

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

May 17, 2022

**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 | Ward 1 | Present | Colleen Schieben | Ward 6 |
| | Board Member | | | Board Member | |
| Present* | John Foreman | Ward 2 | Present | Richard Sharpe | Ward 7 |
| | Board Member | | | Board President | |
| Present | Julie Rivera | Ward 3 | Present | Jennifer N. Sandberg, IAMC | |
| | Board Member | | | Clerk-Treasurer | |
| Present | Ralph Miller | Ward 4 | Present | Chris Salatas | |
| | Board Vice President | | | Town Manager | |
| Present | Randell Niemeyer | Ward 5 | Present | David Austgen | |
| | Board Member | | | Town Attorney | |

**Present via Zoom.*

OLD BUSINESS

1. Lakeview Business Park Water Recapture Agreement

Mr. Austgen stated he continues to negotiate the matter. He needs direction tonight. There has been a water extension improvement completed in the Lakeview area. It has been completed for a little while. The project called for water mains of twelve inches versus the standard of ten inches to accommodate the needs of the Town going forward. A request has been made for one of two things. The first is for reimbursement of the cost of extension or alternatively a reimbursement agreement from which the developer would be repaid from connecting parties going forward. Indiana law has changed. Mr. Niemeyer explained any development that takes place in Town, where sewer or water infrastructure is installed, the municipality now has to pay the developer for the installation of those lines one-year times three of the estimated revenue that connection will bring. You have to pay it per connection per the law. No one has to be paid upfront. The situation here is different as Action Plumbing did an oversized line and an extra jurisdictional line. It may behoove them to look at a lump reimbursement so the infrastructure is owned. They did more than was required. If it was a standard residential development, they would reimburse the developer as they hook up at one-year times three. Mr. Carnahan asked if they've spoke with Action Plumbing. Mr. Austgen stated he has spoken with Mr. Bultema's attorney many times. They are working on concluding the matter. He stated sewer and water are different. Indiana Code has not changed for sewer. The water component is what has changed. Presented for consideration and acceptance for the offsite improvement made is an agreement. He asked the Council for direction. Mr. Austgen stated Sue Haase and Chris Janak have confirmed they could expend funds from the currently held Town system development charges if they go the lump sum route. They anticipate an order soon from the IURC for the new system development rate the Town petitioned for. They will not be able to use the new funds coming in unless they receive permission from the IURC with communication to the OUCC. That is expressly for the purpose of improvements as identified in the rate petition. Mr. Sharpe asked Mr. Salatas for his thoughts. Mr. Salatas discussed the closing timeframe and current funds on hand, he stated he would go with the lump sum route. A lengthy discussion continued.

A motion to direct the Town Attorney to draw up a lump sum agreement for the reimbursement of the oversizing and extra jurisdictional water utility that was installed by

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CLBD South was made by Randy Niemeyer with second by Julie Rivera. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Niemeyer – Yes, Schieben – Yes, Miller – Yes, Sharpe – Yes. Vote 7 - 0.

NEW BUSINESS

1. Approval of Minutes – April 19, 2022

A motion to accept and waive the reading of the minutes was made by Colleen Schieben with second by Ralph Miller. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Niemeyer – Yes, Schieben – Yes, Miller – Yes, Sharpe – Yes. Vote 7 - 0.

2. NIES Construction Proposal for Construction Engineering Inspection Services: Utopia Water Main

Mr. Simstad reported this is for the construction engineering for the Utopia project. There are 104 homes affected by the project. Gatlin Plumbing is the contactor. Before them is a proposal for the construction engineering inspection services. It is in an amount not to exceed \$254,150.00. Mr. Simstad stated this project would be challenging as most of the lines are in rear yard easements. A brief discussion occurred on the project.

A motion to approve the proposal was made by Ralph Miller with second by Julie Rivera. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Niemeyer – Yes, Schieben – Yes, Miller – Yes, Sharpe – Yes. Vote 7 - 0.

3. Ratify JMOB Action and Approve Additional Funds in the amount of approximately \$250,000

Mr. Salatas reported the additional funds needed for the project total \$293,003.50. The overall project total is \$2,586,007. With Cedar Lake being responsible for 50% of the cost which is \$1,293,003.50. That will come out of Fund 633.

A motion to approve was made by Randy Niemeyer with second by Julie Rivera. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Niemeyer – Yes, Schieben – Yes, Miller – Yes, Sharpe – Yes. Vote 7 - 0.

4. Written Report

- a. Fund Report – Clerk Treasurer Sandberg reported that the cash and expenditure reports were sent on Friday. At this time, she had nothing new for them.

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

- b. Engineer – NIES Engineering, Neil Simstad
 - i. West Side Sanitary Interceptor Update – Construction has begun. They are proceeding with submittal of additional shop drawings. They are coordinating with the property owners associated with the project. He will coordinate with Chris. As the Town is the agreement holder with the CSX permit, the contractor is not allowed to coordinate the inspections. That is something they will need to do.
 - ii. West Side Sanitary Interceptor Project 2 Update – Design is proceeding. He met with the Health Department and received the last of the septic information needed. They are on schedule. Following property acquisition, they will submit the IDEM permit and proceed with bidding later in the year. Award is anticipated for early 2023. A brief discussion occurred on notification to property owners for the project as it moves forward.

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- iii. East Side Sanitary Sewer Inspection (ESSSI) Update – They are proceeding with the lining and manhole rehabilitation. This is being taken care of by staff. They are coordinating lift stations and inspections.
 - iv. SSES Update - Tony is proceeding with the meter installations and providing the necessary data on the FTP site.
 - v. Water Tower - Mr. Niemeyer asked Mr. Simstad when construction will start. Mr. Simstad stated they have received the signed contracts. They are waiting for review of the bonds and insurance. Once they have satisfied the requirements of the specification manual for all of the bonds and insurance, they will send the contracts to Chris's office for Rick and Jen to sign. As soon as that is completed, they will receive the shop drawing from Caldwell Tanks and those will be approved in coordination with AES and Dixon Engineering. They will get an updated schedule. His understanding is based on where they are right now with material and supply chains, they could be 17 to 20 weeks out from when the shop drawings are approved. The manufacturer did tell him the times are coming down. Mr. Niemeyer asked where that is on the calendar. Mr. Simstad stated more than likely the foundation will begin in July. He will coordinate site work with Tim. Once the foundation is complete and the materials are delivered, the erection of the tower can begin. He estimated September/October for the actual fabrication of the tower. Once the schedule is in hand, they will have a better grasp on a completion date. Mr. Niemeyer asked about the park. Mr. Simstad stated the park equipment can move to the south end of the site where the tower was originally planned to go. Mr. Carnahan asked who would move the park equipment. Mr. Simstad stated Public Works would take care of that at the appropriate time.
- c. Director of Operations/Superintendent
 - i. Operation & Maintenance Report - The manhole rehabilitation is complete. Everything went well. They saved money on one of the drop-down pipes. They were able to clean everything out. There was an outside drop that no one knew existed. They cleaned it out and it is functioning properly. The manhole is relined and fixed. Mr. Carnahan asked what was happening by the hardware store. Mr. Kubiak explained that was this project.
 - d. Town Attorney
 - i. Water Rates – Previously reported.

6. JMOB Report – Previously reported.

PUBLIC COMMENT

None

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.