

**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA
MINUTES OF THE UTILITY BOARD**

October 20, 2020

**Public Meeting Advertised for 6:30 PM
Conducted at the Cedar Lake Town Hall
Pledge of Allegiance & Moment of Silence**



In accordance with the Governor's Executive order relating to COVID-19, in person attendance of tonight's Utility Board meeting will be limited. We have arranged a live stream of the meeting so those interested can view it from home. The meeting is slated to start at 6:30 pm. You can view the meeting via our website at <https://cedarlakein.org/view-town-meetings/>, and then click on "View Broadcast" under the Live Broadcast. You must join the meeting through the link to participate during public comment. You can raise your hand electronically to participate during Public Comment.

Due to the unique nature of this meeting, the Town of Cedar Lake will accept public comment submitted electronically. If you have a question or comment about an item on the agenda, please email that question or comment to jill.murr@cedarlakein.org. Mrs. Murr will ensure that all submissions are shared with the Utility Board of the Town and that the submission will also be entered into the minutes of the meeting. Please keep your comments civil and constructive to the policy issues on the agenda.

Roll Call

Present	Robert H. Carnahan Board Member	Ward 1	Present	Colleen Schieben Board Member	Ward 6
Present	John Foreman Board Member	Ward 2	Present	Richard Sharpe Board President	Ward 7
Absent	Julie Rivera Board Member	Ward 3	Present	Jennifer N. Sandberg Clerk-Treasurer, IAMC	
Present	Ralph Miller Board Vice President	Ward 4	Present	Rick Eberly Town Manager	
Present	Randell Niemeyer Board Member	Ward 5	Present	David Austgen Town Attorney	

NEW BUSINESS

1. Approval of Minutes – September 15, 2020

A motion to approve minutes was made by Ralph Miller with second by Colleen Schieben. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Colleen Schieben – Yes, Randy Niemeyer – Yes, Ralph Miller – Yes, Richard Sharp – Yes Vote: 6 - 0.

2. Written Report

a. Fund Report

Clerk-Treasurer Sandberg stated all reports were sent last Friday including the expenditures and fund balances as well as the billing and revenue summary. She noted by not applying penalties, the Town has lost \$73,222.37. She asked the Board for their consideration on assessing penalties again. She clarified that penalties would not be retroactive. It is her recommendation to assess them moving forward beginning with October billing. A brief discussion occurred. Ms. Sandberg asked for their opinion on the lien process and if they should move forward with the normal process. They did send out information on the payment plan availability but only three residents responded. Mr. Niemeyer suggested sending out notices without the intent to lien. When they get to the end of the year, they'll move to the next step. Business still needs to be conducted but this has been a difficult and unique year. Ms. Sandberg stated she has been sending

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reminder letters this year to customers just letting them know where there account balance sits. A brief discussion continued.

A motion to move forward with collecting penalties without notice to lien until January 1 was made by Randy Niemeyer with second by Colleen Schieben. Mr. Austgen reminded them all of the lien process at the County level. If they wait until January 1, they lose an entire year of opportunity to recover through the property tax collection. Mr. Niemeyer asked about the timeframe needed. Mr. Niemeyer amended his motion to include the allowance of ten business days prior to the end of the year. Mr. Foreman asked if that is the case and they didn't do it are they legally allowed to try and get the money owed. Mr. Austgen stated they could through additional claims collection. A brief conversation continued. Ms. Schieben amended her motion as well. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Colleen Schieben – Yes, Randy Niemeyer – Yes, Ralph Miller – Yes, Richard Sharp – Yes Vote: 6 - 0. Mr. Austgen added that the OUCC before the IURC is collecting data and there is the potential for recovery of lost funds that occurred due to non-payments. That is being monitored by utility attorney, Mr. Janak.

3. Consultant(s) & Staff Report(s)

a. Engineer - NIES

- i. West Side Sanitary Interceptor Update – Mr. Simstad stated the permitting is completed and they are working with Mr. Austgen on acquisition.
- ii. East Side Sanitary Sewer Inspection Update – Mr. Simstad stated all videos have been logged on the FTP site from public works. They are preparing a list of remedial repairs.
- iii. SSES Update – Video work continues on the Lauerman interceptor.
- iv. Utopia Subdivision Water Main Replacement Design Engineering Update – The M.E. Simpson report has come in. Internally they worked on a tally of the buffalo boxes that were unfound. Tim is going to work with the utility department to continue forward with locates before they send out M.E. Simpson. That contractor on a day basis is more expensive than staff.
- v. Indiana Finance Authority – SRF – The water PER digital copy was submitted to the SRF. It is available to download from the FTP site. Paper copies are being prepared for staff and for review. Mr. Carnahan asked about the report on the PER. Mr. Simstad stated those comments are current and have been compiled into the entire PDF and given to the SRF. A brief discussion continued.

Mr. Niemeyer asked about the water tower placement and if they are set. Mr. Simstad stated yes. They will need to revise the permit through IDEM. Mr. Niemeyer asked if that was done yet. Mr. Simstad stated no. The reviewer in Indy will not review anything until construction. They just need to revise the location for the permit. Mr. Niemeyer discussed water testing letters and some oversight that was made in testing. Communication has not been made with customers. He stated that is unacceptable. He asked for Mr. Simstad to work with department heads to formulate a response to customers that tells them what happened and what was done internally to make sure the mistake does not occur again. He understands there is still an IDEM response but an immediate

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response needs to be made to the customers. Mr. Simstad said he understands there were some issues on an operational level. Staff has since addressed those issues. He would absolutely help staff with the matter.

b. Director of Operations/Superintendent

- i. Operation & Maintenance Report – Mr. Kubiak reported they finished the new force main at Lift Station #13. They've been working on manhole repairs all around the lake. As far as he knows everything has been repaired that lies under the newly paved road. Mr. Niemeyer stated Town Club Ditch looks great. Mr. Kubiak stated that project is now completed all the way to discharge. He stated they need to establish a wellhead protection planning team for both the eastside and Westside. It was suggested the team consist of the Utility Board, Water Superintendent, Water Foreman, Director of Operations, Utility Engineer, and Fire Chief.

A motion to approve the wellhead protection planning team for the eastside and Westside as listed was made by Randy Niemeyer with second by John Foreman. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Colleen Schieben – Yes, Randy Niemeyer – Yes, Ralph Miller – Yes, Richard Sharp – Yes Vote: 6 - 0.

- c. Town Attorney - Mr. Austgen reported they may be nearing the end with the IURC and the OUCC regarding the rate case. An agreement was reached for settlement. That negotiated agreement includes an approximate increase of 15%. The terms and conditions for review of the system development charge. The implementation of the new rate is estimated to be 60 days before capital improvements. The new rate structure will kick in for the debt service contemplated. That was accepted by the judge last Friday. A brief discussion continued on the legal steps to have a ruling rendered. It's anticipated to be on or before the end of January 2021. A brief discussion continued on the hard work by staff and consultants to get to this point.

4. JMOB Report – Capital Projects

President Sharpe reported that the JMOB group met recently and discussed the plant needing immediate capital improvements. Mr. Simstad explained before them was a report from Wissler Engineering that was reviewed on a staff level with Lowell. What they see are proposed projects for initial and immediate improvements. He called them deferred maintenance items. Everything proposed is needed. The immediate improvements total approximately \$2.36 million dollars. The report also proposes capital improvements for the long term. Those items are still being reviewed. Some of the items have the opportunity for benefits such as plant expansion not only on a hydraulic but a biological treatment level. The consensus last week was to move forward on the immediate improvements. Some are critical in terms of keeping the plan in operation. Some will be done by staff and some will be contracted or bid out. Mr. Foreman asked about if the \$2.36 million was Cedar Lake's total. Mr. Simstad stated Cedar Lake would be responsible for 50% of that. Discussion continued on the proposed improvements and timeframes. Mr. Eberly asked who would prepare the bid specifications for these projects. Mr. Simstad stated for the initial projects he would suggest Wissler as they have intimate knowledge. Mr. Austgen asked about getting more accurate timelines for the projects.

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Mr. Niemeyer stated he'd like to see the motion include approval pending review and financial planning by the Town's financial advisor. These are big numbers and they need to make sure with the WSSSI project and capital needs of the plant, that they have a solid financial plan in place.

A motion to approve the list of capital improvements pending review and development of a capital expenditure plan to go with it was made by Randy Niemeyer with second by Ralph Miller. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Colleen Schieben – Yes, Randy Niemeyer – Yes, Ralph Miller – Yes, Richard Sharp – Yes Vote: 6 - 0.

Mr. Miller reported that at the JMOB meeting he discussed the gun range on the property in Lowell with the board members. They will be looking into the agreement between Lowell and Cedar Lake for use of the range.

PUBLIC COMMENT - None

ADJOURNMENT President Sharpe adjourned the meeting at approximately 7:20 PM.

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Richard Sharpe, President

Ralph Miller, Vice President

Robert H. Carnahan

John Foreman

Julie Rivera

Randy Niemeyer

ATTEST:

Colleen Schieben

Jennifer N. Sandberg, IAMC
Clerk-Treasurer

The Minutes of the Cedar Lake Utility Board 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.