

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

October 15, 2024

**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	Mary Joan Dickson	At-Large
	Board Member			Board Member	
Absent	Julie Rivera	Ward 2	Present	Richard Thiel	At-Large
	Board Member			Board Vice-President	
Present	Nick Recupito	Ward 3	Present	Jennifer N. Sandberg, IAMCA, CMC, CPFIM	
	Board President			Clerk-Treasurer	
Present	Chuck Becker	Ward 4	Present	Jeff Bunge	
	Board Member			Town Manager	
Present	Greg Parker	Ward 5	Present	David Austgen	
	Board Member			Town Attorney	

NEW BUSINESS

1. Approval of Minutes – September 17, 2024

A motion to accept and waive the reading of the minutes was made by Greg Parker with second by Mary Joan Dickson. Roll Call: Carnahan – Yes, Becker – Yes, Parker – Yes, Dickson – Yes, Thiel – Yes, Recupito – Yes. Vote 6 - 0.

2. NIES Pay Request No. 9 for East Side Water Utility Elevated Storage Tank payable to Caldwell Tanks, Inc., in the amount of \$43,575.16

Mr. Simstad explained this is routine pay request number nine for the elevated tower in the amount of \$43,575.16. Everything is in order including the partial waiver. Mr. Carnahan discussed the amount. He asked about the retainage showing a difference of \$0.01 between pay requests. Mr. Simstad stated the retainage is a percentage of the amount billed. Those numbers go out to several digits past the decimal point. Some round up and some round down. Everything is in order in terms of the amount requested and what has been paid.

A motion to approve was made by Chuck Becker with second by Richard Thiel. Roll Call: Carnahan – Yes, Becker – Yes, Parker – Yes, Dickson – Yes, Thiel – Yes, Recupito – Yes. Vote 6 - 0.

3. Change Order 2 for East Side Water Utility Elevated Storage Tank from \$1,890,919.35 to \$1,880,919.35

Mr. Simstad explained this is a reduction in the bid specifications. There was an allowance of \$10,000 for usage during the project that was ultimately unneeded.

A motion to approve was made by Robert Carnahan with second by Chuck Becker. Roll Call: Carnahan – Yes, Becker – Yes, Parker – Yes, Dickson – Yes, Thiel – Yes, Recupito – Yes. Vote 6 - 0.

4. NIES Pay Request No. 10 - Final for East Side Water Utility Elevated Storage Tank payable to Caldwell Tanks, Inc., in the amount of \$188,091.93

Mr. Simstad explained this is the final pay request. He noted there is a punch list that has been reviewed with staff and Mr. Kubiak. That work is being completed. Additionally, there is a performance bond that will exist for one year through the

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guarantee period. That performance bond is in the amount of the entirety of the contract. The original amount was approximately \$1,863,000. Punch list items are preceding. One of the reasons for moving forward with the final pay request is direction from the SRF. That is in terms of the financing from the Indiana Finance Authority regarding the timeframe of the outstanding loan amount and looking to reduce the ability for them to back charge the Town. It would be a non-recouping 1% fee. Mr. Carnahan commented on the final totals. Mr. Becker asked when the performance bond would take effect. Mr. Simstad stated once the project is completed and approved following the punch list items, that is when the one-year guarantee period begins and the extension of the performance bond. Mr. Becker voiced concerns with the timing of the tank coming online. Mr. Simstad stated the sooner the contractor completes all of the punch list items, the sooner the substantial and contract completion is terminated and the guarantee period begins. Mr. Carnahan asked Mr. Kubiak about Robin's Nest well upgrades. Once those are done, they will be able to fill the tank. Mr. Kubiak confirmed that was correct. Mr. Kubiak stated the pumps shipped today.

A motion to approve was made by Robert Carnahan with second by Mary Joan Dickson. Roll Call: Carnahan – Yes, Becker – Yes, Parker – Yes, Dickson – Yes, Thiel – Yes, Recupito – Yes. Vote 6 - 0.

5. Current Water Capacity Needs Planning Discussion

Mr. Recupito stated they are continuing to work behind the scenes. Mr. Austgen stated that is accurate and should be reported. The engineers and consultants are working on water utility matters in an expedited fashion. A lot of data gathering and compiling of information for reports. Mr. Carnahan stated the engineers are going to respond to the Indiana Department of Environmental Management. Mr. Austgen stated no. Mr. Carnahan asked who would respond. Mr. Austgen stated the Town Council will respond with the preparation of the consultants. Mr. Carnahan stated the consultants will give their opinion to the Town Council and they will respond with the information received.

6. Written Report

- a. Fund Report – Clerk Treasurer Sandberg reported the cash and expenditure reports were previously sent out.

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

- a. Engineer – NIES – No further report.
- b. Director of Operations/Superintendent
 - i. Operation & Maintenance Report – No further report.
- c. Town Attorney – Mr. Austgen stated he would give his report in executive session.

Mr. Carnahan asked Jennifer if the cash report and journals were available to the public. Ms. Sandberg stated by public records request if someone wants it. They do not post it out front or on the website. It changes rapidly. If someone comes in with questions, they will provide it.

8. Update/Discussion

- a. **Morse Street Water Line Extension** – Mr. Kubiak reported the line is completed. One fire hydrant needs to be adjusted. They are working on the grading. They are waiting on getting the well field and production facility upgraded. They are in the works on the permits. Mr. Carnahan stated they are

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awaiting approval from the Indiana Department of Environmental Management. Mr. Kubiak stated that is correct.

- b. West Side Sewer Interceptor Phase 2** – Mr. Simstad stated he has nothing further from the last report.
- c. Lake County JICA for East Side Water Development \$650,000** – Mr. Carnahan asked what the acronym meant. Ms. Sandberg answered Joint Interlocal Cooperative Agreement. Mr. Recupito asked about the remaining funds available. Ms. Sandberg stated they have used \$91,278. There is a cash balance of \$558,722. Mr. Carnahan asked what they could use it for. Ms. Sandberg stated her understanding was east side water improvements. Mr. Bunge stated expansion, exploration, and upgrades. It was interpreted as pretty broad. Mr. Recupito asked Mr. Kubiak if plans were in the works for spending the money. Mr. Kubiak stated they talked about the Robin’s Nest upgrades including controls, pumps, and the like.

Mr. Carnahan asked Mr. Simstad about aquifers on each side of the lake. He asked if they connect. Mr. Simstad stated everything connects in some sort of way. What is used for the production facilities are called confined aquifers. That is several hundred feet deep, below the bedrock. A majority of wells that do not connect to the Cedar Lake Utility, are in the unconfined aquifer. Those are generally shallow wells. Those are susceptible to drought conditions. Those conditions have been for the last few months. What the Town uses for production facilities are less connected to the unconfined aquifers. The east side and west side are ultimately connected through the groundwater system, in the bedrock, through fractures. They are not related directly to the unconfined shallow wells that the majority of residents not connected to the water utility are using for their potable water. Mr. Carnahan discussed the Lighthouse well. He asked when they add the new stations on as well as subdivisions, if that would impact surrounding shallow wells. Mr. Simstad stated shallow wells are the unconfined aquifers and the Lightwell which is an unconfined aquifer, are generally unrelated in terms of production. He stated unconfined shallow wells are susceptible to drought conditions. Especially wells less than 100 feet. The confined aquifers are several hundred feet deep in the limestone fractures for the public water system. Mr. Parker asked if he was saying there was no way a confined aquifer could deplete an unconfined aquifer. Mr. Simstad stated the unconfined areas supply the confined areas naturally because of gravity. The unconfined aquifers are much more susceptible to drought conditions than the confined aquifers. Mr. Parker stated the supply for the confined aquifer comes from the unconfined aquifer through fractures and things of that nature. Mr. Simstad stated some of the water is several hundred years old by the time it gets here. He stated he was not a hydrogeologist. That is why they use Ortman and Peerless. Mr. Parker discussed a conversation with his dad on the groundwater system. Mr. Parker stated he could understand concerns for depleting water resources.

- 9. JMOB Report** – Mr. Thiel reported there will probably be no report until after the impasse meeting happens. Mr. Carnahan asked if they were working on getting a meeting lined up. They are past due on meeting. Mr. Thiel stated he has seen a couple emails on dates but nothing is set yet. It should have occurred middle of last month. Next one will be hosted by Lowell.

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PUBLIC COMMENT

Terry Broadhurst, 14513 Morse, asked about residents with shallow wells versus a deeper well in the bedrock. He asked if there were any legal restrictions on a resident going deeper into that well. He asked if a resident could dig deep and penetrate the same aquifer as the public utility. Mr. Carnahan stated he would say yes as he has a 320-foot rock well at his residence. Mr. Simstad stated those restrictions are set by IDEM and DNR. They are not set locally. A brief discussion continued on residential well depths.

Cheryl Parker, 7227 W. 136th Court, asked about Paradise Cove and if it was considered high-capacity. Mr. Simstad stated he did not have the results of the overboard tests with him. Ortman did those tests within the past year. The tests came in with minimal draw downs. That means the water level within the bedrock, the draw down depth was minimal. Mrs. Parker asked about the well location to the lake and if it had any impact on supply. Mr. Simstad stated everything is connected but in terms of the depth and time to get there. Geographically they are close but hydraulically they are segregated. A brief discussion continued.

Gayle Brannon, 7014 W 139th Place, stated the last minutes posted for utility board were May. She asked if they could be posted. Mr. Recupito asked Jennifer. Ms. Sandberg stated she would discuss with Kirsten when she returns from vacation.

Jennifer Prunsky, 14617 Blaine Street, commented on a comment made about it not being a Town matter but an IDEM matter. She asked if it was not a Town matter when capacity is overpromised. She voiced concerns with water scarcity. She voiced concerns with sign off on projects and questioned warnings and concerns. She again asked if it was not a Town issue. Mr. Austgen stated could be but that is why they are studying and evaluation the last few years of activities and approval. He stated they were looking and evaluating everything from previous administration. Mrs. Prunsky asked where they are at with discovery. She asked if something has been filed and is it just talk or action. Mr. Austgen stated they are not talking. They are reading, evaluating, and compiling. Mrs. Prunsky stated she finds it interesting. She asked if it would be filed before or after the election. Mr. Austgen stated nothing would be filed. It would be a compilation that will integrate itself into reports to IDEM that have been promised to be made and requested.

ADJOURNMENT President Recupito adjourned the meeting at approximately 7:13 PM.

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Robert Carnahan, Ward 1

Julie Rivera, Ward 2

Nick Recupito, Ward 3

Chuck Becker, Ward 4

Greg Parker, Ward 5

Mary Joan Dickson, At-Large

ATTEST:

Richard C Thiel Jr., At-Large

Jennifer N. Sandberg, IAMCA, 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.
- (5) Any additional information required under section 3.5 or 3.6 of this chapter or any other statute that authorizes a governing body to conduct a meeting using an electronic means of communication.