

South-West Lake Maxinkuckee Conservancy District
Public Hearing on 2012 Budget
and
Regular Board Meeting

Meeting Date: Saturday, September 24, 2011

Members Present: Kathryn Densborn, George Duncan, Ted Schenberg, Chuck Norman, Rick George

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

Kathryn A. Densborn, Chairman, announced a quorum was present, called the meeting to order and announced that all requirements of the Indiana Open Door Law had been met. Alan Hux advised the Board that Notice of Public Hearing had been published according to statute, the Board meeting posted as required. The Board meeting was recessed for the Public Hearing.

Public Hearing on 2012 Budget

Mrs. Densborn opened the public hearing on the \$273,111 2012 expenditures budget that includes a maximum special benefits levy of \$50,000. There being no members of the general public present, Mrs. Densborn closed the public hearing.

The regular Board meeting was then reconvened by Mrs. Densborn.

Approval of Minutes

The minutes of the August 20th, 2011 meeting were approved as corrected by a motion from Mr. Norman and a second from Mr. George. The motion passed unanimously.

Approval of Claims

The Operating Claims register was reviewed by the Board and approved by a motion from Mr. Schenberg for the total amount requested of \$2,277.38. The motion was seconded by Mr. George. The motion passed unanimously.

The SRF Reimbursable Claims register was then reviewed by the Board. An amount of \$175.39 was removed from a Commonwealth Engineering invoice pending receipt of further mileage detail. After further discussion, a total of \$191,466 in SRF claims was approved by a motion from Mr. Schenberg and a second from Mr. George. The motion passed unanimously.

District Consultants' Comments

Mr. Hux reported to the Board that Mrs. Shea has offered her resignation as a member of the Board of Directors as of September 23rd. The Board needs to consider appointing a member to serve out Mrs. Shea's term until February 2012.

Mr. Hux expects the Board of Appraisers will have their final report complete by the end of September. He will then file it with the court. Mr. Hux believes the current schedule he has laid out will allow the exceptional benefits levy to be on the May tax bill in 2012. The Board can file an exception to the report from the Board of Appraisers at any time prior to final acceptance. This report may be used in the determination process of the Board when setting the amount of the exceptional benefit levy.

Mr. Schenberg told the Board that he has drafted a letter for Mr. Hux' review that explains the exceptional benefits tax, possible changes in the future, as well as outlining any benefits of paying upfront for these costs. He hopes this will help to minimize any confusion.

Mr. Hux explained that the District should not need any notification of a Freeholder abandoning their current septic system. He agreed to send out the revised notice provided by the County Health Department as a public service. Mr. Hux is currently working on the paperwork that will go out to the Freeholders regarding the permitting system.

Project Update

Mr. Norman reported to the Board that all of the sewer line connection points will be finished next week. He expects the project will be completed in three weeks, with final acceptance possible in four weeks. This schedule is dependent on NIPSCO switching on the system, which could possibly take at least one month. The request for an upgrade in power has been in NIPSCO's possession since May. If the District wants to move faster, they would need approval from the Town of Culver.

Mr. Norman informed the Board that the District will need to become a member of Indiana's 811 alert system as soon as a contract has been signed with Bennett's. He also explained that JCM is the company who will be handling inspection services while the property owners install their pumps and laterals.

Mr. Norman requested that the specifications of the grinder pumps be posted on the District web site.

Billing Update

Mr. Schenberg explained that a contract has been executed with Richmond Power and Light. All addresses have been verified. The billing process was explained by Mr. Schenberg and discussion took place regarding timing of the bills, due dates, and any penalties that might accrue. He advised the Board that there will be three phone numbers on the invoices, one for billing (RPL number), one for general inquiries (District number 574-400-5450) and a service/emergency number (Bennett's).

Mr. Hux advised the Board that he will present the necessary paperwork to reflect changes to the Rate Resolution at their next meeting.

New Business

A discussion occurred about the property owner at 240 W. Shore who needs a second connection so they can build a second garage with an apartment. It was explained to her by Ms. Clark that she would

get a second bill and Ms. Clark will also inform her that she will have to pay all upfront costs at the time of hook-up. Mr. George made a motion to approve the second connection at 240 W. Shore. Mr. Norman seconded the motion. The motion passed unanimously.

As to adding any additional freeholders to the District, the Board advised that they are not in the position to accept any petitions at this time.

Mr. Shenberg introduced a possible new procedural rule for the Board to review. After discussion, Mr. Schenberg made a motion to approve as amended the following as read by Mr. Hux:

Policy Resolution As To Whether To Grant A Freeholder A Connection Exemption

The free holder will be granted an exemption if all four of the following are met:

- a. A sewer connection point abutting a freeholder's property or abutting an existing easement to the property cannot be made by the District, and**
- b. A new easement cannot be obtained from any adjoining property without condemning property through eminent domain proceedings, and**
- c. Freeholder's property is "off water", and**
- d. Freeholder wishes to be exempt.**

This motion was seconded by Mr. Duncan. The motion passed unanimously.

Since there were no other items of business coming before the Board, the meeting was adjourned at 11:43 a.m.

Respectfully submitted

George Duncan, Secretary