

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

**July 18, 2023**

**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	John Foreman	At Large
	Board Member			Board Member	
Absent	Julie Rivera	Ward 2	Absent	Richard Sharpe	At Large
	Board Member			Board Vice-President	
Present	Nick Recupito	Ward 3	Present	Jennifer N. Sandberg, IAMC, CMC, CPFIM	
	Board President			Clerk-Treasurer	
Present	Ralph Miller	Ward 4	Present	Chris Salatas	
	Board Member			Town Manager	
Present	Colleen Schieben	Ward 5	Present	David Austgen	
	Board Member			Town Attorney	

**NEW BUSINESS**

**1. Approval of Minutes – June 20, 2023**

A motion to accept and waive the reading of the minutes was made by Ralph Miller with second by Colleen Schieben. Roll Call: Carnahan – No, Miller – Yes, Schieben – Yes, Foreman – Yes, Recupito – Yes. Vote 4 – 1.

**2. NIES Pay Request No. 5 for the Krystal Oaks Elevated Water Tank payable to Dixon Engineering, Inc. in the amount of \$13,800**

Mr. Simstad explained this item and the next are for Dixon Engineering. They are the specialty inspectors for the elevated tank. These are related to the weld inspections and the painting for the elevated tower. Mr. Carnahan asked when it was painted. Mr. Simstad approximated three weeks prior. He stated he would research that and get the exact date.

A motion to approve was made by Ralph Miller with second by John Foreman. Roll Call: Carnahan – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Recupito – Yes. Vote 5 – 0.

**3. NIES Pay Request No. 6 for the Krystal Oaks Elevated Water Tank payable to Dixon Engineering, Inc. in the amount of \$16,100**

Mr. Simstad stated this item is as previously described.

A motion to approve was made by John Foreman with second by Colleen Schieben. Roll Call: Carnahan – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Recupito – Yes. Vote 5 – 0.

**4. Update to All Services Proposal for Replacing the Generator at Robins Nest Pump House in the original amount of \$69,500 to the amount of \$70,300, an increase of \$800**

Mr. Kubiak reported the difference in the cost was due to relocation of the unit. The total amount is \$70,300 and he is asking to pay \$65,300. The generator is completely finished except for the start-up. They will need to schedule that as the water will have to be shut off for approximately one hour. The never paid a deposit and all of the work is complete except for the start-up. That will keep an amount due of \$5,000. Mr. Carnahan asked if

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

there would have to be a boil order when they shut down. Mr. Kubiak stated there will probably be boil advisory due to the pressure dropping. Mr. Recupito asked if he knew when it would occur. Mr. Kubiak stated they were working on something for within the next two weeks.

A motion to approve was made by John Foreman with second by Colleen Schieben. Roll Call: Carnahan – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Recupito – Yes. Vote 5 – 0.

**5. NIES Pay Request No. 6 for the Utopia Water Main Replacement Project payable to Gatlin Plumbing & Heating, Inc. in the amount of \$244,397.20**

Mr. Simstad explained this is a routine pay request for items completed since the last meeting in the amount of \$244,397.20. Mr. Recupito asked what work was completed. Mr. Simstad stated the request included roadway excavation, binder, surface, curbs as well as a portion of the restoration and fence replacement. 15% of mobilization, maintenance traffic, and construction engineering. Mr. Carnahan stated he had concerns about their work over there. He stated the landscaping has been complained about and he finds it unacceptable. Mr. Simstad stated they do have a punch list and retainage in the amount of \$135,020. He stated the representative of Gatlin is present. He stated these items are on the punch list and they have sufficient funds to cover any issues that are included in the restoration. They have begun completing those. He stated as always discussed with water main relocations and replacement projects; the restoration is the most challenging part. They are working towards those. They have not only the retainage amount but the performance bonds to cover those items to protect the Town and the residents. Mr. Carnahan stated they had a resident come in and say Gatlin is not a landscaper. They should have hired a landscaper. Mr. Foreman stated they were in a harsh drought. He stated he is sure it was a challenging time but as long as it gets done. He stated it is always challenging during a project but they have to make it right. Mr. Simstad stated that is what the punch list is and they will keep the performance bond for the entire year. Mr. Recupito asked if Matt Murphy was in attendance. Mr. Simstad stated that is correct. Mr. Recupito stated he is sure there will be some folks speaking in public comment and hopefully he will address those. Mr. Foreman stated they have to make it right. Mr. Simstad stated they have a punch list that they will review with staff and the Director of Operations as well.

A motion to approve was made by Ralph Miller with second by John Foreman. Roll Call: Carnahan – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Recupito – Yes. Vote 5 – 0.

**6. NIES Pay Request No. 2 for the East Side Water Transmission Main Project payable to H&G Underground Utilities, LLC, in the amount of \$438,018.33**

Mr. Simstad explained this is a routine pay request on the east side transmission main. Once the contractor completes some work at the beginning of next week that was requested by staff, they will begin the restoration of Edison, 140<sup>th</sup> and 141<sup>st</sup>, south and east of the project. Mr. Carnahan stated he is getting a lot of complaints on Morse. He asked if that was going to be totally redone or if it was final. Mr. Simstad stated they have several issues that need to be addressed with the work needing to be completed next week. When that work is completed, they will do the restoration and asphalt and continue through some of the issues such as grass and lawn restoration.

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

A motion to approve was made by Colleen Schieben with second by John Foreman. Roll Call: Carnahan – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Recupito – Yes. Vote 5 – 0.

**7. NIES Pay Request No. 7 for the East Side Elevated Water Storage Tank payable to Caldwell Tanks, Inc., in the amount of \$207,900.00**

Mr. Simstad explained this is a routine pay request. Generally, the items included are the electrical and the tank coating. Mr. Recupito noted they are getting really close to the pay requests being done. Mr. Simstad stated they are moving in a positive direction.

A motion to approve was made by John Foreman with second by Ralph Miller. Roll Call: Carnahan – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Recupito – Yes. Vote 5 – 0.

**8. NIES Pay Request No. 7 for the West Side Sanitary Sewer Interceptor Project 1 payable to LGS Plumbing, Inc., in the amount of \$100,078.43**

Mr. Simstad explained this is a routine pay request for LGS for the West Side Interceptor Project 1. He stated they are moving forward and proceeding towards Cline Avenue. This is in the amount of \$100,078.43. Mr. Recupito asked what particular work this was for. Mr. Simstad stated this is for one run of a sanitary sewer. They are in the deepest part of the sewer on 159<sup>th</sup>. Their progress is expectedly slow. In the pay request last month, it was also for one run of a manhole to a manhole, approximately 380 to 400 feet. Mr. Foreman asked how deep. Mr. Simstad stated the deepest was 27 feet. That is why it is gravity. He stated they are approaching the areas where they are 12 to 14 feet this upcoming week. He stated then they will get to the railroad and it will be much slower. Mr. Carnahan stated this will not have a lift station, will be gravity fed, and will take approximately four years to complete. Mr. Simstad stated that is correct.

A motion to approve was made by Ralph Miller with second by Colleen Schieben. Roll Call: Carnahan – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes, Recupito – Yes. Vote 5 – 0.

**9. Future Water Capacity Needs Planning Discussion – No update.**

**10. Written Report**

- a. **Fund Report** – Clerk Treasurer Sandberg noted the cash and expenditure reports were previously sent out. She stated she will be working on all of the pay requests approved.

**11. Consultant(s) & Staff Report(s)**

- a. **Engineer – NIES Engineering** – Mr. Simstad advised he had no further reports.
- b. **Director of Operations** - Mr. Kubiak reported they are working on the lift station at Lemon Lake Estates. They are working on getting proposals to get new equipment in. Everyone they are getting pricing from is booked up for months.
- c. **Town Attorney** – No report.

**12. JMOB Report** – Mr. Salatas reported the next meeting will be on Tuesday, July 25<sup>th</sup> at 6PM at the Cedar Lake Town Hall.

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

**PUBLIC COMMENT**

Tom Krueger, 13614 Ivy St, stated he is a Utopia resident and was wondering if the gentleman from Gatlin could come up. He is happy they are making progress and there is a punch list. He stated he wants to know what will be done differently. He stated everything they have been told has been a lie. He stated he is heated and would love an explanation. He voiced concerns regarding the restoration of the lawns and the street.

Rob Burnett, 13466 Drummond St, agreed with Mr. Krueger's concerns. Mr. Burnett stated trees have been chopped down and not replaced, brick pavers have not been replaced, the back berms have not been seeded. He stated he put down his own grass seed to get it looking nice and they came in and scalped the grass. He voiced concerns with fences being ripped down and invisible fence lines not being buried. Mr. Recupito asked if that was done in the easement. Mr. Burnett stated his was in his yard. He stated they came in a put a little dirt on it. He continued to voice his concerns.

Jan Krediet, 9710 W. 136<sup>th</sup> Ln, stated her whole backyard is messed up. She stated the grass seed is more like weed seed. She voiced concerns with her fence not being replaced. She stated next to her shed are fence poles and the fire pit that was taken down. She stated it is frustrating. Mr. Foreman stated there is a lot of work to be done. Mr. Recupito stated they will get the comments addressed with Mr. Murphy.

Deborah Burnett, 13466 Drummond St, agreed with comments made by Tommy and her husband. The neighborhood still looks dismal. Since the last Council meeting, she stated she has seen Gatlin twice. One time a gentleman was walking through their yard videotaping. No knock on the door or courtesy. She stated she has an invisible fence and he was within the line and her dogs could have easily gotten to him. She stated they came through and scalped the yard. One thing she did ask them about was additional dirt for the berm. She stated they did excavate and lower the berm. She stated the backyard is a swamp. She voiced concerns with the detention pond and possible overflow into the swamp. She approximated the berm was lowered by at least six inches.

Matt Murphy, President of Gatlin Plumbing, addressed the comments made. He stated it has been dry and now the rain has come. The grass is coming in in a lot of places where it was not a couple of weeks ago. He stated they will be cutting the grass in a lot of those areas where the easements are. He stated he wrote down addresses. He stated for the invisible fence lines he will call for locates. Mr. Foreman asked if he was working closely with Nies Engineering. Mr. Murphy stated yes. Mr. Simstad stated he wrote down the addresses to make sure they are on the punch list. Mr. Foreman asked if they are doing the landscaping themselves. Mr. Murphy stated yes, it is hard getting landscapers. Mrs. Schieben stated they need to make sure everything is restored. Mr. Murphy stated they will start working on fences within a couple week. He stated he did not want to put fences in until the grass was grown. Mr. Recupito spoke of an experience with a family member that lives in Utopia. He stated the fence was removed in the easement. There was no notification the day it was removed. A letter was received regarding the project but there was no notification the day of. He stated there are small kids and dogs in the home. He stated people are having a problem with the communication. He stated that is a simple fix and does not cost anything to knock on someone's door. Mr. Murphy stated he put his cell phone on letters. Mr. Recupito asked Neil about dates. Mr. Simstad stated the best deadline would be to have the contractor tell you what those are. The recourse is in the means of retainage, the performance bond, and the labor and material payment bond to address the issues. He stated the best course of action would be to have individual residents contact the contractor directly and to let Town staff know of what those issues are so they can make sure they are addressed in a timely manner with the contractor. Mr. Recupito asked what the contract obligation is. Mr. Murphy stated it got pushed back due to material delivery. He stated it is around October/November. He stated they want to get it done too. He stated he would like to get a punch list and they can schedule another walk through in fifteen days. He stated he would like to write down specific addresses.

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

Discussion continued on resident concerns, questions, and deadlines, as well as contact information.

Mr. Salatas stated there was tree removal that took place as part of the project. They will not be restored by Gatlin. That is something the Town will undertake. They will create a list of native trees that will be mailed out to the affected residents for them to select native plantings to replace the trees cut down. A brief discussion continued.

**ADJOURNMENT** President Recupito adjourned the meeting at approximately 7:23 PM.

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

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Nick Recupito

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Richard Sharpe

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John C. Foreman

\_\_\_\_\_  
Robert Carnahan

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Julie Rivera

\_\_\_\_\_  
Ralph Miller

ATTEST:

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Colleen Schieben

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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.