



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

**July 15, 2008**

**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	Patricia Wisniewski Vice President	Ward 3
Present	John Foreman Council Member	Ward 2	Present	Dennis Wilkening President	Ward 5
Present	Jerry Smith Council Member	Ward 4	Present	Amy J. Sund Clerk-Treasurer	
Present	William Landske Council Member	Ward 6	Present	Ian Nicolini Town Administrator	
Absent	Greg Parker Council Member	Ward 7	Present	David Austgen Town Attorney	

Pat Wisniewski moved to amend the agenda to name Ian Nicolini as the Town Administrator and it would retroactive to the time that the ordinance was adopted. The second made by Robert Carnahan.

**Roll Call Vote: 6 to 0**

Carnahan	Foreman	Smith	Landske	Parker	Wisniewski	Wilkening
YES	YES	YES	YES	ABSENT	YES	YES

**PRESENTATION**

**Ecosystem Restoration Project Plan Recommendation**

Kay Whitlock with Christopher B. Burke Engineering has been working with this project since Congressman Visclosky's office recommended a project manager. This would keep the project moving and relate concerns and the best interests of Cedar Lake to the Army Corps. The Army Corps delivered tonight's plan on June 30, 2008.

The project initially was requested of the Corps by the Cedar Lake Enhancement Association (CLEA). As the project moved towards the study process about two years ago, the powers that be in the federal agency needed a governmental body to perform local sponsor responsibilities. The primary sponsorship was decided to come to the Town with CLEA as the local supporting agency. The ecosystem restoration types of projects were authorized by a section in the previous Water Resources Federal Act appearing in Section 206 so the project is called "206". There is a cost on this type of project and Congressman Visclosky's office realized this project would exceed that cost so he introduced a piece of legislation to specifically authorize this project. This provided more federal money than allowed otherwise and the goals and objectives of this project to be very broad. This would ultimately provide a benefit to the community.

The project is an environmental ecosystem restoration project. It was discussed with the Corps if recreation within this project could be justified. Now there could be minor recreational elements if the funding would allow it. They could ask that the impact be as such to consider it more than environmental. The Army Corps has a cost-sharing element of 65% from the federal government and 35% from the local sponsor. The state or in-kind funding can count towards the Town's 35%. The State of Indiana's Budget Committee did provide funding with the help of Senator Sue Landske in the amount of \$2M.

The other element in this project as part of the local share is the site of the sediment de-watering facility. This is also the site for the future WWTP. These projects need to be adjacent because the Town can treat the effluent from the dredged material at the WWTP and the value of that treatment will be counted for the local share. They would look around the region at what others are charging, and that value over a period of time would be credited to the Town's account. Because of various uncertainties at this time, they could only get ballpark range, but for now it is just a range. The Corps first asked if the local plant (referring to Lowell) could handle the dredged material. At that time the plant was at 95% capacity and would not have any excess by the time the project got there. They also considered asking the Corps to participate in the cost of the development of the WWTP. Because of the scheduling of both projects, they determined that the value of treated effluent would be an easier sell with the federal government. Any information regarding the design-build specs for the future WWTP are related to Kay to ensure that the adjacent projects are on track as well as the credit relating to the effluent.

A couple of weeks ago the long-awaited recommended plan was presented. There is much technical detail related to it, so Kay prepared a memorandum summarizing the most important matters explaining how the Corps goes through the process in determining the recommended plan. The Corps wants a response from the Town. There is also a spreadsheet tying the data together. Kay explained the table as shown on page 2 of the memorandum (see end of minutes). There are sediments at the bottom of the lake containing phosphorus, and that is a primary concern. All the features would either get rid of the sediment or would render it incapacitated. They looked at numerous options and the analysis yielded what is called "best buy" combinations. The alternatives were narrowed down to three using criteria of a minimum output of 100 AAHU and a maximum average cost of \$832,700. The criterion of 100 AAHUs was selected because it was determined as the minimum threshold of output to restore natural habitat function and



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structure. The minimum average cost is calculated by standards set by Section 3065 of the Water Resource Development Act of 2007. This authorizes \$11,050,000 in federal funds to plan, design and construct an aquatic ecosystem restoration project for Cedar Lake. Based on the ration of 65/35, the maximum total cost would be \$17,000,000 and further defined on page 4 of the memorandum.

The three "Best Buy" plans are outlined at the end of the minutes. The draft recommended plan is Best Buy #4 from the Army Corps. It gets more than 100 AAHUs and within the cost range that it needs to cost. Then the Army Corps looked at the incremental cost to get more value. Best Buy #3 would get 153 habitat units or \$529,000. If you go better than that at Best Buy #4 the incremental cost is not too bad with a little more value. Best Buy #5 offers more benefits but not proportionately as many benefits as more cost. This is how the Corps landed at #4 for their recommended plan. To date with Kay's review, she is pushing for a project that does more dredging due to in-kind credits. Cedar Lake already has the land for the sediment de-watering facility. It's to the Town's advantage to get as much credit. The other big cost for credit is the treatment of the effluent. More dredging will drive a bigger site, and the proportionate cost may have already been expended, and in the future the Town gets credit for effluent. The Town will build a plant anyway. Mr. Carnahan re-iterated that the \$2M is part of the match through Senator Landske. Even if the money goes towards the land, the Town is still getting credit because of the use of the land for the sediment. The alum that the Corps is recommending last 50 years, so if the Town spends a little more money to get rid of more sediment, it would be an overall benefit for the community for years to come and the health of the lake. Mr. Landske; so you're recommending Best Buy 5. Kay Whitlock suggests working toward a strategy that would include Best Buy #5. There is some time to work through things, and there have been conference calls. She's been asking questions that feed the kind of information in order to articulate. Mr. Carnahan: so the south end of the lake is for Best Buy #4, and then if we include the middle of the lake that includes Best Buy 5? Kay: not completely, but yes. John Foreman: is there any way in your opinion that we could get to 6 or 7? Kay: you can get there; you can go anywhere you want. It's just that from a cost sharing point of view, it's better to convince them to a different recommended plan. Because then they're cost sharing on that other recommended plan. They have enough money to cost share on Best Buy #5. If we push them beyond what they can afford to do, you can do that, and what they call that is a locally preferred plan. The incremental cost between a recommended plan and a locally-preferred plan is 100% local money. Our best way to leverage local money and energy is to push towards the best plan that serves the Town's benefit now, and while the contractor is there, you could consider something else. We always need to remember that a local preference that's not recommended plan is 100% local costs. Mr. Carnahan added that the Council was near losing the funding, so they asked engineer Sandra Joseph if she knew someone who could work on the project. They recommended Kay Whitlock. He said that Congressman Visclosky's office is very pleased with her. John Foreman: so essentially Best Buy 5 is 263,000 cubic yards. Kay Whitlock: right, and we could push for something more than that, but my advice is as we work this out, my advice is to stick with one of the viable plans. Her strategy is, when working with the federal government, it is best to learn their rules, follow their rules and do so to the best of the client's advantage. How does the Town get the best bang for their buck and what are the arguments to push for a recommended plan. If that is what the local community wants. If you see anything I am pushing toward that you would like to have me redirect, I need to hear that. If you have other questions that you would like me to bring back answers and explain better, it would really hear us to help those. One of the things we were working intensely on is that the government study committee recognizes how much the Town and CLEA have done. She was trying to figure out how to make the plan so good, that the government will want to do it. The study team did not realize the steps taken locally to get to this point. She wanted to make them understand that there is a problem with the water quality. A booklet presented a written narrative, mention of the comprehensive plan, the west side sanitary interceptor, etc. She added that the most important sentence she read was on page 6 of 14 in Item #9, "the future without project condition was assumed to be stable based upon recently adopted Storm Water Management ordinances, planned sewer system upgrades, and projected land use changes." The Town has no idea what a difference that statement makes. She is ready to answer questions, and she knows everyone wants to know cost, but there is a tremendous amount of negotiation to go through, public meetings, time requirements and such. There will be a final detailed project report as we go into the winter. The Corps schedule is very tight, and they would like a Town response by Friday. Kay met with the Chief of Planning at the Corps to move the first year construction to 2010. The Town would not want to wait any longer than that. If the Council takes another week or two, it won't take it into another construction year. Once again she explained that if we demand a project that costs more than their recommended plan, the cost of that increment would be 100%. If we achieve a change in the recommended plan, then the cost share is 65/35. Ian Nicolini asked about a discussion, about six weeks ago with the Corps, when they spoke about potential contaminants and the contents of the dredged material. Kay explained that some of the testing that happened, and there were some concerns, they've been dealing with the Indiana Department of Environmental Management (IDEM), that testing has told them that one of the concerns they had were that would there be problems with the effluent, or in the sediments that would leach into the ground water and cause problems. It didn't mean you couldn't do it, but it meant that the cost of the sediment de-watering facility would have increased because we would have to put a sealed layer at the bottom. They other thing they were concerned about that there might be use constrictions on the land at that facility in the future. Since the general intention has been to move toward a park, you don't want to not meet all the state requirements. The conclusion from the Corps study and IDEM was that it would not be an issue of concern.



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They're doesn't have to be a cap, they're not worried about the impact of shallow ground water, and there's no indication that there needs to be a cap on the top where that there would be use restrictions on that future if you choose toward a park land. It'll be able to be used as a park land. Now we don't have that completely locked up because IDEM won't give you a specific answer until you give them a design, but we now have clear numbers that show the Corps there won't be a problem. President Wilkening said that they need that in writing. Kay believes she has a phone log written by the people that did the discussion. Ian Nicolini asked Kay if she was to give a recommendation on a good response time that doesn't evade these critical issues, what do you think that would be. Kay said that two weeks could be fine. Offices in Washington and Louisville are involved. One office looks at it, sends it to the other office and it goes to another before approval. She requested that they do concurrent reviews to save on sequential time. She commented that the schedule was shortened from 2011 to 2010 for the bureaucratic procedures. John Foreman asked about the total cubic yards of the lake. Percentage wise what does Best Buy 5 get us? Kay answered that it was in the report; she didn't remember what the volume was. The biggest number that came to the top in that was 444 acres which would yield 717,000 cubic yards. In the alternatives analysis they looked at every combination they could come to. Mr. Foreman felt it was better to ask for more now than later. Kay Whitlock said when removing the sediment, it's better to get as much out as you can because of the equipment being there, the set up being done. The project will consist of a staging area somewhere down in this corner (pointing to map). The dredge would be done mechanically, slurry at the shoreline and slurry that back up hydraulically, and pump it to the sediment de-watering facility. Unless you have the extra money to do a locally preferred plan, it would be a lot to get them to Best Buy 5. That never precludes getting into a locally preferred plan once we get into the design. Mr. Landske: you're saying 35% match versus 100%. Where would we get the 100% money? Kay; for that locally preferred plan it doesn't, I mean maybe Senator Landske wanted to go get some more Indiana money, but I mean you would have to come up with the strategy for getting the cost if we push for that. Mr. Austgen: is the funding as such that when the project is ready to goes to bid, it's ready; that the Town needs to deliver it's check for the participatory amount less...the net check. Kay answered that there would be a document the Council would have to sign (PCA), at the time that draft PCA comes to us, the Town would be required to show financial capability, and when the document is executed you would need to send them the part of the money that they need up front. Amy will be delighted to hear that they changed the capability. It had to be approved by a number of people. Now they do self-certification, and won't have to do the same kind of review.

Kay Whitlock concluded and President Wilkening asked for any questions. Bob Gross (CLEA) commented briefly and thanked the Town for their support. He hears people saying that this is only benefiting people on the lakefront. This is actually benefiting the entire community. \$2.5M will be dedicated to improve the fisheries in this lake. Over the years, members of CLEA have tried to correct the erosion, offer better use to the people, and two parks have been redone from money from Senator Landske and others. This is a lot of opportunity for people to enjoy this natural resource.

Bob Smith residing at 8480 West 159<sup>th</sup> Avenue in Lowell asked where the treated water was going to be discharged, and what are the limits that are being predicted. Kay Whitlock answered that the treated water was going to go where the effluent from the wastewater treatment plant (WWTP) goes if we treat the affluent in the new plant. That is my assumption. In the design criteria, the company you have on board putting the details together on the WWTP, communicated with IDEM some months ago about what would be the water quality standards of the discharge for the WWTP affluent. Because it's so early in the design process, they identified three possible options. The three options in writing are: 1) discharge into the Cedar Lake Marsh and combine the effluent treatment with wetland restoration project, and from her understanding the marsh has been drying up for years, or 2) put a pipeline directly in the lake, or 3) put a pipeline in somewhere across here (pointing to map) and connect to Cedar Creek. The response from IDEM and their standard is that because the discharges are all within two miles from the lake, the lake standard would be what was achieved. If it's possible to the plant to discharge into the marsh and build in combination to protect the wetlands, then you'll be getting to the lake with cleaner water and refurbishing a dry marsh at the same time. There are negotiations to be worked out on all three options. Mr. Bob Smith commented that when the Army Corps was here last year, the Council might recall that Mike said the cost on a WWTP to get the parts per million on a water quality in the lake, because the quality wasn't so good, would be astronomical. You might want to recheck those notes and see if they made it into the minutes; it was before you started videotaping I know. So you might want to go back to that. Mike from the Army Corps. He stated in the Town Council meeting that the water quality was so high that to get a WWTP to treat the water to that level would be astronomical, and stood here and told your ex town manager that it wouldn't happen. Kay Whitlock answered: I don't think that's consistent with the answer we're getting from IDEM. The state standards we have to achieve are the same, and no matter which direction we go, so that WWTP design is going to have to work out what's the best solution to that problem, but the discharge standards are going to be the same. We do have that letter in writing.

Robert Carnahan moved to have a special meeting to continue this discussion on July 29, 2008. Pat Wisniewski made the second. Kay Whitlock was directed to bring back a recommendation communication for the Corps for the Council's consideration of action. This was added by Mr. Carnahan and Mrs. Wisniewski concurred.



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**Roll Call Vote: 6 to 0 to continue on July 29, 2008.**

Carnahan	Foreman	Smith	Landske	Parker	Wisniewski	Wilkening
YES	YES	YES	YES	ABSENT	YES	YES

**DEPARTMENT REPORTS**

**Police:** Chief Patz reminded the Council that National Night Out is August 5, 2008.

**Public Works:** Ed Robinson had the 2008-2009 Salt Agreement in hand. Morton is not going to hold the price so they had to go out for bids. There are 14 communities involved for a joint inter-local cooperation agreement. This requires a resolution and formal action. It would be on the July 29 meeting. Also, bids submitted for the Wicker Meadows project came in from Grimmer Construction for \$67,400 and from McAllister, Inc. in the amount of \$31,850.

**Planning, Zoning & Building:** No report.

**Parks & Recreation:** Mary Joan Dickson reported that Lehman & Lehman continues to work on the park impact fee study. The pedal and paddle trail on the east side of the lake is being worked on and tax key numbers are being sought. A delineation study continues from Andy Sabato's north side of his project to the south side of the Park's project. They will apply for the Transportation Enhancement grant from NIRPC. Recreation numbers are down so they moved some day camp employees over to maintenance. A new event "Tour de Fun" for the seniors went well with over 40 participants ages 65 to 87. The cup stacking contest has been asked to host the state tournament and 7 children from Cedar Lake will be on the demonstration team. Mary Joan hopes to be on the calendar for 2009/2010 boat launch through a project with DNR. It will ensure that the launch has handicap accessibility. Signs will be done to identify six parks in Town.

**EMS:** No report.

**Clerk-Treasurer:** No report.

**Town Administrator:** Ian Nicolini stated that a budget committee would be scheduled for August 5 at 6:00 PM. John Foreman, Dennis Wilkening and Greg Parker are on the committee.

**Town Attorney:** No report.

**Fire Department:** No report.

**PUBLIC COMMENT:** Jose Rizo of 13804 Lauerman, Cedar Lake said that he received a notice of a lien being recorded against his property for \$704. This has been going on for 15 years. The last time he was here, six to eight months ago, the Town performed a smoke test and found that there was no sewage connection. He said that he is talking about his home and a little cottage which is used for storage; he is talking about the little cottage. The Town sent him a notice that there was no tap connection, there was no sewer connection, so why does he have a lien. President Wilkening said I thought we took care of that. Ed Robinson agreed that it was taken care of. Clerk-Treasurer Amy Sund said that he still had a balance due before the time it was to be stopped. Mr. Rizo: let me rephrase that question, there was never a tap, there was never supposed to be a sewage bill. Finally it was handled so why am I still receiving a lien for a sewage bill that was never there. Ed Robinson: the problem Denny was that there never was an inspection before this. We went out there to make sure that the tap was non existing. He was made responsible for what was ever existing before that. Dennis Wilkening: was there ever a pipe there? Mr. Robinson: I do believe that there was at one time but it's been disconnected since. Mr. Rizo: no sir, it was never disconnected, there was nothing done. Mr. Landske: how long have you had the property? Mr. Rizo: 25, 30 years. I've been coming here for 15 years to get this resolved. I also came to this to get reimbursed because this is the main situation I was afraid of, this is not your bill, your not responsible so why did you pay it. So I came here so this wouldn't happen. Mr. Wilkening: let's end this tonight. John Foreman: it sounds like your name was on a database that went out so, Amy is that something that you would normally take. Amy Sund: yes, our wastewater office took care of it. If you wanted to reverse and have the lien removed tonight that's up to you guys. Mr. Carnahan: but do the minutes reflect that? Ms. Sund: Pam has the minutes on file and our understanding was that there was a balance due that was never paid. Mr. Carnahan: so at one point in time he was told that from here on he wouldn't get a bill, but he had to take care of...Ms. Sund: that was our understanding. Mr. Carnahan: and that's in the minutes. Mr. Rizo; no sir, there was never a connection; there was never a sewage bill. That's been my problem all along for 15 years. I've been coming here, I'm telling you there is nothing there, there is no water in that building. Mr. Carnahan: what Amy is saying that we made a decision, the previous Council, to end the billing at such a date, and that all the bills in arrears had to be taken care of. Mr. Rizo: by whom? Mr. Carnahan: by you according to the minutes. Mr. Rizo: There's no sewage connection is what I'm saying, and I called back and explained to, I believe Mrs. Cunningham that...how can you expect someone to pay a bill where there is no service and should never have had a bill is what I'm asking. Mr. Wilkening: when did you start getting bills? Mr. Rizo: a long time ago. President Wilkening said that he wanted Ian Nicolini and Amy Sund to get with Mr. Rizo and discuss this matter. Ms. Sund: have you ever made a payment on the bill. Mr. Rizo: Ma'am, I've been paying for 15, 20 years. Ms. Sund: then why is there a balance due? Mr. Rizo: this is what someone asked me. Why do you keep paying. It's not your bill and you're not responsible. More so for this reason: it is my responsibility to keep up with whatever bills I have, so I paid them. Ian Nicolini gave his business card to Mr. Rizo and said to call him this week. Mr. Rizo: am I leaving here with it removed? Is that my understanding? Attorney Austgen: no, we're leaving here to meet with the Town Administrator and Clerk-Treasurer. President Wilkening: they will tell us the outcome. Austgen: they will be reviewing the account with you. Mr. Rizo commented: do I owe it or don't I owe it.



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**CONSENT AGENDA**

1. Minutes of the Regular Public Meeting of July 1, 2008 with Executive Session.
2. Minutes of the Special Emergency Meeting of July 2, 2008.
3. Docket: Town Claims 62186-62306 for \$818,801.57; Storm Water Claim 62195 and 62307-62311 for \$29,910.62; and Wastewater Claims 24281-24330 for \$318,761.06.  
Pat Wisniewski moved to accept the consent agenda, and to waive the reading of the minutes. Second made by Jerry Smith.

**Roll Call Vote: 6 to 0**

Carnahan	Foreman	Smith	Landske	Parker	Wisniewski	Wilkening
YES	YES	ABSENT	YES	YES	YES	YES

**TOWN BUSINESS**

**1. Resolutions & Ordinances**

**a. Resolution No. 950 – Authorizing Transfer within Lake County Solid Waste Fund**

Attorney Austgen read in its entirety. \$500 moved from Misc. Services to Misc. Supplies. Bill Landske moved to approve and Pat Wisniewski made the second.

**Roll Call Vote: 6 to 0**

Carnahan	Foreman	Smith	Landske	Parker	Wisniewski	Wilkening
YES	YES	YES	YES	ABSENT	YES	YES

**b. Resolution No. 951 – Reducing 2008 Balances**

Attorney Austgen read in its entirety. The Local Road and Street fund budget would be reduced per the following: Drainage at \$24,890 and Contract Services at \$12,739 with a total reduction of \$37,629. Motion made by John Foreman to approve, and second by Pat Wisniewski.

**Roll Call Vote: 6 to 0**

Carnahan	Foreman	Smith	Landske	Parker	Wisniewski	Wilkening
YES	YES	YES	YES	ABSENT	YES	YES

**2. Old Business**

**a. Wastewater Treatment Plant Technical Review Committee Recommendation**

Ian Nicolini explained that Recommendation Set 1 was acceptable as per the recommendation. This consists of making project design available by CD, extending the substantial completion date from 12/31/08 to 4/1/09, allowing design-build teams who dropped out to re-join if they wish, and allowing a tech review committee to conduct interviews, Set 2, providing a budget was not recommended as in telling them the dollar amount. Attorney Austgen commented on some unusual aspects. Some discussion ensued. Mr. Austgen stated that the Clerk-Treasurer submitted invoices in the amount of nearly \$40,000. He believed that the agreement stated only \$7,500 or \$15,000. He was concerned because parameters were set, and it seems to have gone off track. Their job is to make a recommendation, but he was referring to the services being provided. Again these were not an issue on May 22. If the Council wants to change it that's okay, but they need to maintain control. Ian responded that these recommendations would have come to the committee, and it is a matter if the Council would have ever been provided with it prior to May 22. He is simply relaying the tech review's information to everyone. If the Council has concerns they are free to ask Ed Robinson because he is on the tech review committee. He is not influencing recommendations just providing the information. Mr. Foreman commented that correspondence took place prior to May 22 when American Structurepoint spoke at a previous meeting. He asked what affect this had on putting it off. Ian answered that the project of ecosystem restoration is inline with the WWTP. It could throw off the timing or scheduling of the project. If they are not comfortable with the interviews it could be deleted. President Wilkening asked if the tech review committee could continue on with this. Ian added that this is the recommendation, and another meeting is not set until they review the submittals. John Foreman moved to go forward with the recommendations made, and continue with design-build. Jerry Smith made the second. Mr. Nicolini asked if they wanted to remove the interviewing process and not accept the second set of recommendation. John Foreman agreed and added this to his motion. John Foreman concurred.

**Roll Call Vote: 5 to 1 in favor of recommendation.**

Carnahan	Foreman	Smith	Landske	Parker	Wisniewski	Wilkening
NO	YES	YES	YES	ABSENT	YES	YES

**b. Cedar Lake Volunteer Fire Department – EMS Contract**

Chief Todd Wilkening stated that the department reviewed the draft agreement and would like to move forward with it. Pat Wisniewski moved to accept the contract and to maintain the Town's insurance policy until the transition is made, and that the agreement would be effective immediately. Attorney Austgen asked Chief Wilkening if this could be done. He responded by answering that the management portion could be taken over, and the entire transition (plus date of insurance), would be 30 to 60 days. He would like to move forward with the transition. John Foreman made the second to the motion.

**Roll Call Vote: 4 to 2 in favor of Fire/EMS agreement.**

Carnahan	Foreman	Smith	Landske	Parker	Wisniewski	Wilkening
NO	YES	YES	NO	ABSENT	YES	YES



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Mr. Foreman commented on the teamwork and savings to the town. Change is difficult but it is a part of life, and this plan would share resources. We are moving in the right direction. Chief Wilkening thanked the Council, and said that they would prove this transition would be a good thing. Mr. Carnahan still wants to see the fire department under the umbrella of the town and Chief Wilkening could run it.

**3. New Business**

**a. 133<sup>rd</sup> Project Schedule**

Ian Nicolini said that this matter is not ready. A quick update is that pavement removal and excavating started today. Storm sewer laterals would be Thursday or Friday, and they would be extended followed by the stone sub grading. Walsh & Kelly schedule on the next agenda. President Wilkening commented on the delay at the 133<sup>rd</sup> and Morse site. Mr. Nicolini explained there were more problems than anticipated once they dug underground, and a change order was not executed for a couple of weeks. Jerry Smith commented on the barricades and the traffic safety issue when pavement is wet.

**b. Health Insurance Policy – Favorable Recommendation from Committee**

Ian Nicolini discussed the recommendation. Department heads took it to their employees, and literature was disbursed. There would be a significant cost savings to the Town and benefits would be similar. There is also an option of a Health Savings Account with a High Deductible Health Plan. The employees may choose that or keep the \$250/\$750 (in network) Deductible PPO. It was discussed that the Town would make a contribution for those in the High Deductible Plan at \$500, \$750 and \$1,000 to encourage participation and save more money for the Town. Savings would run about \$150,000 at the early estimate. It was as much as \$215,000 if enough people enrolled in the Savings Account with High Deductible Plan. Robert Carnahan moved to continue to July 29 for further discussion by the employees and Jerry Smith made the second. Ian explained that the Town was going for an August 1 deadline. The health information will expire and employees would have to complete the applications again. The savings would be somewhat less. An employee meeting was scheduled for Thursday to explain the process after adoption. The input period has expired from employees. Jerry Smith withdrew his second and Robert Carnahan withdrew his motion. Chief Patz explained that it was the department head and committee recommendation to go forward with this. The insurance company was to explain the Health Savings Account to the employees on Thursday. John Foreman then moved to take the favorable recommendation and move forward. Bill Landske made the second.

**Roll Call Vote: 6 to 0 to proceed with recommendation.**

Carnahan	Foreman	Smith	Landske	Parker	Wisniewski	Wilkening
YES	YES	YES	YES	ABSENT	YES	YES

**c. Wicker Meadows Drainage Improvements**

Earlier Ed Robinson explained that two bids received from McAllister, Inc. at \$31,840 and Grimmer Construction at \$67,400. Mr. Landske asked if the specs were the same for both bids. He was concerned that they would come up short because of the major price difference. Ed reviewed the bids and determined a typographical error on the one from Grimmer; actual 290 feet which they increased to 390. Mr. Carnahan commented that Grimmer Construction was way under in bidding for the Utopia project. He then moved to award the bid to McAllister, Inc. John Foreman made the second. Mr. Landske asked again if all the specs were the same. President Wilkening noticed only the typo as described by Ed Robinson. He asked the Clerk-Treasurer where the funds would come from. Ms. Sund answered that according to a previous discussion a portion would be taken from wastewater and another from storm water. The distribution could run 50/50, 60/40, or 70/30 as they saw fit. The final grade would be done also included in the price.

**Roll Call Vote: 6 to 0 to accept bid by McAllister, Inc.**

Carnahan	Foreman	Smith	Landske	Parker	Wisniewski	Wilkening
YES	YES	YES	YES	ABSENT	YES	YES

**d. Guard Rail on Lauerman Avenue**

A property owner on Lauerman is concerned about the location of the guard rail and having a company get to their well. There was some discussion about the safety and legality of removing the rail. If the Town allows the removal, it is exposed to liability and not advisable. Mr. Carnahan moved to deny removal of the guard rail for safety reasons. Jerry Smith made the second.

**Roll Call Vote: 6 to 0 to deny removal of guard rail.**

Carnahan	Foreman	Smith	Landske	Parker	Wisniewski	Wilkening
YES	YES	YES	YES	ABSENT	YES	YES

Mr. Carnahan then made a motion to direct Ian Nicolini to submit a letter to the property owner that in the event the guard rail needs removal, they would be totally responsible for it. Mr. Landske agreed, made the second and commented that if it is removed, they must re-install it in a timely manner. Mr. Foreman questioned the motion, and President Wilkening commented that the guard rail is on public property. Attorney Austgen added that guard rail installation is technical, and needs to be safeguarded in its activity. If emergency access is needed, the property owner is to accept liability for emergency utility services. Mr. Carnahan said that in the letter it should state that the Town would



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MINUTES OF THE TOWN COUNCIL**

remove it in an emergency condition, and the owner would be liable. Mr. Landske asked would the centers were on the uprights. Mr. Robinson answered regarding the removal of one post (answer not clear on recording); problem is that if the guard rail is removed is it safe to drive across the bridge. Mr. Austgen suggested that the Council retain its original motion. Mr. Landske removed his second, and Mr. Carnahan removed his motion.

**e. Lake Dalecarlia Regional Waste District Sanitary Sewer Project**

Mr. Carnahan moved to continue this to the July 29 meeting. The second was made by Mr. Landske.

**Roll Call Vote: 6 to 0**

Carnahan	Foreman	Smith	Landske	Parker	Wisniewski	Wilkening
YES	YES	YES	YES	ABSENT	YES	YES

**PUBLIC COMMENTS:** Tim Fercik of 129 McKinley Street, Crown Point is employed by Cedar Lake EMS, and soon to be employed by the Cedar Lake Fire Dept. He congratulated the Town on its move regarding the Fire and EMS merger. He did comment that he was dissatisfied that no one spoke with the EMS personnel. He is happy with the move as are other personnel.

**FINAL COMMENTS:** Mr. Carnahan commented that he received another card thanking the Council for the symphony. Mrs. Wisniewski said she would like to see the symphony continue. Mr. Foreman thanked the Summerfest Committee. He would like to see more cooperation with the Council and cost configurations to support Town manpower. Attorney Austgen will be proposing an agreement protecting the municipal members regarding the Lake County Solid Waste District document. A LCSWMD meeting would be schedule for the 22<sup>nd</sup> according to Mr. Carnahan. Mr. Austgen asked for the minutes from the last meeting.

**ADJOURNMENT:** Approx. 9:25 PM President Wilkening called for adjournment.

An Executive Session was pre-advertised and held at 6:30 PM pursuant to IC 5-14-1.5-6.1(b). Discussion consisted of personnel matters, land acquisition and litigation. Those in attendance were President Dennis Wilkening, Vice President Pat Wisniewski, Council Members Robert Carnahan, Bill Landske, John Foreman, Jerry Smith, Town Administrator Ian Nicolini, Clerk-Treasurer Amy Sund, and Town Attorney David Austgen. Another Executive Session followed the public meeting as advertised relating to personnel matters.

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

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Dennis Wilkening, President, Ward 5

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Patricia Wisniewski, Vice President, Ward 3

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Robert H. Carnahan, Ward 1

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John Foreman, Ward 2

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Jerry Smith, Ward 4

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William Landske, Ward 6

**ATTEST:**

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Greg Parker, Ward 7

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Amy J. Sund, Clerk-Treasurer