

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

September 20, 2022

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



Roll Call:

Absent	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
Present	Julie Rivera Board Member	Ward 3	Present	Jennifer N. Sandberg, IAMC, CMC, CPFIM Clerk-Treasurer	
Present	Ralph Miller Board Vice President	Ward 4	Present	Chris Salatas Town Manager	
Present	Randell Niemeyer Board Member	Ward 5	Present	David Austgen Town Attorney	

NEW BUSINESS

1. Approval of Minutes – August 16, 2022

A motion to accept and waive the reading of the minutes was made by Randy Niemeyer with second by Colleen Schieben. Roll Call: Foreman – Yes, Rivera – Yes, Niemeyer – Yes, Miller – Yes, Sharpe – Yes. Vote 6 - 0.

2. Approval of Cedar Lake-Lake Dalecarlia Regional Waste District Joint Municipal Operating Board Minutes – June 28, 2021; October 19, 2021; and June 27, 2022

A motion to accept and waive the reading of the minutes was made by Ralph Miller with second by Julie Rivera. Roll Call: Foreman – Yes, Rivera – Yes, Niemeyer – Yes, Miller – Yes, Sharpe – Yes. Vote 6 - 0.

3. Approval Waiver from Developmental Standards for the pipe materials used for the East Side Transmission Main

Mr. Salatas stated they are seeking approval for the board to grant the project a waiver from their own developmental standards. Right now, they only allow ductile iron pipe. They are looking to allow use of C900 plastic pipe. They have it in the system right now, it is just a little harder to locate because it is not metal. Tracer wire has some effect on that. He discussed valves being put in the lines. He stated there is a national issue getting materials. They are seeking the opportunity to use alternative material for the project in order to make it move a little faster. Mr. Niemeyer asked if there was any long-term risk for the sustainability of the project. Mr. Salatas stated no.

A motion to approve the waiver was made by Randy Niemeyer with second by Colleen Schieben. Mr. Kubiak briefly discussed tracer wire standards in Town. Roll Call: Foreman – Yes, Rivera – Yes, Niemeyer – Yes, Miller – Yes, Sharpe – Yes. Vote 6 - 0.

4. Approval to Proceed with Reichelt Plumbing for the Parrish Avenue Pump House Project in the amount of \$96,200

Mr. Salatas stated the next two items are related to the same project. Mr. Kubiak stated this is to upsize the pipe from the well due to the project. It is going from 4 inch to 6 inch. He briefly discussed the scope of the project. They received another quote from Gaskill & Walton that was over \$137,900. They called three places but only received two quotes.

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He stated the drives are already installed. He stated once the electrical is done they'll get this going.

A motion to approve was made by Colleen Schieben with second by Julie Rivera. Roll Call: Foreman – Yes, Rivera – Yes, Niemeyer – Yes, Miller – Yes, Sharpe – Yes. Vote 6 - 0.

5. Approval to Proceed with All Services for electrical upgrades for the Parrish Avenue Pump House Project in the amount of \$28,907

A motion to approve was made by Ralph Miller with second by Randy Niemeyer. Roll Call: Foreman – Yes, Rivera – Yes, Niemeyer – Yes, Miller – Yes, Sharpe – Yes. Vote 6 - 0.

6. Approval to Proceed with Ortman Proposal for the Parrish Avenue Well Field Improvements in the estimated amount of \$93,470

Mr. Foreman asked what this is for. Mr. Kubiak stated this is for the actual well pump motors and controls. A brief discussion continued.

A motion to approve was made by Ralph Miller with second by Randy Niemeyer. Roll Call: Foreman – Yes, Rivera – Yes, Niemeyer – Yes, Miller – Yes, Sharpe – Yes. Vote 6 - 0.

7. Written Report

- a. Fund Report – Clerk Treasurer Sandberg stated the cash and expenditure reports were previously sent out. She stated work continues on the budget to get it submitted timely.

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

- b. Engineer - NIES
 - i. Sanitary Update – Mr. Simstad reported the pipe production for the west side sanitary sewer interceptor has begun. He spoke with the contractor today and they'll be doing an inspection at their site next week. Pre-construction meeting has been tentatively scheduled. The sanitary sewer meters on the Lauerman interceptor will be moved tomorrow morning. They are going to place them at 145th and Bell. They have previous meter data so they should be able to see what the actual data is relative to reduction.
 - ii. Water Update – Mr. Simstad stated the tower is on schedule to begin in October. They will be working with Public Works to get equipment removed. They have been in contact with H&G, Indiana Finance Authority, and the SRF for the east side transmission main to make sure they are staying consistent with requirements for a green project reserve. Paradise Cove design is proceeding. Utopia has a material delivery date. Project is slated to begin in early October. They will work with Town staff to inform residents of what the schedule is.
- c. Director of Operations/Superintendent
 - i. Operation & Maintenance Report – Mr. Kubiak reported they have received notice that the pumps for Lift Station #8 are in shipment. They got the electrical upgraded and have requested the inspection from NIPSCO for reconnecting the electrical. They are still on bypass but getting close. A majority of work has been focused on the road projects.

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d. Town Attorney – No report.

9. **JMOB Report** – They are working on coordinating a date with Lowell. It is tentatively scheduled for October 18th at 5PM.

PUBLIC COMMENT

Elizabeth Coleman, 13601 Euclid Ave, voiced concerns with a storm issue. She stated in February she received a letter from Don Oliphant, Christopher B. Burke Engineering, stating they had been hired by Schilling Development to redraw the floodplain map along Sleepy Hollow Ditch, due to the construction and grading of Beacon Pointe West. She stated she reached out to Mr. Oliphant and received the revised maps. The new map puts her home directly in a floodplain. She stated she expected there to be a public hearing on the change and waited for notification. She stated she has since learned that since her home is the only one impacted, no public hearing was needed. She stated she received a letter from her mortgage company stating she needed to carry flood insurance due to the floodplain. She stated the estimate is between \$3,000 to \$5,000 a year for the insurance. She stated she values the development in the community but she doesn't believe it should be at the expensive of another resident. She described her work towards purchasing her home that wasn't in a floodplain. She stated due to this development she faces additional costs that she cannot afford. She voiced concerns about her ability to sell her home in the future. She stated she understands floodplains are redrawn periodically but this change is catastrophic for her. She asked the board for their help in facilitating an equitable solution. Ms. Coleman continued to voice concerns with the situation. Mr. Niemeyer asked her if she had reviewed the email he forwarded to her today. She stated she had. He stated he wanted to make sure she had all the information that he had. He stated these aren't easy processes to come up with a resolution. He asked Mr. Austgen for his insight on the matter. Mr. Austgen stated all the relief that was described in that email by Mr. Oliphant should be pursued by either our engineers on their dime or the developer who benefitted from the work on their dime. He voiced his surprise that the Burke firm was involved. He stated he doesn't know what it means practically for Ms. Coleman's home but that the paperwork can be appealed and should be. Mr. Niemeyer asked how they help her through this process and make sure people are held accountable. Mr. Austgen stated his opinion of everything she said is accurate. She was there first. Those who came along have damaged her. He stated at the Town level they were in the process by virtue of being the decision makers on plats, project site plans, and engineering related. Mr. Niemeyer discussed the email from Don and the explanation given. The floodplain map was changing anyways because of certain conditions of Sleepy Hollow Ditch and the Schilling Development helped to reduce the impact of the expansion of the floodplain through the stormwater infrastructure installed in the development. He continued to discuss responsibility. He asked how they can help her navigate her next steps. Mr. Austgen stated that depends on the Council and their position of what happened, how it was done, what the result was, and how to go about fixing it. Mr. Austgen stated she could get an attorney, engineer, and get the flood maps as well as the application forms. She can file and wait for a long period of time. Mr. Niemeyer discussed Mr. Oliphant's comments on options. Depending on a municipality's status with the national flood insurance rating program, CRS, there could be discounts provided on flood insurance premiums. Certain criteria have to be met. Mr. Oliphant doesn't believe the Town belongs to the CRS. It has been brought up in the past but hasn't gone anywhere. Mr. Niemeyer stated that looks like something that can be done internally. Discussion continued on the impact. Mr. Niemeyer stated he wants to make sure Ms. Coleman leaves with the idea of her next steps. Mr. Austgen stated everything was transferred to her with the email communication. That is the starting point for her to do. Mr. Niemeyer asked how she appeals this. Mr. Austgen stated through the recommended procedures Mr. Oliphant identified. Mr. Niemeyer continued to question Mr. Austgen about the procedures for appeal documents and where it starts. Mr. Simstad stated that would be through FEMA. Ms. Coleman continued to voice her concerns with the situation and the costs before her. She stated she is asking for their help. She asked if the Town could offer any help. Mr. Foreman stated since

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they are all being made aware of this tonight; he would like to better vet it and understand it. He would like to ask engineering some questions. He discussed previous work to correct issues with Sleepy Hollow Ditch in 2009. Mr. Foreman stated this situation was bizarre to him. Mr. Niemeyer discussed adverse impacts on property. Mr. Foreman stated it is an unfortunate situation but nothing will happen in the next two weeks. They need to understand it. Mr. Niemeyer asked Ms. Coleman about her deadline for flood insurance. She stated she has to have it in place by mid-October. Mr. Foreman stated they have another meeting at the beginning of October. Mr. Salatas discussed the lengthy time for appeals. Mr. Niemeyer stated he wasn't sure how to take the first step with Schilling or Burke. Mrs. Rivera asked if anyone has communicated with Schillings or Burke. Discussion continued on the matter. Mr. Niemeyer stated he would share the email. Mr. Niemeyer asked Ms. Coleman to share contact information with Mr. Salatas. Mr. Austgen suggested Mr. Salatas use the NIES firm on any technical or assessment needs. Kinsey Foglio, 14219 Fairbanks St, she stated they recently built their home. They are in the Deerview Subdivision. She voiced concerns with their inability to receive internet services. She stated Comcast told her they are waiting for a project permit to be approved with the Town. She voiced her concerns with the challenges due to lack of internet. It was stated that no permit is pending with the Town. Mr. Niemeyer stated Comcast is a utility that traditionally holds up road projects. The Town has nothing to do with them. A brief discussion continued.

ADJOURNMENT President Sharpe adjourned the meeting at approximately 7:22 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, CMC, CPFIM
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.