

## **South-West Lake Maxinkuckee Conservancy District Regular Board Meeting Minutes**

**Meeting Date:** Saturday, July 9, 2011

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

**Others Present:** Alan Hux, Taft Stettinius & Hollister LLP, and  
Kathy Clark, Lakeside Consulting  
Trent Bennett, Bennett Heating and Plumbing

Kathryn A. Densborn, Chairman, announced a quorum was present and called the meeting to order at 9:32 a.m. She announced that all requirements of the Indiana Open Door Law had been met.

### **Approval of Minutes**

The minutes of the June 4, 2011 Public Hearing and Board Meeting were approved by a motion from Mr. Yates and a second from Mr. Norman. The motion passed unanimously.

### **Approval of Claims**

The Operating/Maintenance Claims register was reviewed by the Board and approved by a motion from Mr. Schenberg for the total amount requested of \$32,306.72. The motion was seconded by Mr. George. The motion passed unanimously.

The SRF Reimbursable Claims register was then reviewed by the Board. After discussion, the Krohn invoice for the dates of 6/1/11 – 6/15/11 was tabled for further verification as was the Rothberg Logan & Warsco LLP invoice #111728.

The remaining claims on the SRF Reimbursable Claims register, for a total of \$182,439.09, were approved by a motion from Mr. Yates and a second from Mr. George. The motion passed unanimously.

### **Approval of Resolution #2011-0709-1**

Resolution #2011-0709-1, "A Resolution of the South-West Lake Maxinkuckee Conservancy District authorizing, ratifying and confirming the issuance of a multiple advance, revolving line of credit note maturing in less than two years for the purpose of providing supplemental funds for the construction of the District's sewage collection system, connection to the Town of Culver wastewater treatment plant, payment of operational and maintenance expenses and

professional fees in connection with the operation of the District and construction of the District collection system and other matters connected therewith and repealing resolutions inconsistent herewith”, was presented to the Board by Mr. Hux. Mr. Hux explained this Resolution was needed for the line of credit financing in the amount of \$100,000 being provided by Lake City Bank. After discussion, upon a motion from Mr. Yates and a second from Mr. Schenberg, the motion passed unanimously.

### **Consideration of Petitioning for a Board of Appraisers**

Mr. Hux explained that a **Baord** of Appraisers needed to be appointed to determine the existence and amount of exceptional benefits due to the execution of the District Plan. The appraisal report will form the basis for the Board to levy an Exceptional Benefit Assessment, hopefully in time to get approval for collection of the first installment in May of 2012. Once this revenue stream is established, it is the Board’s intent to seek SRF approval to lower monthly rates. The formation of the Board of Appraisers was approved by a motion from Mr. Duncan and a second from Mr. Schenberg. The motion was passed unanimously.

### **District Consultant’s Comments**

Ms. Clark reported to the Board that the Culver Plan Commission has granted Haskins Underground permission to leave their equipment stored at a Sage Road property based on Section 5.11 of the Culver Zoning ordinance. She requested permission from the Board to attend the Plan Commission meeting in July to outline the District’s plans for storage of the grinder pumps. The Board granted her permission. Possible places to store approximately 60 pumps at a time were discussed. Ms. Clark will investigate and report back to the Board.

Mr. Schenberg and Ms. Clark explained the proposal received from Richmond Power & Light concerning future billing within the District. Several questions were asked, including those about a District logo and the ability to pay via email. Answers to these and other questions will be provided to the Board at their August meeting.

### **Project Update**

Mr. Norman reported that he was going to check on the Contractor’s progress and would report back at the August meeting. He then discussed the bids received for the grinder pumps and the annual maintenance contract. Only one firm bid on each project. The maintenance contract had several issues that would need to be determined further into the project. Mr. Norman will discuss these bids with Commonwealth and report back to the Board.

Ms. Clark reported that the forms are ready to submit to the Indiana 811 program as soon as the annual maintenance contractor is determined.

The Board discussed further the SRF requirements regarding the timing of the issuance of monthly bills to the freeholders. Mr. Duncan volunteered to draft a status report to be sent to each freeholder.

The matter of preparing the budget for the submission to Marshall County was discussed and Mr. Schenberg volunteered to prepare the budget. The deadline is July 28<sup>th</sup> for the budget to be submitted to the Marshall County Council and there is a November date for submission to DLGF. Ms. Clark informed the Board that everything is connected with the DLGF's new Gateway system of electronic budget submission and ready to process when the budget is set by the District.

**Public Comment**

Mrs. Shea, speaking as a freeholder, notified the Board that her property is not directly accessible to the main sewer line. The property has an easement running through another freeholder's property that deals with ingress and egress but does not include any provision for installing the sewer connection lateral. Her attorney advised her to request relief from the District on the connection requirement. Mr. Schenberg made a motion to grant relief, but the motion died from lack of a second. The Board decided to seek more information from Commonwealth before further considering this matter.

After setting August 20<sup>th</sup>, September 24<sup>th</sup> and October 15<sup>th</sup> as the next Board meeting dates, the meeting adjourned at 11:23 a.m.

Respectfully submitted,

George Duncan  
Board Secretary