

**SOUTH-WEST LAKE MAXINKUCKEE CONSERVANCY DISTRICT**  
**PUBLIC HEARING AND REGULAR MEETING**

**MINUTES**

**Culver/Union Twp Library**  
**107 N. Main St., Culver, Indiana**

**Meeting Date:** Saturday April 21st, 2012

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

**Others Present:** Alan Hux, Taft Stettinius & Hollister LLP,  
Kathy Clark, Lakeside Consulting LLC  
Mrs. Ralph Macey, Freeholder  
Mr. and Mrs. Ron Lewellen, Freeholder  
Mr. Herb Rentshler and son, Freeholder  
Mr. Thomas Rump, Freeholder  
Mr. Ken Holloway, Freeholder  
Mr. Steve Harper, Freeholder  
Mrs. Sherrill Fujimara, Freeholder

Kathryn A. Densborn, Chairman, announced a quorum was present, announced that all requirements of the Indiana Open Door Law had been met, and called the meeting to order at 10:31 a.m.

Regular Board meeting was adjourned at 10:32 a.m.

**Public Hearing - Resolution No. 2012-2018-2 (A Resolution Amending and Restating South-West Lake Maxinkuckee Conservancy District's Schedule of Rates and Charges to be Collected by the South-West Lake Maxinkuckee Conservancy District, From The Users Of The Sewage Works Of Said Conservancy District, And Other Matters Connected Therewith.)**

The District's legal counsel, Mr. Alan Hux, provided a summary of the resolution to amend the Rate resolution. The Public was provided the opportunity to comment on the Resolution and inquire about other issues, including but not limited to the special benefits assessment, the exceptional benefits assessment, contractor availability, possible requirements of an owner wishing to install their own pump, as well as other general inquiries from the Freeholders.

After no further comments or questions from the Public, the Public Hearing was closed at 11:19.

Mrs. Densborn reconvened the Regular Board meeting.

### **New Business**

A motion was made by Mr. Yates to approve Resolution No. 2012-0218-2 as read. This motion was seconded by Mr. Norman. Motion passed unanimously.

A motion was made by Mr. Schenberg to approve Resolution 2012-0421-1-A, A Resolution Supplementing Resolution No. 2011-0604-1. This motion was seconded by Mr. Duncan. Motion passed unanimously.

A third motion was made by Mr. Schenberg to allow District officers to review, approve and authorize the execution of all documents necessary to effectuate the amendment of the Revenue Bond of 2012 and the financing provided by the Indiana Finance Authority.

### **Approval of Minutes**

The minutes of the February 18, 2012 meeting were approved by a motion from Mr. Schenberg and a second from Mr. Yates. The motion passed unanimously.

### **Approval of Claims**

With the exception of an invoice from Bennett's Contracting, which was tabled until the next meeting, the Operations and Maintenance Claims for a revised total of \$21,077.46 were approved by a motion from Mr. Schenberg and a second from Mr. Yates. The motion passed unanimously.

Claims against the SRF account were presented to the Board in the amount of \$54,931. It was explained that another \$10,425.50 would need to be paid directly by the District as the SRF account had reached the limit of funding. A motion to approve both amounts was made by Mr. Schenberg with a second by Mr. Yates. The motion passed unanimously.

### **District Consultants' Comments**

Mr. Hux reported to the Board that he would pass along the required lien release paperwork to Ms. Clark so she can release those Freeholders who have pre-paid their Exceptional Benefits amounts.

Mr. Hux also explained that the bond closing will be April 26th.

He asked Ms. Clark to obtain by the next meeting a copy of Culver's current Use Regulations for their sewer system so it can be reviewed and possibly incorporated into the District's Use Regulations. This should be sent to the Board and Mr. Hux when received.

Ms. Clark explained to the Board of the need to reorder another 59 pumps and that she had arranged for a third storage unit at Culver Storage. The Board was also informed that a list of 32 addresses had been sent to the pump supplier for the official start-up taking place very soon.

### **Project Update**

Mr. Norman next reported that Bennett's have not signed the maintenance contract and asked the Board to reject their bid. He informed the Board that a new set of bid documents was sent to Bennett's, Haskins, Thomas, and Astbury with bids due in one week. Permission was granted to allow Mr. Norman and Mr. Hux to review the bids and sign a contract with the new apparent successful bidder.

### **Billing Update**

Mr. Schenberg presented the District's Balance Sheet, Profit & Loss Statement and Statement of Cash Flows all as of March 31, 2012. (See attached)

After discussion, the board came to a general consensus to offer a \$700 credit or check to all freeholders once final financing has been arranged and it is permissible under those arrangements.

Mr. Schenberg made a motion to open a saving account (CD) which would provide a higher interest rate plus allow the District to withdraw funds once a month with no penalty. The motion was seconded by Mr. Norman. Motion passed unanimously.

### **Public Comment**

Comments were made regarding the Access Easement required by the District. Mr. Hux explained that it was less expensive to simply obtain a general easement to each property rather than have each property surveyed. If an owner wants to survey their property, allowing for a 10 foot easement at his expense, that would be acceptable to the District.

Respectfully submitted

George Duncan, Secretary  
SWLMCD