

# **South-West Lake Maxinkuckee Conservancy District**

Meeting Date: Saturday, October 16, 2010

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

Members Absent: Del Demaree

Others Present: Alan Hux, Taft Stettinius & Hollister LLP

Kathryn Densborn, Vice Chairman, announced a quorum was present, called the meeting to order at 10:00 AM at the Culver-Union Township Public Library, Culver, IN, and announced that all notice requirements of the Indiana Open Door Law had been met. The board meeting was then adjourned for the purpose of holding a public meeting for comments on the District budget.

## **PUBLIC HEARING ON BUDGET**

Kathryn Densborn called the Public Meeting to order to consider the Fiscal Year 2011 Budget as published and announced that all budget notice requirements of the Indiana Department of Local Government Finance had been met. There were no public attending and no comments on the budget. The public meeting was adjourned.

## **RECONVENE BOARD MEETING**

Kathryn Densborn reconvened the SWLMCD Board Meeting.

## **MINUTES FROM THE JULY 3, 2010 MEETING**

Alan Hux distributed the revised minutes from the July 3, 2010 meeting. Ted Schenberg made a correction to the minutes and moved the minutes be adopted as amended. George Duncan seconded. The motion passed unanimously.

## **MINUTES FROM THE SEPTEMBER 29, 2010 SPECIAL MEETING**

Ted Schenberg moved to adopt the minutes from the September 29, 2010 Special Meeting. George Duncan seconded. The motion passed unanimously.

## APPROVAL OF CLAIMS

1. Krohn and Associates \$6,000.00 for services rendered. Dan Yates moved to approve payment to Krohn and Associates for \$6,000.00 Ted Schenberg seconded. The motion passed unanimously.
2. Commonwealth Engineers \$19,950.00 for services rendered to date against the contract amount of \$39,900.00. Ted Schenberg moved to approve payment of \$19,950.00 to Commonwealth Engineers. Chuck Norman seconded. The motion passed unanimously.

## OLD BUSINESS

Ted Schenberg gave an update on several items:

1. The Marshall County Commissioners have agreed to grant access to the county right of way to install the main sewer line that will connect the District to the Culver Treatment Plant. The attorney for the County Commissioner suggested a formal agreement between the District and the County be executed. This is similar to what the Commissioners did with the Koontz Lake project. Jim Clevenger, the attorney for the Commissioners is to send us the agreement. Alan Hux will follow up with him.
2. Commonwealth Engineers is ahead of schedule and will file the sewer plans with IDEM (Indiana Department of Environmental Management) by the end of the month.
3. The District's line of credit with Lake City Bank expires December 31, 2010. Ted has spoken with them and they have agreed to give the District an option to extend for 18 months. Ted does not yet know the rate or terms but will let us know as soon as the bank informs him.
4. Ted met with the administrators of SRF (State Revolving Fund) and learned that the District is "in line" for Fiscal Year 2012 funding. The SRF does not know if the Federal Government will continue to fund this program or at what level. "In line" means the District's application for funds has been received and scored but the District will not know until July 2011 (at the earliest) if it is going to receive funding. Scoring is done so that the SRF can assess need. Scoring is based on proposed monthly rates and monthly household income. How the District's scores compared to other applicants is unknown at this time. Another funding option may be SRF bonds which are at a lower rate over 20 years.

Alan Hux reported he has filed the order with the Marshall County Circuit Court that would define the boundaries of the District by a metes and bounds legal description

versus the current address listing description so as to avoid confusion regarding which parcels are included in the District and which are not. Alan indicated that the hearing date for the order is scheduled for November 23, 2010 and all notice requirements were met.

**NEW BUSINESS:**

**Budget:** Dan Yates made the motion to approve the FY2011 budget as presented. Ted Schenberg seconded. The motion passed unanimously. The budget was signed by the District board members and Dick Dugger will deliver the signed copy to the County Auditor.

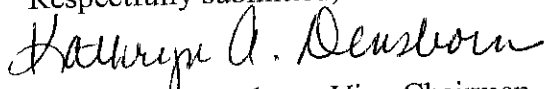
**Executive Director:** Ted Schenberg suggested that in light of all that is going to be needed to keep the District functioning at a high level during the next two years and with most of the Board not residing in Culver, it would behoove the District to hire an executive director to make sure important business is handled properly and in a timely fashion. Ted Schenberg moved that the District offer an independent contractor position of executive director to Jane Grund with a start date of November 1, 2010 and a beginning salary of \$1,000.00 per month that will increase to \$1,500.00 per month August 1, 2011. Dan Yates seconded. The motion passed unanimously. Ted Schenberg will contact Jane and will develop the scope of work and job description to be attached to the independent contractor agreement which Alan Hux will draft.

**District Elections:** Alan Hux advised that the District needs to give notice not later than November 1, 2010 that nominations are being accepted for District 2 and 4 board members. Five freeholders from the specific district area must nominate an individual who is either a freeholder from the specific District area or an officer or a nominee of a corporate freeholder in the specific District area and be qualified by knowledge and experience in matters pertaining to the development of the District. Nomination forms may be downloaded from the web site and must be mailed to P.O. Box 56, Culver, IN 46511, and post marked before December 1, 2010. The election will occur in February at the annual meeting with notice given as required by statute.

**ADJOURNMENT:**

Since there were no other items of business to discuss, the meeting was adjourned at 11:40 AM.

Respectfully submitted,



Kathryn A. Densborn, Vice-Chairman  
1344746.1