

DRAFT Copy

South-West Lake Maxinkuckee Conservancy District

Meeting Date: Saturday, July 3, 2010

Members Present: Del Demaree, Ted Schenberg, George Duncan, Dick Dugger, Dan Yates
Members not present: Kathryn Densborn, Chuck Norman

Others Attending: Attorney Alan Hux, Attorney for the District
Public: Joanne Spaw 7 Venetian Village
Charlette Montgomery 594 W Shore
Jack Montgomery 560 W Shore
Tom Magee 10 Venetian Village

Del Demaree announced a quorum was present. Meeting was called to order at 10:08 AM
Meeting date, time and location at Culver Library was posted Wed, June 30
Noted that all notice requirements of the Indiana Open Door Law had been met.

MINUTES FROM THE APRIL 10, 2009, MEETING

Mr. Schenberg moved to approve April, 10, 2010 minutes of the Board of Directors (the "Board") of the South-West Lake Maxinkuckee Conservancy District. Mr. Yates seconded. The motion passed unanimously. To be noted that the minutes have also been posted to the District website

Old Business: -Approval of Invoice Payments and or Amendments:

Approval of claims: Presented for payment was an invoice from Lake Maxinkuckee Association -
- \$100 for ad in the Association Directory . Mr. Yates moved for approval, seconded by Mr. Schenberg, Motion passed unanimously.

Public Comment:

The members of the public who attended the meeting were invited to speak:

Jack Montgomery noted that his lot, #10 West Shore was not able to build on. Attorney Hux advised the lot would still be included in the District but would have no waste treatment fee if not able to build. The Board will be discussing an Exceptional benefit fee regarding empty lot properties.

Tom Magee questioned the policy for electing members to the committee. Mr. Hux explained that the District was formed by order of the Marshall County Circuit Court and given direction by the County Commissioners. The Board is composed of seven District Directors with annual replacement of (2) Directors on a rotational basis. Two new Directors to replace two Directors

These minutes are not approved – they are subject to approval at the next Board Meeting.

scheduled to leave the Board will be elected in Feb. 2011, Elections on an annual basis will follow thereafter. At time of formation of the District, the County Directors did not set a date for the beginning period with regard to holding of the first election

Mrs. Montgomery asked how property taxes may be affected by the septic service? Attorney Hux replied that property tax evaluation is a decision of the County and not of the District.

Joanne Spaw questioned if someone can be accepted into the District at a later date? Attorney Hux advised that any one interested to be included at a later date could present their request to the Board of Directors and a decision of the Board would be made based on available limits of treatment capacity and other relevant factors.

Discussion of Old Business:

Chairman Demaree discussed contact regarding engineering and oversight detail to be supplied by Commonwealth Engineering.

Attorney Hux and Mr. Schenberg related of having discussion with Mark Sullivan. They were advised that Commonwealth is ready to move ahead with construction detail as soon as the Commonwealth contract is created.

To be negotiated is detail in developing a rate scheduling basis for charges at time of the post construction phase.

Mr. Schenberg advised they have arrived at a competitive cost bases with Commonwealth, subject to mark –up revisions and detail of a rate scheduling plan.

Mr Yates proposed a motion for acceptance of the engineering services with Commonwealth, seconded by Mr Duncan. Motion approved unanimously

Attorney Hux presented maps identifying the District lots and boundaries. They were presented for discussion and public review. He advised he is working with Mark Sullivan to correct any property not correctly identified. When all detail is completed, the information will be submitted to the court.

Chairman Demaree emphasized the importance and urgency to finalize the cost commitment with Commonwealth. He stressed the concern for assurance of a competitive cost bid and importance to be finalized within the next 3 months.

He also announced that the District might qualify for a construction grant. Mr. Schenberg will follow up regarding more detail.

Adjournment for Executive Session:

- Discussion regarding potential litigation regarding easements and sewer right-of-way
Attorney Hux will contact County Commissioners for an agenda to discuss this issue
- Discussed need to prep out a tracking deadline of activity with Commonwealth
Suggested that Mr. Norman to work on this with Mark Sullivan

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- Finalize contract with Town of Culver followed with submittal to IDEM for approval. Mr Schenberg to follow up
- Attorney Hux suggested contacting Krohn and Associates in servicing as Rate Consultant. Advised that a Special Benefits cost item be added to the budget Special Benefits expenses to include added engineering costs along with costs to run the District including consulting fees Expected first expense to begin May 2011.

Advised to discuss and take action regarding Special Benefits expense at next meeting

- Scheduled terms for election of new Board members:

| | | | |
|----------------|--|--------------|--|
| February, 2011 | Del Demaree and Dan Yates | terms expire | |
| 2012 | Dick Dugger and Ted Schenberg | terms expire | |
| 2013 | Chuck Norman, Kathryn Densborn and George Duncan | terms expire | |

Discussion for approval at next committee meeting

Adjournment

Upon motion duly made, seconded and unanimously passed, the meeting was adjourned at 11:52 am

Respectfully submitted,

Richard P. Dugger, Secretary

Mr. Duncan moved that Mr. Hux and Mr. Schenberg begin negotiations with Commonwealth Engineers to design a system for the District which allows for connection to the Town of Culver. Mr. Yates seconded. The motion passes. Mr. Norman abstains.

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Discussion of District Boundaries:

The Board reviewed maps and revisited the list of homeowners included in The District.

The meeting was adjourned for the purpose of holding an Executive Session to discuss potential Litigation and acquisition of real estate.

After the Executive Session the Board meeting was reconvened. No issues discussed in the Executive Session required a Board vote.

The Board discussed and reached consensus on several issues that should be addressed in the agreement with the Town of Culver. Mr. Yates moves that the Chairman in conjunction with the District's Attorney be authorized to negotiate with the Town of Culver to develop the sewage treatment inter-local agreement. Mr. Duncan seconded. The motion passes unanimously.

Mr. Hux reported on the hearing and future process of the Lake Maxinkuckee Village efforts to establish a conservancy district. The next hearing is before the Natural Resources Commission on May 18th at Ft. Benjamin Harrison in Indianapolis at 9:00 AM.

Adjournment:

Mr. Yates moved for adjournment at 1:20 PM. Mr. Duncan seconded. The motion passed unanimously.

Respectfully submitted,

Richard P. Dugger, Secretary

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