The Regular Town Council Meeting of the Town of Schererville, IN was called to order by President Thomas Schmitt at 7:05 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, Rob Guetzloff and Thomas Schmitt. Staff members present: Attorney David Austgen, Fire Chief Robert Patterson, Deputy Fire Chief David Meyer, Police Chief Pete Sormaz, Park Superintendent John Novacich, IT Dan Gin, Town Engineer Neil Simstad, Director of Public Works Chad Nondorf, Director of Operations Andy Hansen, Town Manager Jim Gorman, Clerk-Treasurer Michael Troxell and Recording Secretary Robin Thiel.

THEREUPON, Approval of the minutes. Mr. Connelly made a motion to approve the minutes of the July 12, 2023 Public Meeting, seconded by Mrs. Arvanitis. All in favor (5-0).

THEREUPON, Claims

A. APV #109636 - APV #110103 on the General Docket, Totaling $13,845,715.52
B. APV #109637 - APV #110103 on the MVH Docket, Totaling $139,843.84
C. APV #109654 - APV #109943 on the Payroll Docket, Totaling $1,207,742.06
D. Various Funds, First National Bank of Omaha, Credit Card Charges, $9,413.76
E. Various Funds, Enterprise Rent-A-Car, Vehicle Lease, $3,346.64
F. Various Funds, Austgen Kuiper Jasaitis, July Legal, $13,794.47
G. Ambulance Fund, E-Services Technology, Various Invoices, $105.00
H. Public Safety Fund, Methodist Hospital, EMT-Paramedic Program Installation Payment, $2,600.00
I. MVH Fund, DNR/Division of Forestry, Class Registration, $60.00
J. Various Funds, Rieth-Riley Construction, CCMG-Invoice #364155803, $1,995,521.91
K. Various Funds, Colby & Co., Inv. #CC111, $48,051.50
L. MVH Fund, T&M Tire Service, Invoice #173033, $280.00
M. Park Non-Reverting Fund, Blue Peak, Invoice #113093, $235.00
N. Park Bond 2018 Fund, DLZ LLC, Pmt. #15-Pennsy Greenway, Phase IV, Invoice #705939, $4,641.36
O. Solid Waste Fund, Briar Ridge Property Owners Association, 2023 Recycling Program, $10,377.36
P. Solid Waste Fund, Springvale Homeowners Association, 2023 Recycling Program, $4,008.96
Q. Various Funds, Rothschild Insurance Agency, Crime Policy Invoice #62754, $5,484.00
R. Various Funds, Rothschild Insurance Agency, Cyber Liability, Invoice #62769, $40,077.50
S. Ambulance Fund, Eservices Technology, Various Invoices, $105.00
T. Park Impact Fee Fund, The Arsh Group, Inc., Invoice #2023-02-05, $3,525.00
U. Cable TV Fund, Business Purchasing Solutions, Invoice #BPS102730, $67.50
V. Various Funds, Strack & Van Til, Supplies, $344.94
W. Various Funds, Napa Auto Parts, Parts, $655.49
X. Various Funds, Auto Wares, Parts, $8,686.03
Y. Various Funds, Menards, Parts, $1,900.41
Z. Various Funds, Unifirst, Uniform Services, $862.74
AA. General Fund - Fire, Eichhorn & Eichhorn, Legal Services, $247.50
BB. Motor Vehicle Highway Fund, T&M Tire, Service Call, $280.00

Mr. Troxell stated he has one additional claim he would like to have added to the claims.

CC. Ann Bernard Construction LLC, Project at Trace Park $20,500.00.

Mr. Guetzloff made a motion to accept the claims as presented, seconded by Mr. Connelly. All in favor (5-0).

THEREUPON, Correspondence NONE

THEREUPON, Reports

Mr. Hansen stated that the survey for Illiana property ends on August 11th. He stated that there is a laptop in the back of the room if anyone wants to complete the survey.

THEREUPON, Public Comments Regarding Agenda Items NONE

THEREUPON, Old Business

ITEM A. Request to Access Town Property to Repair Material Containment Wall behind Smith Concrete
Petitioner: Rich Rueth, Target Rentals
Location: 1001 US Hwy 41
(Deferred from the June 14, 2023 and July 12, 2023 meetings)

Mr. Gorman stated that this is right of entry license and property usage agreement. He stated they have a draft of the agreement to allow Mr. Rueth to enter onto our property to repair his containment wall. He stated that they have been going back and forth to get an agreement together, we do have this agreement together and that is before you tonight. Mr. Gorman stated that they are looking for approval this evening.

Mr. Connelly asked Mr. Gorman if the petitioner received the latest agreement and has he reviewed it. Mr. Gorman stated no, he has not received it. Mr. Connelly stated that it sounds like that would need to take place before we make any consideration. Mr. Schmitt asked if the petitioner, Mr. Rueth or his representative, Mr. Volkmann have any questions.

Mr. Volkmann stated that he has not seen the entire agreement, and with some of his conversations with Jim. He stated that if those are the terms that are in the agreement, they don't have any exception to that. Mr. Volkmann stated they would like to know, there is a thing about landscaping and it had a dollar amount of a thousand dollars. He stated he doesn't know what kind of maintenance there would be that's not there now.

Mr. Gorman stated that since we don't have the maintenance plan basically, there is always the option of when that landscaping needs to be taken care of, Mr. Rueth can take care of that or he could pay the Town to take care of it.

Mr. Volkmann stated that if the berm goes in the way we plan, there wouldn't be any maintenance on it because it would be planted with trees and stuff, he stated there would be no long-term maintenance or very minimal. Mr. Volkmann stated that a thousand dollars is a lot for yearly maintenance for that small area. Mr. Gorman stated he agrees with that. Mr. Volkmann asked if that is something that could be discussed. He stated it doesn't really say a thousand dollars, it says agreed upon. Mr. Gorman stated that it would be whatever it cost the Town, if they were to take care of it. Mr. Volkmann said they don't have a plan for the landscaping yet, we have to get the permit first, and there are a lot more hoops to jump through. He stated that they did not want to spend any money without knowing what we were doing. Mr. Volkmann stated another thing with the agreement is, he doesn't know what Dave's (Attorney Austgen) cost will be. Mr. Volkmann stated that would be the only outstanding financial commitment.

Attorney Austgen stated that there is some discussion still to be had about this since they haven't seen a document.

Mr. Schmitt asked Mr. Gorman if we should go over the main objectives that's on the agreement with the petitioner. Mr. Gorman stated that Mr. Rueth would probably like to review this with his attorney. Mr. Gorman stated he thinks we should work on the two things we just spoke of and defer it to the next meeting.

Mr. Volkmann stated he doesn't think we are far apart and if the Council is in agreement with the agreement you could authorize the Town Council President and the Town Manager to finish this off with the Town Attorney.

Mr. Schmitt stated that we have a contract here that's been drafted, we could authorize this contract with the minor corrections that are on it and give the approval if the petitioner is in approval of it. Mr. Schmitt stated that way Mr. Rueth can get started on it, we are going into August now and he is going to need a couple of months. Mr. Schmitt stated that our main goal is to get that wall fixed on the property. Mr. Schmitt stated he would like to have a motion to pass the agreement that we have in front of us, with the corrections and then have Mr. Gorman work it out with the petitioner and if he is satisfied with that, then we will proceed, if he's not, then we understand.

Attorney Austgen stated that the law of contracts, it requires an offer, requires an acceptance and requires consideration. He stated that they haven't seen the document yet and he understands there has been a lot of discussion over the last day or two. He stated that we concretized the document a bit, but it isn't really right for public meeting action.

Mr. Connelly made a motion to defer this to the September meeting, seconded by Mr. Johnson.

Mr. Schmitt asked Mr. Troxell for a roll call vote:
Mr. Johnson - yes; Mr. Connelly - yes; Mrs. Arvanitis - yes; Mr. Guetzloff - yes; Mr. Schmitt - no. Motion carries (4-1).

Attorney Austgen stated that there is a working document and obviously Mr. Gorman and Mr. Volkmann can get together and get going on it now.

THEREUPON, New Business

ITEM A. Res. #2023-9, A Resolution Authorizing and Approving Entry into a Joint Interlocal Cooperation Agreement For Membership Participation in the South Lake County Crash Reconstruction Team ("S.L.C.C.R.T.") and all Matters Related Thereto

Mr. Schmitt stated that he has a note from our Board of Safety attorney, it was addressed to him. The Attorney stated that at the July 6, 2023 Board of Safety meeting the board passed a motion approving and recommending to the Town Council, the interlocal and mutual aid agreement for the South Lake County Crash Reconstruction Team (S.L.C.C.R.T). Mr. Schmitt stated that the Board of Safety and Police Chief Sormaz recommended to approve an Interlocal Local Agreement for this Lake County Crash Reconstruction Team.

Chief Sormaz stated that he would just like to summarize, that the Schererville Police Department would like to join the Interlocal Agreement to organize and operate with the South Lake County crash team for the purpose of using the specialized law enforcement skills that's provided by that team. He stated that they basically focus on fatalities and severe injury accidents. He stated that with two main roads going through our Town, US 30 and

US 41, he thinks that would be a much needed resource for our Police Department

Mr. Guetzloff made a motion to approve Resolution #2023-9, seconded by Mr. Connelly.

Mr. Schmitt asked Chief Sormaz if this basically will work similar to your SWAT team that's County wide. Chief Sormaz stated that yes it will.

All in favor (5-0).

ITEM B. Res. #2023-10, A Resolution Authorizing Entry into a Joint Interlocal Cooperation Agreement with Another Participation Unit of Local Government ("Little Calumet Region Basin Development Commission") for the Eagle Ridge Culvert Replacement Improvement Project, And all Matters Related Thereto.

Mr. Gorman stated that this is a Resolution authorizing entry to the JICA for the Little Calumet River Basin. He stated that this is a fifty-fifty match. He stated that it came in under what was estimated. The total cost of the project was $445,000.00 so we will receive payment from the Little Calumet River Basin for $223,222.50. Mr. Schmitt stated that this is the main culvert that is located over by the Post Office on Eagle Ridge Drive.

Mr. Johnson made a motion to approve Resolution #2023-10, seconded by Mr. Guetzloff. All in favor (5-0).

ITEM C. Res. #2023-11, A Resolution of the Town of Schererville, Lake County, Indiana, Approving the Town First Amendment To an Interlocal Governmental Agreement with the Town Of St. John, Indiana and Lake County, Indiana, for the Rehabilitation and Reconstruction of W. 85th Avenue From Alexander Street to Lake Hills Drive, and all Matters Related Thereto

Mr. Gorman stated that this is a Joint Interlocal Agreement between Lake County, the Town of Schererville and the Town of St. John. Mr. Gorman stated that there was an amendment due to a cost decrease for Lake County and Schererville. He stated that we need a Resolution to approve this amendment.

Mr. Johnson made a motion to approve Resolution #2023-11, seconded by Mr. Connelly. All in favor (5-0).

ITEM D. Consider Acceptance of Agreement between Peterson Consulting Services, Inc. and the Town of Schererville For Preparation of the Capital Asset Report for Fiscal Year ending December 31, 2023 ($3,950.00 plus out-of-Pocket expenses)

Mr. Troxell stated that this is an annual agreement with Peterson Consulting Services. He stated that they assist the Clerk-Treasurer's Office in the capital asset reporting that's required every year. He stated that there is a small increase from last year. It went from $3,850.00 to $3,950.00.

Mr. Guetzloff made a motion to approve the agreement, seconded by Mr. Johnson. All in favor (5-0).

ITEM E. Consider Variance of Use to Allow a Car Wash Facility Within the U.S. 41 Commercial Corridor Overlay District

Board of Zoning Appeals Case #23-7-10
Petitioner(s): Crew Car Wash
Location: 637 U.S. 40 (Lowe's Subdivision, Lot 1)
BZA Favorable Recommendation as Presented (4-0)

Mr. Gorman stated that this did come from the BZA with a favorable recommendation to the Town Council. He stated that the proposed Car Wash will be located in the northwest corner of the Lowe's parking lot, right at US 41 and Oak Street. Mr. Gorman stated that the petitioner is here tonight, as well as representatives from Crew Car Wash and they do have a couple of renderings that they probably want to share.

Attorney Wieser stated he is representing Crew Car Wash tonight. He stated that they did have the public hearing that was properly noticed at the Board of Zoning Appeals. Attorney Wieser stated they would like to hit all of the highlights that were in a much more expanded presentation at the BZA. Attorney Wieser stated that the owner of Crew Wash is here this evening with his crew. Attorney Wieser stated that he would like to point out that at the BZA they had a full hearing and the decision was unanimous for a favorable recommendation. He stated that there was no opposition and no remonstrance against the project. He stated that he thinks everybody's familiar with the organization that has several sites already existing in Lake County. Attorney Wieser stated that this is the community that they always had the desire to locate in. He stated that they have been diligently searching for sites and this particular location seems fit for this purpose. Attorney Wieser stated if you look at the Lowe's site, it is substantially built. The area that they intend to locate almost looks like an out lot. He stated that the reason his clients find it so attractive is because the location has all of the needs, at least from the Town's perspective. Infrastructure needs to be done and accomplished and completed, that benefits them and any user of their facility. He stated that it's located at a traffic signal and they pointed out to the BZA that they have a traffic pattern so you can enter safely from most any direction. He stated that improvements are going to be made to connect Oak Street and to the road that is behind Chick-Fil-A and Longhorns so there is plenty of availability for continued and smooth traffic flow, that's the first point. Attorney Wieser stated that a second point he would like to bring up is that the Town Council for some time has been engaged in surveys, they've been engaged in public hearings and public comment to determine how you're going to address property, at least in theory, commercial property available on U.S. 30 (Illiana Speedway). He stated that reason that they are here is because the Town has the Commercial overlay district and the underlying zoning is C3, but because of the commercial overlay district they are required to obtain a Use Variance. Attorney Wieser stated that this is the perfect location for it and it's in an area completely devoted to commercial use. He stated that as far as the project itself goes you have some renderings there, it shows what their operations look like, the material they utilize. Attorney Wieser stated that they generally operate about 7:00 A.M. to 9:00 P.M. They engage on any given site approximately 18 or so employees, they service probably anywhere from five to six hundred vehicles a day. He stated that the benefits to the community other than just the business itself they're a very generous contributor to their communities and they will generate tax real estate, tax revenue on this site of approximately $150,000 annually. Attorney

Wieser stated that for all of those reasons they think, and the Board of Zoning Appeals unanimously felt, that this was a business that was wanted in this area located in the right place. Attorney Wieser stated that there was one questions that was brought up and he wanted to make reference to, is they do have their own internal water reclamation service, as they recapture the water that they use so they don't put any additional burden on the sewer system or on the Wastewater Treatment Plant here in Schererville. He stated the final thing he would like to say this point and time, the Board of Zoning Appeals adopted specific and extensive findings of fact, which they believe they are right on point. Attorney Wieser asked that if this matter was to be granted favorable approval based on the favorable recommendation of the BZA, that you adopt those specific findings of fact as your own for that purpose.

Mr. Connelly stated he has a question and then a few comments, the berm grassy area from US 41 to the Lowe's parking lot, will that be touched at all or remain as is. Attorney Wieser stated that is not going to be disturbed at all. Mr. Connelly stated that he has reviewed the plan, you have an excellent product, and is certainly going to contribute to the overall value of our Town.

Mr. Johnson stated that his concern is the traffic, when he went to the BZA hearing there wasn't much discussion about how fast the cars get through and the amount of traffic, whether there's enough stacking for it. Mr. Johnson asked the representatives from Crew Car Wash if they experience any times where the amount of cars trying to get through exceeds what you have in stacking ability. A Crew Car Wash representative stated that they don't have any of those issues, they actually have the system design that can speed up or slow down the car wash process as needed. Mr. Johnson asked how many cars can you get through in an hour. The Crew Representative stated upwards of 190 cars per hour. Mr. Johnson asked them if they are adding landscaping, are you adding anything as far as beautification. The Crew representative showed a design of the site plan. He stated they had to go through a process through Lowe's corporate approval. Attorney Wieser stated that they figured this would be an issue if they were successful here. He stated for Subdivision approval that they have to go through, so that you'll certainly see a more detailed landscape plan. Mr. Johnson stated that it's his understanding that the connection with Oak Street is going to align up with the other road that runs behind Chick-Fil-A and Longhorn. Attorney Wieser stated that is correct. Mr. Johnson asked if there is going to be a traffic control device there or anything getting people in and out of there. Mr. Gorman stated there was no detail on that but he imagines there'd be stop signs. Attorney Wieser stated that he assumes there'd be some traffic devise that would be required in the subdivision process, they just haven't gotten that far. The Crew representative stated that basically there is two separate lanes, a left and right turn lane and a straight lane.

Mr. Guetzloff made motion to approve the Crew Car Wash and include the Finding of Facts for the use of variance, seconded Mr. Johnson. All in favor (5-0).

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

Mr. Gorman stated that this request was made last year by the Lake Central Education Foundation and it is for the same amount

this year. Louise Tallent, from the Lake Central Education Foundation explained what the donation is used for.

Mr. Johnson stated that he is on the board for the Lake Central Education Foundation and is going to recuse himself from any conversation or vote on this.

Mr. Guetzloff made a motion to approve the $1,000.00 donation, 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).

ITEM G. Consider Donation to NICKs (Northwest Indiana Cancer Kids Foundation ($2,000.00)

Mr. Gorman stated that this is also a donation that was requested last year by the Northwest Indiana Cancer for Kids Foundation, and it is the same amount as last year.

Mr. Guetzloff made a motion to donation $2,000.00, seconded by Mrs. Arvanitis. All in favor (5-0).

ITEM H. Consider Acceptance of Donations - $6,448.00

Mr. Troxell read the donations for the month of July into the record.

Mr. Connelly made a motion to accept the donations as read, seconded by Mrs. Arvanitis. All in favor (5-0).

THEREUPON, Business from the floor

Mr. Gorman stated that we have some representatives from the DAV Walk and Cathy Lareau, St. John Township Trustee would like to say a few words.

Ms. Lareau stated tonight she has with her Steve Bramer, he is the State Commander for DAV Commander Chapter in Hammond. She stated that they actually help service the disabled veterans in our Township. Bob Carnegie is the State Commander for DAV, but he is out of Town and could not be here this evening. Ms. Lareau stated that the DAV walk is just around the corner, August 26th and they have been working with Mr. Gorman, Mr. Hansen and Chief Sormaz, putting all of the details together. She stated that they are looking forward to it, this is the second one in the Township. Ms. Lareau told the Council how all of this came about, but first she wanted to thank the Town for their partnership, without the Town they could not do this. She stated that it is going to start at the St. John Township Memorial, then go to the 9-11 Memorial, then walk down to Redar Park. She stated that there's over 300 placards of fallen heroes from the State since 9-11 and they are going to have them displayed at Redar Park so the walkers can look at them. Ms. Lareau stated there is a lunch included with Mission Barbecue.

Mr. Bramer stated he just wanted to thank the Council for partnering with them. He stated that all of the proceeds that they get go directly to Veterans in the area.

Jeff Minard, 224 Deer Trail, stated that he wanted to give his thanks to the Schererville Fire Department for the station one, it really looks great.

Ms. Georgianne Glavas stated that on the 27th of August at the Schererville Community Center they have the Logan's Love Tri-Town Autism walk. She stated that the goal is to keep Logan's memory alive and give back to the community. She stated that the funds raised from the events are going to put Ben's blue bags, which are sensory toys and helps First Responders de-escalate situations. She stated that she wants to invite everyone to come to the event and support autism.

Meeting adjourned.

THOMAS SCHMITT
TOWN COUNCIL PRESIDENT

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

A TRUE COPY

TOWN OF SCHERERVILLE SEAL LAKE COUNTY, INDIANA