

**SOUTH-WEST LAKE MAXINKUCKEE CONSERVANCY DISTRICT**  
**Quarterly Board Meeting**  
**8888 Keystone Crossing, Suite 1450**  
**Indianapolis, IN**

**Meeting Date** Saturday November 16th, 2013

**Members Present** Kathryn Densborn, Ted Schenberg, Chuck Norman, and John Demaree.

**Others Present:** Alan Hux, the Attorney for the District and Kathy Clark, Lakeside Consulting LLC

Chairman Densborn called the meeting to order at 10:12 a.m.

**Approval of Minutes** The minutes of both the August 11th, 2013 regular meeting and those from the special meeting held October 5th, 2013 were approved as written by a motion from Mr. Norman and a second from Mr. Schenberg. The motion passed unanimously.

**Approval of Claims** Ms. Clark presented to the board the list of operations and maintenance claims that had already been paid, totaling \$20,258.35. A motion was made to approve all claims by Mr. Schenberg which was seconded by Mr. Demaree. Motion passed unanimously.

**District Consultants' Comments** Ms. Clark had reported earlier that seven freeholders had valves that either were not able to be found, or were not visible or accessible. The locations of 844 South Shore and 1095 South Shore have now been remedied but the following still have issues.

- 1100 South Shore: valve has a new cover but no key has been furnished so the district cannot open the valve
- 1096 South Shore: valve has not been located yet
- 820 South Shore: valve was located underneath sod at the newly built house but is not visible – it had been flagged by the contractor when requested by Clark and the flag has since been removed
- 615 South Shore: valve has been located under a concrete parking pad placed over the District's access easement - Astbury provided an estimate to try to find the exact location under the pad and expose the valve
- 300 West Shore: valve is underneath a wooden ramp placed at a trash enclosure built by freeholder.

Clark asked for direction on handling the remaining freeholders listed above who had been sent a certified letter giving them until November 15th to remedy the issues. After discussion Clark was instructed to send certified letters to those not in compliance giving them until April 30, 2014 to comply or the District would take measures to cure the issue(s) and bill the freeholder. Schenberg will address the issue at 615 South Shore and Clark will handle the remaining locations.

**Financial Report** Mr. Schenberg presented the financial statements to the rest of the board for their review. It was noted was that the District is not required to make a December payment for the bond (due to sufficient funds in that sinking fund account) and that another check will be forthcoming from the County for fall disbursements. Schenberg then suggested that the cash reserves will remain until after the odor issue is resolved which may require funding by the District (*see Project Report section of these minutes*).

**Project Report** Mr. Schenberg summarized a meeting that took place with the Culver Town Manager, the town's utility superintendent, himself and Mr. Norman (both via phone) and Ms. Clark regarding an odor problem at 948 West

Shore and intermittent hydrogen sulfide readings at the joining of the District's line with the Town's. It was noted that these may not be the same issue. The Board's discussion centered around possible solutions that had been addressed during the meeting, and it was agreed that Schenberg would continue to work with Commonwealth Engineers and the Town to find a solution to both issues. After discussion, it was decided that one of the two following actions might occur:

- 1) pricing will be obtained to run the District's line directly to the sewer plant – adding a tank to prevent corrosion from the hydrogen sulfide. If the board wanted to proceed, the Town's approval would be sought, **OR**
- 2) a request would be made to the Town to waive the hydrogen level threshold and the District pay the town a one-time negotiated fee.

(Each of these options would take the District out of the sewer treatment "business" and the Town would continue to treat everything).

### **Old Business**

894 W. Shore Drive/Second dwellings Discussion took place on what triggered the need for two pumps on one property – the definition of a dwelling or a second address. There were various scenarios within the District that have been resolved in various ways. One remaining issue is the legal parcel located at the 894 West Shore property with a 2 Dwellings. Only one pump was installed to both Dwellings because the former owner failed to disclose that a 2nd Dwelling existed. (He disclosed just sleeping rooms and a bath) The 2<sup>nd</sup> Dwelling was discovered only after the property changed hands. Due to these circumstances, Schenberg made a motion that, effective December 1st, the new freeholder would begin receiving two bills (per the rate resolution) and waiving capital costs and back-billing. This motion was seconded by Mr. Demaree and was approved unanimously. Mr. Schenberg will communicate with the freeholder and explain the situation. Ms. Clark was asked to find out from the County how "double addresses" were issued today. *(The County Plan Director stated on November 20th that he would not give out two addresses for one property today without a ruling from the County Board of Zoning Appeals. He doubts this would occur around the lake as it is usually a request made for a home and a business on one lot. Clark 11/20/13)*

**New Business** Mrs. Densborn opened discussion on lowering the number of Board members in the future. After the discussion it was decided that this would wait until spring of 2015. Mr. Schenberg and Mr. Norman announced they will not be running for office in 2014, Mr. Demaree will. Clark was given two names to contact who may stand in place of Mr. Schenberg, and she stated that she would also follow up with someone who had shown interest in Mr. Norman's position, already having picked up a petition. Mr. Schenberg stated that he will continue to handle financial issues/monthly close-outs and will work with the O. W. Krohn firm to have them take over financial reports.

Mr. Hux reported that he will publish the annual meeting notice for February 15th to be held at the Culver library beginning at 10:00 a.m. He also noted that the court hearing for including Lots 3 and 4 will be held November 22nd at 1:00 p.m. in Plymouth.

### **Public Comment - none**

Meeting adjourned at 11:36 a.m.

Respectfully submitted Kathy Clark, District Coordinator for Dan Yates, Secretary November 20, 2013