

South-West Lake Maxinkuckee Conservancy District Regular Board Meeting Minutes

Meeting Date: Saturday, August 20, 2011

Members Present: Kathryn Densborn, Ted Schenberg, George Duncan, 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
John Crist, Freeholder

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

Approval of Minutes

The minutes of the July, 2011 Public Hearing and Board Meeting were approved by a motion from Mr. Yates and a second from Mr. Norman with correction of the word “board” in section headed “Consideration of Petitioning for a Board of Appraisers.” 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 \$1,900.44. The motion was seconded by Mr. Duncan. The motion passed unanimously.

The SRF Reimbursable Claims register was then reviewed by the Board. After discussion, the Board approved all claims minus the mileage charges and professional fees found in the Commonwealth invoices. These charges were removed to obtain more detail. The total of claims approved from a motion by Mr. Schenberg and a second by Mr. Yates was \$257,243. The motion passed unanimously.

Approval of Proposed Budget

Mr. Schenberg presented the proposed budget to the Board for their review. This budget is for expenditures for 2012. Mr. Schenberg explained that the District is seeking only \$50,000 in special benefits tax for 2012. Mr. Hux explained that there will be a public hearing on the budget immediately prior to the District’s regular meeting September 24th. Final adoption will take place at the Board’s October 15th meeting. Changes can be made prior to final adoption.

The budget would also be approved by the County Council. The proposed budget was approved by a motion from Mr. Duncan. This was seconded by Mr. Norman. The motion passed unanimously.

District Consultant's Comments

Mr. Hux reported that he and Mr. Norman are working on a contract for long term locator services, a contract for on-call maintenance, as well as finalizing the contract for the grinder pumps and inspection of same by a contractor acting as a district representative.

Mr. Norman explained that several parts of the original pump quote have been removed from the contract. He then made a motion for the Board to accept a not-to-exceed contract of \$374,868. This price roughly equals a per pump cost of \$2,314. Mr. Norman's motion was seconded by Mr. Yates. The motion passed unanimously.

Mr. Norman then explained to the Board the need to have someone on-call to handle situations like monitoring the release valves. Once the District joins a location service someone local will need to be able to respond to location requests, he expects this to be Bennett's. Mr. Norman then made a motion to authorize either the Chairman or Vice Chairman to sign a contract with Bennett's. This contract is in accordance with the bid specifications, for on-going maintenance service that has an expected cost of \$9,000 to \$12,000, subject to legal approval. This motion was seconded by Mr. Schenberg. The motion passed unanimously.

Mr. Hux reported to the Board that the Board of Appraisers would meet August 24th to review the project requirements. The Exceptional Benefits Assessment process should be complete by February 2012, in time to get the amount included on the first installment of property taxes for 2012.

Discussion took place on how to work with people who want to pay their share of the construction costs in advance. Mr. Hux and Mr. Schenberg will investigate this further.

Project Update

Mr. Norman reported that the main line is complete and that all connections are installed to the point of where West Shore meets South Shore. It is expected that the project should be complete by the second or third week of September. Commonwealth Engineers will then certify that the line is functioning properly.

A discussion took place about the permit process and what procedures will be put in place. The Board must develop a document allowing access to do inspections on peoples' property as well as allowing the pump contractor on to their property. Mr. Hux explained that he would write a "consent to access" release for every freeholder to sign, stressing that this must be recorded once a signature is obtained. Mr. Hux said his office will handle this as a direct mailing to each freeholder.

A decision has been made between Mr. Norman and the pump manufacturer that only the District's inspector will need to be certified by the pump manufacturer. Contractors hired by

each Freeholder do not need to be certified. Every contractor must still provide a bond to the District to cover any damages to the main line. Further discussion took place regarding how to abandon existing septic systems. Ms. Clark will follow-up with the County Health Department.

Mr. Schenberg explained to the other Board members that Ms. Clark and he will be having a conference call Monday the 22nd with Richmond Power and Light personnel to work on billing procedures and bill formatting. Mr. Schenberg requested the authority to settle the billing agreement with RPL. Mr. Yates made a motion to same, seconded by Mr. Norman. The motion passed unanimously.

Public Comment

Discussion took place regarding Mrs. Shea's property which is not contiguous to the main line. It was discussed that the District could try to negotiate with a neighbor for a utility easement or use eminent domain. Further discussion was tabled.

As a Freeholder, Mr. Crist presented several issues to the Board. His address correction was noted and will be corrected. Mr. Crist and Mr. Hux discussed the legal procedures someone must take to join the District as well as the goals of the District's Board of Appraisers. Mr. Schenberg and Mr. Crist then discussed that the District has no role in selecting a contractor for the freeholders. Mr. Crist then explained that he wanted to pay upfront for his share of the construction costs but that he now feels he will be penalized for doing so. He said he would continue this discussion with Mr. Duncan. Mr. Schenberg then explained to Mr. Crist the billing procedures that the District is working on. Lastly, it was explained to Mr. Crist that, if a contractor is busy and unable to hook someone up within the year allowed by the District, that the Board will consider all circumstances if that happens.

There was a discussion amongst the Board concerning those individuals who have expressed interest in joining the District. It was determined by the Board that they would have to petition the District to do so. The petitioner would be liable for all expenses, including the District's attorney fees. The petitioner would also be required to get approval from the Town of Culver. Mr. Hux will consider a policy for this procedure.

The meeting adjourned at 11:42 a.m.

Respectfully submitted,

George Duncan
Board Secretary