

SOUTH-WEST LAKE MAXINKUCKEE CONSERVANCY DISTRICT
Quarterly Board Meeting

Meeting Date: Saturday June 6th, 2013

Members Present: Ted Schenberg, Dan Yates, Chuck Norman, Rick George, John Demaree and John Crist.

Others Present: Kathy Clark, Lakeside Consulting LLC

Ted Schenberg, Vice 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 9:04 a.m.

Approval of Minutes

The minutes of the March 9th, 2013 annual and regular meetings were approved as written by a motion from Mr. Yates and a second from Mr. George. 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 \$13,442.37. Clark then explained that a \$30,292 payment was due to BONY for principal and interest charges as well as a \$6,184.42 claim from H. W. Umbaugh and Associates for pre-audit preparation they performed for the District. A motion was made to approve all claims by Mr. George and seconded by Mr. Norman. Motion passed unanimously.

District Consultants' Comments

According to Ms. Clark, Ninety seven liens were recorded with the Marshall County Recorder's office after a meeting took place between the Auditor, Recorder, the owner of a prominent title company, Mr. Schenberg and her. A determination was made to file the court document assigning capital cost payments to those who had not paid in advance, then to file a "lien" or notice on each freeholder that refers to the court document. Mr. Schenberg felt this would make the District's capital cost obligations for each freeholder easier to see when title work is being completed during a sale.

Ms. Clark explained to the Board that she would be mailing out certified letters to the two freeholders who had not yet hooked up to the sewer. She reminded the Board that they had granted these two extensions until July 15th.

A discussion took place concerning Umbaugh's final report to the Board regarding the pre-audit they conducted. The board duly noted Umbaugh's findings and will take them under advisement.

Financial Report

Mr. Schenberg reported that the District is in good financial shape at this time. He would like to wait until the end of 2013 to discuss a possible lowering of the rates charged. He explained that he had recently transferred the proceeds from a matured CD to the District checking account; it was not renewed since, given the little earnings, he wanted the ability to investigate several other options. Schenberg also reported that he has been preparing monthly financial statements and providing them to the District Coordinator for safe-keeping.

Old Business

894 W. Shore Drive – A discussion took place concerning the apparent separate apartment located above the garage at this address. This was not disclosed to the Board, but was reported after the last board meeting. It was noted that the previous freeholder (prior to the sale to the current freeholder) had been paying for the garage bathroom, but had not paid for a second connection (or the discounted cost if the second pump had been waived by the Board). After a lengthy discussion, Mr. Schenberg offered to send to the board a list of freeholders who were being billed for two 'Dwellings' or had been told to remove their kitchen so they would not be billed for two Dwellings. This will allow the Board members to view these properties so a decision can be made as to how to handle 894 WSD and to possibly decide on a new decision-rule as to how to handle multiple dwellings. Action was tabled regarding 894 WSD.

Ebert/Sipes/Pheffer – (requests to join district) – A lengthy discussion took place concerning the three properties asking to be included in the District. These three freeholders had been made aware that they would have to pay all court cost, all legal costs, and any other costs associated with expanding the conservancy district. Each was still interested in pursuing joining the District

Discussion centered on the geographic limits of the District, which were set by the Marshall County court; the Board actions necessary to accommodate someone, set forth by the District's attorney in previous meetings; and the number of connections, which is currently 158 hooked-up out of a total of 175. It was hypothesized that adding more hook-ups may not be an issue with the Town if the total number of hook-ups is not exceeded. It became apparent that the Board was not interested in adding vacant or undeveloped land at this time without knowing what was to be built on the property (if anything). The Board will require more information, such as building plans and a commitment to begin construction within a certain time frame before agreeing to add anyone to the District and commencing the approval process. If they receive this type of information, the Board would take it under review. They advised Ms. Clark to send a letter to each of the freeholders informing them of their decision.

New Business

Odor Report – Mr. Schenberg reported that a freeholder complained of sewer gas outside of his home and the town had metered the gas (using a sniffer) and it appears that the District has exceeded the sulfide gas limitations set forth in the contract with the Town. Mr. Schenberg worked with the town and Commonwealth Engineers and is ready to try injecting certain chemicals into the system at his home to see if it will clear it up. He will wait 10 days then have the town take more readings. If the first chemical doesn't work, there is one other he will try and then wait another 10 days. He explained that the town had conducted a "smoke" test and determined that gas (emanating from the manhole where the District connects with the town) exits from the freeholder's roof vent, though none escaped into the home itself. Discussion took place concerning the option of installing odor control further down the system line if this chemical test proves successful.

Public Comment - none

Meeting adjourned at 10:43 a.m.

Respectfully submitted

Kathy Clark, District Coordinator
for Dan Yates, Secretary SWLMCD