

SOUTH-WEST LAKE MAXINKUCKEE CONSERVANCY DISTRICT
Annual Meeting and Board Meeting

Meeting Date: Saturday March 9th, 2013

Members Present: Kathryn Densborn, Dan Yates, Chuck Norman and John Crist.
Attending by phone were Ted Schenberg and John Demaree.

Others Present: Alan Hux, Taft Stettinius & Hollister LLP; Kathy Clark, Lakeside Consulting LLC

Kathryn Densborn, Chairman, announced a quorum was present, announced that all requirements of the Indiana Open Door Law had been met, and called the Annual Meeting to order at 10:00 a.m.

New Business – Annual Meeting

It was acknowledged by the Board that the following Representatives have been elected to new terms: Rick George (Area 3), Kathryn Densborn (Area 5) and John Crist (Area 7). These terms will expire February 2017.

The Annual Meeting was closed at 10:03 a.m. by a motion made by Dan Yates and seconded by Chuck Norman. Motion passed unanimously

Regular Meeting opened at 10:03 a.m.

New Business (Conducted In Part) – Regular Meeting

Dan Yates made a motion to appoint John Demaree as Area 4 Representative and Ted Schenberg as Area 6 Representative until the next Annual Meeting. This motion was seconded by Mr. Norman. Motion passed unanimously. All of the Board members, with the exception of Mr. George who was not in attendance, were then sworn in.

A motion was made by Mr. Crist to seat Mrs. Densborn as Chairman, Mr. Schenberg as Vice Chairman and Treasurer/Financial Clerk and Mr. Yates as Secretary. This motion was seconded by Mr. Norman. Motion passed unanimously.

Approval of Minutes

The minutes of the November 10th, 2012 meeting were approved as written by a motion from Mr. Yates and a second from Mr. Norman. 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 \$44,089.15. A motion was made to approve by Mr. Crist and seconded by Mr. Norman. Motion passed unanimously. She then presented the board a list of operations and maintenance claims yet to be paid totaling \$4,521.30. A motion was made by Mr. Yates to pay said claims and seconded by Mr. Norman. Motion passed unanimously.

District Consultants' Comments

Mr. Hux offered an invitation to the board to attend an informal Legislative reception on March 28th at the Statehouse from 11:30 to 1:00.

Ms. Clark reported that everyone, except the two freeholders granted extensions by the board, was hooked up to the main line as of December 31st. The two freeholders with the extensions had all of their paperwork in and their pumps picked up by the deadline set by the board.

Clark asked for direction on the four pumps and the Hach testing unit now stored at Culver Storage. Did the board want to keep them, sell them or have them stored by Astbury? After a discussion, it was determined that EOne may want to buy back two of the pump units and that the district should retain the other two in case of weekend emergencies when a delay may inconvenience a freeholder should a pump replacement be required, or, if a new freeholder requires a new pump then only a pit would need to be purchased at a minimal expense. Clark was directed to contact Hach to see if they would consider buying back the testing unit as it was determined by Mr. Bob Porter of the Town of Culver that it was not needed.

A discussion was then held regarding filing lien releases and the necessary charges to accomplish this. Mr. Hux explained that on past-due liens, the policy of the board was to cover recorders fees. Recorder's fees should also be paid by any freeholder requesting a lien release. Further discussion involved the way Marshall County has handled the lien for exceptional benefits. Schenberg felt that these exceptional benefits liens should be made intentionally visible to any title company doing a search. Clark will contact Mr. Hux' assistant Bonnie to get all of the deeds, and then put together liens for each separate freeholder currently on the assessment role. She will have one verified as accurate by Hux before filing them all. This recording fee expense was approved by consensus of the board.

New Business – (Continued)

Clark confirmed that the DLGF had provided the 1782 and final acceptance of the 2013 budget as well as the district's Annual Report.

The Board Manual, written and assembled by Mr. Schenberg, was presented to the entire board for their approval. The board members thought the manual was a huge undertaking and thanked Mr. Schenberg for his work on this document. Mr. Hux said he has not heard of another conservancy district with such a guide for its board members. There was some discussion concerning what information could be legally placed on the district's website. Schenberg will provide Clark the manual for posting on the website.

Old Business

Schenberg presented a renewal for the Richmond Power and Light billing contract. Crist made a motion to approve the slight increase, seconded by Yates. Motion passed unanimously. Crist then made a motion giving Schenberg authority to sign the contract extension on behalf of the board. This was also seconded by Yates and passed unanimously.

Two issues were discussed that required a consensus by the board; policy on 1) multiple dwellings on the same parcel connected to one pump; and 2) petitioning the district for adding a property to the district. Both of these are explained in detail in the manual and both had been discussed in previous board meetings. Yates, Crist, Norman and Densborn all voted yes to ratify both FAQs as stated.

Mr. Crist then asked how the billing was handled concerning the two dwellings sitting on the property at 894 West Shore which he says has a full kitchen in the apartment above the garage as well as a separate address. He stated that he resided in the garage apartment while his home was being built. Mrs. Densborn requested that he complete a timeline concerning this issue and submit it to Ms. Clark for inspection and the board would consider action.

Other Business

Mr. Schenberg noted that he would be providing financial statements monthly in compliance with State Board of Accounts financial procedures. He was pleased by the report given by Umbaugh regarding the internal financial systems of the district and will continue to work on small changes noted in the financial analysis.

Mrs. Densborn set the following dates for 2013 board meetings: June 1 at 9:00 a.m. and August 10th at 9:00 a.m., both meetings to be held at the Culver library; and November 16th at 10:00 a.m. at the Taft office at 8888 Keystone Crossing, Indianapolis.

Public Comment - none

Meeting adjourned at 11:43 a.m.

Meeting reconvened at 11:47 a.m.

It appears that Ms. Clark had been appointed as financial clerk in 2012 and was just bonded for that position again for 2013. Yates made a motion rescinding Mr. Schenberg's appointment as financial clerk, though he will remain the treasurer and vice chair. He then included in his motion the appointment of Ms. Clark as the district's financial clerk. This motion was seconded by Mr. Norman. Motion passed unanimously. Ms. Clark then requested that the board give her permission to pay normal and customary expenses until at least the next meeting. Mr. Yates made a motion to give Clark permission to pay normal and customary expenses, including bond payments, until the next Annual meeting with a limit of \$2,500, per expense, before approval of one board member would be needed. This motion was seconded by Mr. Norman. Motion passed unanimously.

Respectfully submitted

Kathy Clark, District Coordinator
for Dan Yates, Secretary
SWLMCD