, switching lanes, ability to turn onto US 41, seasonal maintenance, snow plowing, traffic flow for fire and police responses, and access to businesses. After much dialogue, and input from various persons in attendance, it was decided to follow Option 2.

Motion to proceed with Option 2 for 133<sup>rd</sup> to Wicker Phase II project winter conditions.

Motion: Robert Carnahan		Second: Patsy Casassa			Roll Call Vote: 6 to 0	
Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	ABSENT	YES	YES	YES	YES

Again, more questions, concerns and discussion ensued resulting in a 4<sup>th</sup> option to fill the center lane with stone in the low areas where a drop exists. Use center lane for emergency only. The stone will damage the asphalt if driven over continuously. The area in front of LaGaviota Supermercado has a lower center lane also. Finally, it was determined by President Niemeyer to authorize Building Commissioner Tim Kubiak to develop a plan in conjunction with Mark Kaiser, Police Chief Jerry Smith and Fire Chief Todd Wilkening. Implement a plan for public safety and Town will cover the cost.

Motion to authorize Building Commissioner to implement plan for 133<sup>rd</sup> to Wicker Phase II winter driving conditions.

Motion: John Foreman		Second: Patsy Casassa			Roll Call Vote: 6 to 0		
	Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
	YES	YES	ABSENT	YES	YES	YES	YES

#### WRITTEN COMMUNICATIONS

Christopher B. Burke Engineering Report – provided to Town Council for review.

#### **PUBLIC COMMENT**

**Jerry Reiling, 7201 West 140<sup>th</sup> Place** – needs a copy of the Summerfest Resolution to take back to the Committee. The document was marked draft so a clean copy needs to be provided for signatures, and Town will forward to the Committee.

Next meeting December 16, 2014 at 7:00 PM.

**ADJOURNMENT:** Approximately 9:16 PM President Niemeyer called the meeting to adjournment.

An Executive Session was advertised and conducted before the Public Meeting at 6:00 PM pursuant to IC 5-14-1.5-6.1(b). Refer to Memorandum of Meeting for topics discussed and those in attendance.

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

Randell Niemeyer, President, Ward 5	Patsy Casassa, Vice President, Ward 6				
Robert H. Carnahan, Ward 1	John Foreman, Ward 2				
Gregory L. Wornhoff, Ward 3	Ralph Miller, Ward 4				
ATTEST:	Greg Parker, Ward 7				
Amy J. Gross, IAMC, MMC, Clerk-Treasurer	_				

The Minutes of the Cedar Lake Town Council are transcribed pursuant to IC 5-14-1.5-4(b), which states:

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- (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.

#### Town of Cedar Lake

Town Council 7408 Constitution Ave – PO Box 707 – Cedar Lake, IN 46303 Tel (219) 374-7400 – Fax (219) 374-8588



November 20, 2014

Colonel Christopher Drew Commander, Chicago District US Army Corps of Engineers 231 S. LaSalle Street, Suite 1500 Chicago, IL 60604

Dear Colonel Drew

This letter, while not legally binding on the Town as an obligation of future funds appropriated by the Town of Cedar Lake, is written to advise you that the Town of Cedar Lake continues to support the proposed Cedar Lake project located in Cedar Lake, Incliana, as described in the Draft Feasibility Report and Integrated Environmental Assessment, dated May 2012. Many examples of the local commitment to the project are outlined in Appendix M of the report (Appendix M – Local Existing Conditions Report). We understand the requirements for local involvement in ecosystem restoration projects as directed in the Water Resources Development Act of 1996 and 2007, as amended, and intend to serve as the non-Federal sponsor. This letter supersedes our previous commitment dated November 19, 2013.

The Town of Cedar Lake has the authority and capability to furnish the local cooperation requirements for the project. It is our intention to enter into a binding agreement to provide local cooperation requirements for the project when approved for implementation, and we anticipate no substantial deviations from the model partnership agreement other than as necessary to implement the locally preferred plan. We concur with the findings and conclusions of the Interim Feasibility Report and Integrated Environmental Assessment, dated May 2012. In addition, we concur with the 2013 cost revisions in the AFB package resulting from the Value Engineering (VE) study with costs recently certified by the Walla Walla Cost Engineering Center. The certified Total Project Costs show the Locally Preferred Plan (LPP) fully funded amount of \$23,477,000 and the Net Ecosystem Restoration (NER) fully funded amount of \$18,006,000. Further, we intend to support the construction of the Locally Preferred Project pending Public and Agency review of the report and Town Council review and approval.

The Town of Cedar Lake offers this letter of intent to fulfill the non-Federal responsibilities for possible implementation of the Locally Preferred Plan (LPP). We understand that our participation in the project requires, but is not limited to, the following:

- 1. Provide without cost to the government all lands, easements, right-of-way and relocations necessary for the construction, operation and maintenance of the project
- Provide during the period of implementation a contribution necessary to make Local Sponsor's share equal to 35% of the total project costs for the NER plan plus 100% of the incremental cost for the LPP to include additional costs totaling \$23,477,000 based on an estimate provided by the Corps on October 30, 2013. If the value of the contributions provided in item 1, as determined by the provisions in the model partnership agreement, is less than 35% of the total project costs, the

Town of Cedar Lake will provide an additional cash contribution to 35% of the total project costs for the NER plan plus 100% of the incremental cost for the LPP,

- Hold and save the government free from all damages arising from the implementation, operation, maintenance, repair, replacement, and rehabilitation of the project and any related betterments, except for damages due to the fault or negligence of the government or its contractors
- 4. Operate, maintain and rehabilitate the project upon completion without cost to the government in coordance with regulations and directives prescribed by the Secretary of the Arm

We understand that as local sponsor, the Town of Cedar Lake will be responsible for the non-federal share of the total project cost. The financial responsibility for the Locally Preferred Plan (LPP) could be as much as \$11,743,000 (based upon a current estimate of LPP project cost being \$23,447,000)

The Town of Cedar Lake is eager to proceed to the implementation phase of this project. The Town has been an active participant in the development of the draft feasibility report and has taken many active steps to assure the success of the project and to prepare for the responsibilities of the Non-Foderal sponsor including but not limited to the following:

• The Town has established a Town Council Committee to address issues early and regularly.

- The Town retained a consultant project manager with experience in local sponsor responsibilities to coordinate project progress with the Chicago District. Our project manager meets with the Corps 2 to 3 times a month and provides bi-monthly progress reports to the Town Council.
- The Town actively participated in the Value Engineering exercise by contributing three active The Town's Administrator and project manager took the lead on early review and coordination
- with land owners and developers to address future lands needed for the project. Various tracts of land were investigated for suitability as the site for the sediment dewatering facility (SDF). A large tract of land has been secured for that future use.
- The Town and the non-profit Cedar Lake Enhancement Association has maintained ongo communication with the public to assure continued local support and project understanding.

This letter of intent is not intended to be legally binding, but rather our expression of continued intent to move forward expeditiously with the Project. We look forward to our continued partnership leading to project design and implementation.

Respectfully, TOWN OF CEDAR LAKE, LAKE COUNTY INDIANA

Randell Niemeyer

Randell Niemeyer Town Council President