

South-West Lake Maxinkuckee Conservancy District

Meeting Date: Saturday, January 22, 2011

Members Present: Ted Schenberg, Kathryn Densborn, George Duncan, Chuck Norman, and Dan Yates.

Members Absent: Del Demaree, Dick Dugger

Others Present: Alan Hux of Taft Stettinius & Hollister, Consultant to the Board, and Kathy Clark of Lakeside Consulting acting as District Coordinator.

Kathryn Densborn, Vice Chairman, announced a quorum was present, called the meeting to order at 10:00 AM at the office of Taft Stettinius & Hollister LLP, 8888 Keystone Crossing, Suite 1450, Indianapolis, IN, and announced that all requirements of the Indiana Open Door Law had been met.

Approval of Minutes

Mr. Yates made a motion to approve the minutes from the December 15, 2010 board meeting. Mr. Schenberg seconded. The motion passed unanimously.

Approval of Claims Presented for Payment

\$3,690.00	Commonwealth Engineers – for handling construction bids & negotiations
\$ 750.00	O. W. Krohn & Associates – tax issues and district's budget to DLGF
\$1,741.00	McClain-Matthews Liability – annual policy renewal for board's liability insurance.

The above claims were approved for payment on a motion by Mr. Duncan. Mr. Schenberg seconded. The motion passed unanimously. A fourth claim was tabled so that more details could be obtained from Commonwealth Engineers.

\$1,700.00 Lakeside Consulting LLC – for District Coordinator for January 2011

This claim was approved with a motion by Mr. Schenberg. Mr. Yates seconded. The motion passed unanimously.

Resignation of Board Member

The Board acknowledged the receipt of Mr. Dugger's letter of resignation as District 3 Representative.

Annual Meeting of Board of Directors and Board Elections

The Board's annual meeting was set for February 19th at 2:00 PM at the Culver-Union Township Library, Culver, IN. Mrs. Densborn confirmed that Del Demaree did not intend to seek re-election to the Board and thus the District 4 Board position would need to be filled. Since no

Board member nominations were received for District 4 (Demaree), and with the resignation of Mr. Dugger, Mr. Schenberg volunteered to contact some individuals in both District 3 and District 4 prior to the February 19, 2011 Annual Meeting to see if any freeholder would be willing to be appointed to serve on the Board for one year until the next election at the 2012 Annual Meeting. Mr. Hux mentioned the Board would also need to elect Board members for the positions of Chairman, Vice Chairman and Secretary/Financial Clerk on February 19th. Mr. Hux will prepare meeting notices and handle publication of same.

Consultant's Report:

Mr. Hux informed the Board that the District Plan will be filed with the Circuit Court by end of January, beginning of February. A mailing to all freeholders, about the circuit court hearing that will likely take place in March, will be handled by Mr. Hux. Ms. Clark will place the District Plan at the Culver-Union Township Library, Culver, IN for public viewing prior to the court hearing date. The library location will also be published on the website.

DLGF (Dept. of Local Government Finance) approval was received prior to December 31, 2010 for the tax rate and District budget.

Mr. Hux reported that the bank note with Lake City was renewed by December 31, 2010.

Engineer's Recommendation for Construction Contract

Mr. Norman informed the Board that bids were received for sewer main construction on December 16, 2010. The bids did not include the grinder pumps but did include a chemical feed system (\$42,000-\$43,000). The bid recommended by Commonwealth as the "lowest responsive and responsible" bid was submitted by Haskins Underground, Inc. Although Mr. Haskin's company did not meet the bid specifications of 50,000 feet of boring construction after review by the District's engineer and Board member, Mr. Norman, it was recommended the Board waive such condition as immaterial. Mr. Norman also stated that Commonwealth estimates the required IDEM Construction Permit is still two to three weeks out and IDEM has not yet approved the District's Environmental Report. No work can begin until these items are received.

Mr. Norman made a motion to issue a Notice of Intent to Award to Haskins Underground, Inc. for a contract in an amount not-to-exceed \$786,465.00 contingent upon:

- a) the receipt of the IDEM Construction Permit and the SRF approved Environmental Report,
- b) the receipt of the performance and payment bonds and other required documentation, and
- c) the approval of the District Plan Plans, Specifications and Cost Estimates by DNR and the Circuit Court.

He also moved to authorize the Chair or Vice Chair of the District to execute the Notice of Award, Construction Agreement and Notice to Proceed once the above items have been satisfied. Mr. Schenberg seconded. The motion passed unanimously.

Project Update

District 7 Discussion: The Board discussed the issue brought by several homeowners, (located at the northern edge of District 7 beginning at the Town of Culver boundary on West Shore Drive), seeking clarification of their inclusion in the District versus being eligible to connect directly to the Town of Culver sewer line. Mr. Hux provided a review of 2006 documents from both the Town and the District which showed all concerned to be in the District. To summarize, all homeowners in question, except Mr. Bodner, are now a part of the Conservancy District. Mr.

Duncan will contact those who have raised the question, and Mr. Hux will send a letter to them to avoid further confusion.

County Bond: Marshall County is requiring the District to secure a \$250,000 Warranty Bond naming the County as an insured party. Ms. Clark will contact the insurance company and get pricing before March 1, 2011. Ms. Clark will find out if this might be better placed with the Contractor's insurer.

Grinder Pumps: Mr. Norman provided information on grinder pumps to the Board and will work with Commonwealth to develop specifications for the bidding process, which will include delivery to each individual homeowner, as needed, so storage by the District will not be necessary.

Construction Inspections: Mr. Norman will provide Ms. Clark with specifications for her to obtain a quote for construction inspection services from JMC Engineers, a local contractor. The Board felt it important to have good daily reports on all construction activity for the District's records. The Board has received a quote for these services from Commonwealth and wanted to get an additional quote for services.

District Coordinator Contract/Local Office

Mr. Norman made a motion to offer an independent contract to Lakeside Consulting to provide services to the South-West Lake Maxinkuckee Conservancy District. The contract is to run January 1, 2011 to December 31, 2011 with a monthly fee of \$1,700 plus specified reimbursable expenses. Mr. Duncan seconded. The motion passed unanimously.

The District's work will be done at Ms. Kathy Clark's home until such time as the Board feels alternative office space is needed, located and approved by the Board.

Mr. Schenberg made a motion authorizing Ms. Clark to write checks for the ordinary course of business in an amount not-to-exceed \$2,000 per invoice in advance of Board approval. Mr. Duncan seconded. The motion passed unanimously.

Web Site

The Board approved a motion by Mr. Yates to transfer and update the District's web site for a fee not to exceed \$800. Mr. Duncan seconded. The motion passed unanimously.

Adjournment:

Since there were no other items of business to discuss, the meeting was adjourned at 1:58 PM.

Respectfully submitted,

Kathy Clark, District Coordinator - SWLMCD