

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



August 17, 2021

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

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, IAMC Clerk-Treasurer	
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 – July 20, 2021

A motion to accept and waive the reading of the minutes was made by Ralph Miller with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Schieben – Yes, Niemeyer – Yes, Miller – Yes, Sharp – Yes Vote: 6 - 0.

2. Discussion: Potential Adjustment to the Lake Dalecarlia Regional Waste District's Capital Billing Costs

Mr. Eberly respectfully requested for the item to be deferred. A motion to defer was made by Robert Carnahan with second by Colleen Schieben. Mr. Niemeyer asked if there have been further discussions with Lake Dalecarlia about what is being worked on. Mr. Eberly stated no. He is still is working on reports with Sue Haase. Mr. Niemeyer asked that they be proactive and transparent with Lake Dalecarlia as the Town moves forward with this. Mr. Eberly stated he doesn't want to give any conflicting information. Roll call vote: Carnahan – Yes, Foreman – Yes, Schieben – Yes, Niemeyer – Yes, Miller – Yes, Sharp – Yes Vote: 6 - 0.

3. Discussion: Lakeview Business Park Water Recapture Agreement

Mr. Eberly stated they received an application from the developer for a recapture agreement. They have shared information from their engineer with Neil Simstad. They have identified a cost of the offsite water main and the recapture benefitted area. He's unsure if Neil has had a chance to review. Mr. Eberly discussed wanting to review the numbers and make sure they have been identified correctly. Mr. Simstad stated the costs seem reasonable and fair. Regarding the area benefitted, there was acreage but no defined boundary. No reasonable assessment can be made on that. The cost of the main extending from 141st up to the south corner of their property is reasonable. Mr. Foreman asked about the path of the main. Mr. Simstad stated it comes north of 141st and zig-zags to the west side of the old Kretz property. It runs up an easement in the Town's control that goes to the corner of the CLBD property. In terms of costs, they are reasonable. As for the area served, more investigation would be prudent. Mr. Niemeyer stated while this is being reviewed, he thinks it begs for more policy discussion. Once the momentum starts, it will go fast. Something that can be applicable to multiple projects. Mr. Austgen

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

discussed having a template format at the end of the dialogue regarding this project. It will be statutorily compliant. A brief discussion continued on the subject matter.

4. Discussion: Parrish and Havenwood Wellhead Protection Plan Phase II Approval

Mr. Kubiak stated the Wellhead Protection Plan has been officially accepted. No action is required.

5. Written Report

- a. Fund Report - Clerk-Treasurer Sandberg stated the cash and expenditure reports were previously sent out. She stated they are working through the budget and the current State Board examination.

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

- a. Engineer - NIES
 - i. West Side Sanitary Interceptor Update - Mr. Simstad stated they are proceeding with the update to the IDEM permit as well as acquisition of the final parcel.
 - ii. West Side Sanitary Interceptor Phase 2 Update - Mr. Simstad stated they are working on the design as well as looking at challenges of some septs along Cline Avenue. They are working on the easements.
 - iii. East Side Sanitary Sewer Inspection Update - That is out to contractors. They will be submitting prior to the next Utility Board meeting. The RFP's will be reviewed by staff and a recommendation will be made at the next meeting. Mr. Niemeyer discussed opportunities with developers on some of the project to the west. He asked if there was a feasible mechanism or can they create something so they can reduce costs on the project through strategic partnerships. A lengthy discussion continued on the interceptor.
 - iv. SSES Update - They have received the completion of the video tapes completed by the sewer department. They are under review.
 - v. Utopia Subdivision Water Main Replacement Design Engineering Update - Public Works has been coordinating. They have a meeting later this week. They will get the updates and prepare for the bidding document.
 - vi. Risk and Resilience - This is complete. By the end of the year, they are required to submit an emergency response plan. It is on task and on schedule.
 - vii. Planning District Boundaries - This is looking at similar service areas west of Town. This encompasses approximately 621 acres. They would have this as the short-term study areas to see what would be beneficial for not only water but sanitary sewer as well. Areas further south are already part of the west side sanitary sewer interceptor study area. Public Works would install meters and look at the capacities as they are seeing additional development. They would pull the data from Lift Station #1 and see how the development relates to what they projected when Rose Garden came in. That was the initial area looked at. This is what is recommended for consideration if they want to move forward. Mr. Niemeyer discussed matching it up with the US 41 corridor update. A lengthy discussion continued on utility expansion.

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

- b. Director of Operations/Superintendent
 - i. Operation & Maintenance Report - Mr. Kubiak reported Pirtano/Lennar got the water loop at Rose Gardens and Ledgestone/Lynnsway completed. Some residents were without water for a few hours but it needed to be done. There were a couple issues with a boring and a valve but the loop is now complete and working.
- c. Town Attorney – The consultants in Indianapolis are ready to go with the next filing to the IURC for the system development charge update. He asked for them to authorize proceeding. This is the system development charge only.
A motion to amend the agenda and allow an item for consideration was made by Randy Niemeyer with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Schieben – Yes, Niemeyer – Yes, Miller – Yes, Sharp – Yes
Vote: 6 - 0.

Mr. Niemeyer explained part of the rate case was inclusive of the caveat that within a certain amount of time, the Town would petition for a uniform system development charge. This would be for the entire system. This motion is to get the consultants working and moving forward. Mr. Foreman noted this is for new development only not existing. Mr. Niemeyer stated if they have a good set of policies, a system development charge is something that can give more leverage in development partnership discussions.

A motion to direct the attorney to work with staff and counsel on preparing the petition for the system development charge to the IURC was made by Randy Niemeyer with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Schieben – Yes, Niemeyer – Yes, Miller – Yes, Sharp – Yes
Vote: 6 - 0. Mr. Austgen stated he anticipates the filing as soon as next week.

- 7. **JMOB Report** – Mr. Eberly reported they were hopeful for an August meeting but it now looks like it will occur in September. They are looking at September 28th. That is the tentative date only.

PUBLIC COMMENT

Carol Kerr, 9900 W. 129th Place, asked if the person who tests the water was present. She voiced concerns with the Consumer Confidence Report and the Town being fined for carcinogens. She voiced concerns with late tests and asked if they ever did test for them. She asked who is responsible for the tests. She asked what the fine was. She voiced concerns with chemicals in the well. Mr. Kubiak stated the tests were completed but they were submitted one day after the due date. Ms. Kerr asked what the cost was. Mr. Kubiak stated there was no fine. Ms. Kerr asked how they can get the results of the test. Mr. Kubiak stated it should be in there. Ms. Kerr stated it wasn't. She voiced concerns with this being the second time it was late. Mr. Kubiak stated it was the same incident, one test, it was just reported on both years. Mr. Kubiak stated he will have staff call her tomorrow. He stated they can get her the results. Ms. Kerr asked about the shared wastewater plant with Lowell. She asked what it means for the Town now that Lowell has joined Indiana American Water. Mr. Foreman explained water and wastewater are two separate utilities. Indiana American Water doesn't own the sewer plant. Ms. Kerr voiced concerns with Indiana American Water. A brief discussion occurred on the Town's water service history.

ADJOURNMENT President Sharpe adjourned the meeting at approximately 7:15 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.