

The Regular Town Council Meeting of the Town of Schererville, IN was called to order by President Thomas Schmitt at 7:23 p.m. in the Schererville Town Hall, 10 E. Joliet Street Schererville, IN.

Attendance was taken with the following Council Members present: Caleb S. Johnson, Kevin Connelly, Robin Arvanitis (online), Rob Guetzloff and Thomas Schmitt. Staff members present: Attorney David Austgen, Fire Chief Robert Patterson, Deputy Fire Chief David Meyer, Deputy Police Chief Steve McNamara, Park Superintendent John Novacich, IT Robbie Hansen, Town Engineer Neil Simstad, Director of Public Works Chad Nondorf, Director of Operations Andy Hansen, Town Manager Jim Gorman, Deputy Clerk-Treasurer Kristie Klein and Recording Secretary Robin Thiel.

THEREUPON, Approval of the minutes. Mr. Connelly made a motion to approve the minutes of the April 10, 2024 Public Meeting, seconded by Mr. Guetzloff. Roll call vote: Mr. Johnson - Yes; Mr. Connelly - Yes; Mrs. Arvanitis - Yes; Mr. Guetzloff - Yes; Mr. Schmitt - Yes. All in favor (5-0).

THEREUPON, Claims

- A. APV #113798 - APV #114413 on the General Docket, Totaling \$2,012,222.48
- B. APV #113967 - APV #114403 on the MVH Docket, Totaling \$96,794.27
- C. APV #114029 - APV #114269 on the Payroll Docket, Totaling \$1,228,449.98
- D. Various Funds, First National Bank of Omaha, Credit Card Charges, \$13,088.99
- E. Various Funds, Austgen Kuiper Jasaitis, April Legal, \$17,660.68
- F. Ambulance Fund, Eservices Technology, Various Invoices, \$15.00
- G. General Fund - Police, Governmental Interinsurance Exchange, Invoice #2024040010, \$575.75
- H. General Fund - Police, Rothschild Insurance Agency, Various Invoices, \$2,200.00
- I. Park Bond 2018 Fund, Gariup Construction Co., Pay App #2, \$77,270.00
- J. ARPA Fund, CSK Architects, P.C., Bio-Solids Bldg. Project Bidding, \$140,000.00
- K. ARPA Fund, Hasse Construction Company, Inc., Pay App #3, \$89,325.00
- L. 2016 Taxable G.O. Bond Fund, Huntington National Bank, Principal & Interest Due, \$110,262.50
- M. Public Safety Fund, Peoples Bank, Principal & Interest Due - 2020 Firetruck, \$65,472.98
- N. Park Dist. Bonds, Ser. 2018 Debt Service Fund, Huntington National Bank, Principal & Interest Due, \$398,793.00
- O. Park Dist. Bond Debt 2004 Fund, Wells Fargo Bank, Interest Due, \$8,625.00
- P. Public Safety Fund, Franciscan Crown Point Ems Academy, Payment Installment Due - J. Noto, \$1,500.00
- Q. Various Funds, Fletcher, Vehicle, \$38,587.00
- R. Various Funds, Auto Wares, Parts, \$8,395.29
- S. Park N/R Fund, Gordon Food, Supplies, \$283.76
- T. Various Funds, Menards, Supplies/Parts, \$2,276.08
- U. Various Funds, Unifirst, Clothing/Towels, \$933.18
- V. Various Funds, Napa, Parts, \$264.94
- W. Solid Waste, Stumpbusters, Stump Grinding Service, \$3,200.00

Mr. Guetzloff made a motion to accept the claims as presented, seconded by Mr. Connelly. Roll call vote: Mr. Johnson - Yes; Mr. Connelly - Yes; Mrs. Arvanitis - Yes; Mr. Guetzloff - Yes; Mr. Schmitt - Yes. All in favor (5-0).

THEREUPON, Correspondence NONE

THEREUPON, Reports

Deputy Police Chief McNamara reported that National Police Week is coming up. He stated it's going to be observed on May 12th - May 18th this year. The Schererville Police Department is going to have a memorial service on Friday, May 17, 2024 at 1:00 p.m. inside the Town Hall. Deputy McNamara stated that before the memorial service, at 11:30 a.m. they will doing the uniform and vehicle inspections with all of the officers. Everyone is welcome to attend.

Mr. Novacich reported that there will be a ribbon cutting ceremony for the completion of the CDBG playground project at Autumn Creek Park on Saturday, May 18, 2024 at 10:00 a.m.

THEREUPON, Public Comments Regarding Agenda Items

Mr. Justin Mora, 636 E. Joliet Street, Schererville, IN stated that he would like the Council to look over his Variance of Use for chickens.

Mr. Jeff Minard, 1279 Poppyfield, Schererville, IN, stated he is asking the Town Council to keep an open mind about chickens. He stated he has no desire for chickens himself, but there's several large municipalities that allow chickens. He stated he is asking the Council to keep an open mind.

THEREUPON, Presentation

Cathy Lareau, St. John Township Trustee and DAV

Cathy Lareau stated that here with her this evening is Bob Carnegie from Dyer. She thanked the Council for having them on the Agenda. She stated as you know there is going to be another DAV Walk in the Town of Schererville. She stated that it will start in front of the Police Station and then go over to Redar Park. She thanked the Council for their partnership with this. Ms. Lareau talked about what the group has been working on. She stated the planning team is Jim Gorman, Andy Hansen, Chief Sormaz, Bob Carnegie, Steve Kramer and herself. She stated that she has attended the Town of Dyer and the Town of St. John Town Council meetings regarding this event. Ms. Lareau stated that this is not just a Schererville event, it's a St. John Township walk and it benefits the Veterans. Ms. Lareau went into further detail on what will take place the day of the walk and once again thanked everyone that is involved.

THEREUPON, Old Business NONE

THEREUPON, New Business

ITEM A. Ord. #2007, An Ordinance Amending the Wholesale Water Tracker Component of the Rates and Charges Collected by The Town of Schererville, Lake County, Indiana, Municipal Water Utility, and all Matters Related Thereto

Mr. Gorman stated that the first part of this was the Resolution that was approved earlier at the Water Board Meeting. He stated that this is the Ordinance amending the water tracker rate. It is the same that was explained at the Water Board Meeting.

Mr. Connelly made a motion to consider on 1st reading, Ordinance #2007, seconded by Mr. Guetzloff. Roll call vote: Mr. Johnson - Yes; Mr. Connelly - Yes; Mrs. Arvanitis - Yes; Mr. Guetzloff - Yes; Mr. Schmitt - Yes. All in favor (5-0).

Mr. Guetzloff made a motion to adopt Ordinance #2007, seconded by Mr. Connelly. Roll call vote: Mr. Johnson - Yes; Mr. Connelly - Yes; Mrs. Arvanitis - Yes; Mr. Guetzloff - Yes; Mr. Schmitt - Yes. All in favor (5-0).

ITEM B. Ord. #2008, An Ordinance Establishing Replacement and Current Regulations for Licensor of Solicitors in the Town of Schererville, Lake County, Indiana, Repealing All Ordinances and Town Code Provisions, or Parts Thereof, in Conflict herewith, and all Matters Related Thereto

Mr. Gorman stated that this is an ordinance that would allow not for profit to solicit in the Town of Schererville. There is an application process as well as a fee that goes along with this and the solicitor must be licensed. This repeals the old solicitor

Ordinance that actually allowed for profit and not for profit. Mr. Gorman stated that this one is just for the not for profit.

Mr. Johnson stated he wanted to make sure what he heard. He heard Mr. Gorman say that from this point forward, if this Ordinance is adopted, for profit businesses are no longer able to go door to door soliciting for business. Mr. Gorman stated that is correct.

Mr. Johnson made a motion to consider on 1st reading, Ordinance #2008, seconded by Mr. Guetzloff. Roll call vote: Mr. Johnson - Yes; Mr. Connelly - Yes; Mrs. Arvanitis - Yes; Mr. Guetzloff - Yes; Mr. Schmitt - Yes. All in favor (5-0).

Mr. Johnson made a motion to adopt Ordinance #2008, seconded by Mr. Guetzloff. Roll call vote: Mr. Johnson - Yes; Mr. Connelly - Yes; Mrs. Arvanitis - Yes; Mr. Guetzloff - Yes; Mr. Schmitt - Yes. All in favor (5-0).

ITEM C. Res. #2024-4, A Resolution Authorizing Entry into a Joint Interlocal Cooperation Agreement with Another Participating Unit of Local Government ("Little Calumet River Basin Development Commission") for the Grand Canyon Watershed Project, and all Matters Related Thereto

Mr. Hansen explained the Grand Canyon Watershed Project. He stated that the total project is estimated at \$64,000.00. The Little Calumet River Basin Development will pay 80% of the project.

Mr. Guetzloff made a motion to approve Resolution #2024-4, seconded by Mr. Johnson. Roll call vote: Mr. Johnson - Yes; Mr. Connelly - Yes; Mrs. Arvanitis - Yes; Mr. Guetzloff - Yes; Mr. Schmitt - Yes. All in favor (5-0).

ITEM D. Approve Engagement Letter with LWG CPAs for Financial Advisory Services as it relates to Establishing a Municipal Storm Water Utility Rate **(from Utility Board Agenda)**

Mr. Connelly made a motion to approve the Engagement Letter with LWG CPAs, seconded by Mr. Guetzloff. Roll call vote: Mr. Johnson - Yes; Mr. Connelly - Yes; Mrs. Arvanitis - Yes; Mr. Guetzloff - Yes; Mr. Schmitt - Yes. All in favor (5-0).

ITEM E. Consider Approval to Purchase Property Located at 372 W. Division Street, Schererville, IN from Ogden Welding Systems, Inc. in the Amount of \$2,900.00 and to Authorize the Town Manager, Director of Operations, Clerk-Treasurer and Town Attorney to Finalize Execution Of Documents **(Kennedy Avenue Improvement Project)**

Mr. Hansen that this is a right-of-way. He showed the Council on the projector screen the right-of-way he is talking about. He stated this is for expanding Kennedy Avenue or putting a turn lane in there on Division Street and also allowing utilities to go in there.

Mr. Johnson made a motion to approve the purchase of property located at 372 W. Division Street, seconded by Mr. Guetzloff. Roll call vote: Mr. Johnson - Yes; Mr. Connelly - Yes; Mrs. Arvanitis - Yes; Mr. Guetzloff - Yes; Mr. Schmitt - Yes. All in favor (5-0).

ITEM F. Consider Approval to Purchase Property Located at 549 Kennedy Avenue, Schererville, IN from Ray Buzinski in The Amount of \$470,000.00 and to Authorize the Town Manager, Director of Operations, Clerk-Treasurer and Town Attorney to Finalize Execution of Documents **(Kennedy Avenue Improvement Project)**

Mr. Hansen pointed out on the project screen where this parcel is. He stated that it's just north of the North Southern Railroad Tracks. He stated that this property is for the bridge. Mr. Hansen stated that this property was actually in condemnation process, but they met with the property owners and came to this purchase price based on some appraisals that the owner received and some appraisals that the Town received.

Mr. Connelly made a motion to approve the Purchase of Property located at 429 Kennedy Avenue, seconded by Mr. Johnson. Roll call vote: Mr. Johnson - Yes; Mr. Connelly - Yes; Mrs. Arvanitis - Yes; Mr. Guetzloff - Yes; Mr. Schmitt - Yes. Motion carries (5-0).

ITEM G. Award Bid for Wastewater Treatment Plant Bio-Solids Building Project

Mr. Gorman read the letter from Thomas Kuhn at CSK Architects, P.C. Mr. Kuhn stated "Attached please find the Bid Tally Sheet for the above referenced project. We have reviewed the Bid Documents received on April 30, 2024 and recommend awarding the contract and issuing a Notice to Proceed for the Base Bid #1 and Base Bid #2 to the apparent lowest responsive and responsible bidders as follows":

Base Bid #1 - Demolition of the Existing Bio-Solids Storage Building - Grimmer Construction, Inc. in the amount of \$289,000.00

Base Bid #2 - Construction of the new Bio-Solids Storage Building - Hasse Construction Company, Inc. in the amount of \$4,730,000.00.

Mr. Kuhn stated that the total cost of the project is \$5,019,000.00. He stated that they distributed plans to over twenty contractors including ten general contractors but only received two bids.

Mr. Johnson stated that he just wants to make sure that the public is aware how we're funding this project. He stated it is his understanding that we have three million of ARPA funds that have been allocated towards this project and the Town of St. John, IN has to pay 30% based on contract agreements, because St. John dumps 30% of the flow into our treatment plant, which would be \$1.5 million. He stated then the Town will cover the rest of the project.

Mr. Gorman stated that actually we have \$3.2 million in ARPA Funds, and we do have a couple million in ARPA funds that has not been allocated yet, we may be able to contribute that as well.

Mr. Johnson asked, so we're not bonding this, we are going to pay for this in cash, correct? Mr. Gorman stated that is correct.

Mr. Gorman gave the Council a little history on this. He stated that this building started out as a sludge drying building and it's where liquid sludge went on there and it dried naturally through greenhouse effect. It was in a building that had translucent panels on the sides and on the roof. He stated that the building was built in 1983 and it has become unsafe. He stated that the new building is not actually a sludge drying building anymore, it's a storage building because we have another facility that dewateres the sludge. Once the sludge is dewatered it gets stored in this building until we can haul it off and apply it to farmland.

Mr. Connelly made a motion to award the bid for the Wastewater Treatment Plant bio-solids building project as recommend by CSK architects, seconded by Mrs. Arvanitis. Roll call vote: Mr. Johnson - Yes; Mr. Connelly - Yes; Mrs. Arvanitis - Yes; Mr. Guetzloff - Yes; Mr. Schmitt - Yes. All in favor (5-0).

ITEM H. Consider Acceptance of Right-of-way and Easement Agreement between the Town of Schererville, Lake County, IN and Enbridge Energy, Limited Partnership

Mr. Gorman pointed out on the projector screen the 100 foot easement. He pointed out the Pennsy Trail that comes from Main Street at the Munster Schererville border. Mr. Gorman stated that two pipes cross that easement, those pipes have been in the ground for many years and we just possess this property.

Mr. Connelly made a motion to accept the right-of-way and easement agreement between the Town of Schererville and Enbridge Energy, seconded by Mrs. Arvanitis. Roll call vote: Mr. Johnson - Yes; Mr. Connelly - Yes; Mrs. Arvanitis - Yes; Mr. Guetzloff - Yes; Mr. Schmitt - Yes. All in favor (5-0).

ITEM I. Consider Variance of Use to Allow Eight (8) Chickens To be raised and kept On-Site in a Residential Zoning District (R-2) and Joliet Street Overlay District

Board of Zoning Appeals Case #24-3-2
Petitioner(s): Justin Mora
Location: 636 E. Joliet Street
BZA Unfavorable Recommendation - 3-1 (April 22, 2024 Meeting)

Mr. Gorman stated that Mr. Mora is here this evening if you have any questions.

Mr. Johnson stated he has a couple of questions for Mr. Mora. He stated that he was at the BZA Hearing on this and has a couple follow-up questions. He asked Mr. Mora the following questions:

How big is your lot? - Mr. Mora stated a quarter acre.
Do you have it zoned R2? - Mr. Mora stated yes.
Do you have neighbors on each side of you on Joliet Street? - Mr. Mora stated yes.
You don't have neighbors behind you, what is behind you? Mr. Mora stated the Golf Course.
Do you have eight chickens there now? - Mr. Mora stated yes.

Mr. Johnson stated that he used to have chickens in town for many years and he knows from his experience and wants to make sure it's clear for everybody, female chickens don't have to have a male chicken in order to lay eggs. He stated that male chickens are the noisy ones and the female chickens are the quiet ones. Mr. Johnson stated that he saw some pictures of Mr. Mora's coop and it looks like he has a house for the chickens and a runway for them to go out into the yard area that's all enclosed.

Mr. Johnson asked Mr. Mora how long he has had the chickens. Mr. Mora stated since August. He stated he has not had any complaints from his neighbors. Mr. Johnson stated he saw a letter stating that Mr. Mora got these chickens for his family and for his health. Mr. Mora stated that is correct. Mr. Johnson asked Mr. Mora if he or anyone else have gotten sick from the chickens. Mr. Mora stated no.

Mr. Johnson made a motion to approve the Variance of Use to allow eight chickens to be raised on site in the residential zoning district R2 and Joliet St overlay district, Board of Zoning Appeals Case 24-3-2, petitioner Justin Mora, 636 East Joliet Street, BZA unfavorable recommendation with a 3-1 vote, seconded by Mr. Connelly. Roll call vote: Mr. Johnson - Yes; Mr. Connelly - Yes; Mrs. Arvanitis - No; Mr. Guetzloff - No; Mr. Schmitt - No. Motion denied (3-2).

Mrs. Arvanitis made a motion to deny the Variance of Use, BZA Case #24-3-2, seconded by Mr. Guetzloff. Roll call vote: Mr. Johnson - No; Mr. Connelly - No; Mrs. Arvanitis - Yes; Mr. Guetzloff - Yes; Mr. Schmitt - Yes. Motion carries (3-2).

ITEM J. Consider Variance of Use to Allow a Drive-Thru within
The U.S. 41 Commercial Corridor Overlay District

Board of Zoning Appeals Case #24-4-3
Petitioner(s): Kenneth Drenth
Location: 7725 U.S. 41 (Boulevard Commons Lot 1)
BZA Favorable Recommendation - 4-0 (April 22, 2024
Meeting)

Mr. Drenth stated he is here seeking a variance for a drive-thru, the property is located on the east side of US 41, about one block south of 77th Ave. He stated that they currently have the first building, the north building is constructed and near completion. Mr. Drenth stated that they were granted a drive-thru variance for the building on the North end and he's here tonight seeking a variance for the South building.

Mr. Johnson stated that he loves the building, loves the project, but his concern is regarding traffic. He stated it was something that was addressed originally when Mr. Drenth came in the first time and he wanted the two buildings and the drive-thru. He stated that there was talk about that road on the east side of the building being one way street going north. Mr. Johnson stated that the drawing they have shows it's going both north and south and he is concerned because on the north side of the building where the drive-thru is, that is where the order board is. Mr. Johnson stated that he believes there is only one car stacking available ability before the order board and if there would be a second car, now you're blocking traffic there. He stated that if you made the road all northbound traffic and you put the whole left side there by the curb as additional stacking for your drive-thru, he would be 100% in favor of this. Mr. Johnson had further suggestions on what he would like to see and Mr. Drenth stated he doesn't have a problem with that. Mr. Johnson asked Mr. Drenth if he can make this work. Mr. Drenth stated yes he can.

Mr. Johnson made a motion to approve the Variance of Use to allow a drive-thru within the US 41 Commercial corridor overlay district, Board of Zoning Case #24-4-3, petitioner Kenneth Drenth, 7725 U.S. 41 (Boulevard Commons, Lot 1), BZA Favorable recommendation 4-0 from the April 22, 2024 meeting and adopt their findings of fact and conclusions into his motion and with a couple additional conditions he has. Mr. Drenth would move the order board a little bit more towards the center of the building to give more room there and to make the roadway on the east side of the building all northbound with the left side of that road adding additional stacking for that drive-thru, seconded by Mr. Guetzloff. Roll call vote: Mr. Johnson - Yes; Mr. Connelly - Yes; Mrs. Arvanitis - Yes; Mr. Guetzloff - Yes; Mr. Schmitt - Yes. All in favor (5-0).

ITEM K. Consider Release of Maintenance Surety/Cash Surety in
The Amount of \$21,723.29 and Issuance of the Certificate
Of Release for Oak District, Phase One

Mr. Hansen stated that this is for the Oak District Development, Public Works and our Engineering Firm reviewed this and it's appropriate to release the maintenance surety/cash surety this at this time.

Mr. Connelly made a motion to release the Maintenance Surety/Cash Surety in the amount of \$21,723.29, seconded by Mr. Guetzloff. Roll call vote: Mr. Johnson - Yes; Mr. Connelly - Yes; Mrs. Arvanitis - Yes; Mr. Guetzloff - Yes; Mr. Schmitt - Yes. All in favor (5-0).

ITEM L. Consider Donation to Lake Central Education Foundation
(\$1,000.00)

Mr. Gorman stated that this is an annual request we get from the Lake Central Education Foundation and the amount is the same as last year.

Mr. Guetzloff made a motion to donate \$1,000.00 to the Lake Central Education Foundation, seconded by Mr. Connelly. Roll call vote: Mr. Johnson - Abstain; Mr. Connelly - Yes; Mrs. Arvanitis - Yes; Mr. Guetzloff - Yes; Mr. Schmitt - Yes. Motion carries (4-0-1). Mr. Johnson stated that he abstained because he is on the board of the Lake Central Education Foundation.

ITEM M. Consider Proclaiming the Week of May 5, 2024 through May 11, 2024 as "*Professional Municipal Clerks Week*" In the Town of Schererville

Mr. Schmitt read the proclamation in its entirety. Mr. Connelly made a motion to proclaim the week of May 5, 2024 through May 11, 2024 as "*Professional Municipal Clerks Week*" in the Town of Schererville, seconded by Mrs. Arvanitis. Roll call vote: Mr. Johnson - Yes; Mr. Connelly - Yes; Mrs. Arvanitis - Yes; Mr. Guetzloff - Yes; Mr. Schmitt - Yes. All in favor (5-0).

ITEM N. Consider Acceptance of Donations - \$878.50

Mrs. Klein stated that all of the donations we received in April 2024 were all in-kind donations. Mrs. Klein read the list of donations into the record.

Mr. Guetzloff made a motion to accept the donations as read, seconded by Mr. Connelly. Roll call vote: Mr. Johnson - Yes; Mr. Connelly - Yes; Mrs. Arvanitis - Yes; Mr. Guetzloff - Yes; Mr. Schmitt - Yes. All in favor (5-0).

THEREUPON, Business from the floor

Mr. Ted Bogucki, 1112 Willowbrook Drive, Schererville, IN stated that he has lived in his home for approximately 10 years and in the subdivision he's noticed there is a detention pond in the center of the subdivision. He stated it has a high concentration of iron okra, so besides having a high water table, several residents are dealing with problems with their sump pumps in the home. He stated that he feels that the pond needs to be dredged, along with the Schererville ditch. After Mr. Bogucki explained to the Council what is happening in their homes from this detention pond, Mr. Schmitt asked Mr. Gorman, Mr. Hansen and Mr. Nondorf to set up a meeting with this gentleman.

Mr. Alex Ferreira, 233 Fairview Lane, Schererville, IN stated that he has been a Schererville resident for 22 years and he would like if the Town of Schererville would consider including a Crime and Drug Free lease addendum, such as the one he is presenting. He provided the Council Members with a copy of a Crime & Drug Free Lease Addendum. Mr. Ferreira stated that this would be for all residential lease agreements in the Town of Schererville to help deter criminal activity and to remove non-compliant tenants.

Mr. Schmitt advised Mr. Ferreira that he should set up an appointment to meet with the Town Staff and possibly someone from the Police Department to discuss this.

Mr. Jeff Minard, 1279 Poppyfield, Schererville, IN stated he appreciates the opportunity to talk, but he's very disappointed to continue to see this partisanship going on. It seems suspicious to him how we always vote no for any exceptions for chickens, but yet the same person that brought out that Councilman Johnson had chickens is the same person you've been trying to put on the Public Safety Board since January and he hasn't qualified.

Anton Gant, 1119 Stone Bridge Drive, Schererville, IN stated that he is one of those new tenants in the subdivision that was discussed earlier regarding the detention pond in his subdivision. He stated that he has been here for approximately two years and his basement has flooded three times. He said that he is from Chicago and he never had to deal with a sump pump until he moved here. Mr. Nondorf, Public Works Direct stated that he will schedule a meeting and meet with him.

Kevin Dean, 1905 Sir Richard Road stated that he wanted to thank the Council this month for not giving away any of the tax dollars to certain entities that they feel were in need of his tax money. Mr. Dean stated that he listened to the person who wants to raise chickens on his property and you're saying no to that. He stated that the resident's neighbors are not complaining about them and asked why the City Council is taking action against this person.

Meeting adjourned.

THOMAS SCHMITT
TOWN COUNCIL PRESIDENT

Michael A. Troxell, IAMC, CMC, CPFIM, CMO
TOWN CLERK-TREASURER

A TRUE COPY