

South-West Lake Maxinkuckee Conservancy District
December 10th, 2011
Regular Board Meeting

Meeting Date: Saturday, December 15th, 2011

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

Others Present: Alan Hux, Taft Stettinius & Hollister LLP,
Buzz Krohn, Krohn and Associates,
Mark Sullivan, Commonwealth Engineers, and
Kathy Clark, Lakeside Consulting LLC

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 9:35 a.m.

Approval of Minutes

The minutes of the October 15th, 2011 meeting were approved by a motion from Mr. Yates and a second from Mr. Schenberg. 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 \$14,991.71. The motion was seconded by Mr. Norman. The motion passed unanimously. A claim from EOne for \$134,492 for manufacture and delivery of the first 58 grinder pumps was then discussed by the Board. This claim had originally been approved at the October 15th meeting as part of the SRF register. It was later declined by SRF as not being part of the original sewer project due to ownership and liability issues. After discussion by the Board, this claim was approved by a motion from Mr. Schenberg and a second by Mr. Norman. Payment is to be made after receipt of the second tax disbursement provided by Marshall County later this month. This motion passed unanimously.

The SRF Reimbursable Claims register consisted of the Haskins claim for \$70,460. This was approved from a motion by Mr. Schenberg and a second from Mr. Norman. The motion passed unanimously. A discussion was then held regarding outstanding invoices and final billing from Commonwealth Engineering. After hearing from Mr. Sullivan, Mr. Schenberg made a motion to approve invoices valued at \$24,163.65. This motion was seconded by Mr. Norman. The motion passed unanimously. Mr. Sullivan left the meeting. The Board then discussed remaining outstanding invoices and mileage charges from Commonwealth valued at \$13,791.06. A motion from Mr. Schenberg to approve final payment was made and was seconded by Mr. Yates. This motion passed unanimously. Ms. Clark was instructed by the Board to amend the SRF disbursements for December to include both payments.

District Consultants' Comments

Ms. Clark reported to the Board that 51 easements had been filed and recorded in Marshall County as of December sixth. Only two individuals, to her knowledge, were working on amending their easements and had been instructed to go through Mr. Hux.

Mr. Hux informed the Board that the Marshall County circuit court approved the report from the District Appraisal Board on December 2nd. The cost per property owner of \$7,500 was then published in the Plymouth Pilot. Mr. Hux then reported that he intended to send a letter to each property owner on how they might pay capital costs upfront if they so desire. The draft letter was reviewed and approved by the Board.

Mr. Krohn discussed with the Board the differences between the bond and the actual costs of construction. Mr. Schenberg and Mr. Krohn will work together to prepare information for SRF by the end of February. This data will be shared with the Board at the next meeting.

The Board determined that the next meeting, including the annual meeting, would be held on February 18th at the Culver Library at 10:30 a.m.

After reminding the Board that the announcement of election procedures was made to the public, Mr. Hux explained that neither Mr. Schenberg nor Mr. George had received petition forms in time to obtain the necessary signatures to act as area representatives on the District's Board of Directors. Both candidates had previously expressed interest in remaining in their positions, this led Mr. Hux to determine that the Board can appoint them at the upcoming annual meeting.

Mr. Hux reported that he will prepare a resolution to amend the rate resolution so as to address 1) the amended cost share of the capital costs, 2) how interest is determined, 3) how property owners who do not currently receive an exceptional benefit are treated, and 4) the length of the bond issue. It is hoped that most, if not all, of these issues can be completed in time for the February meeting.

Project Update

Mr. Norman reported that he and Commonwealth Engineers have verified that the project has been completed by Haskins Underground. The District is awaiting final paperwork from the contractor, as well as the final payment of retainage by SRF, before releasing the retainage payment to the contractor. Ms. Clark will verify that everything is in place before proceeding. A motion was made by Mr. Norman to allow Ms. Clark to pay the final retainage amount of \$35,378.22 once all paperwork and SRF release has been received. This was seconded by Mr. Yates. Motion passed unanimously.

Billing Update

It was noted that Mr. Neland has already paid the \$7,500 capital cost share. Mr. Schenberg read a note from Mr. Crist with two issues: 1) expand the billing cycle as there are only 20 days to pay, and 2) he

noted that the October billing cycle is for the entire month yet Mr. Hux' letters states that hook-up can begin 10/15. After discussion of this note, the Board took no action.

Mr. Schenberg explained the \$166 refund being sent to the Zimmerman's was the result of the house being torn down just prior to billing start-up. After discussion by the Board, it was decided that if a house is torn down now that billing has begun, the property owner would continue to receive a minimum monthly bill with zero bathrooms until the newly constructed dwelling is completed. Mr. Hux felt that this should be added to the newly amended rate resolution.

New Business

Late Charge Policy: After discussion by the Board, it was decided that late fees could be removed only if the bill was sent to the incorrect address. Plus, if a check was received within the correct time frame at the Culver post office box, a notice should be sent immediately to RPL to note that no late fee should be charged. All other late fees must be paid by the property owners. Any adjustments made due to bath counts can be as credits on future bills.

Dwelling Definition: The Board decided that the following will be the District's dwelling definition: "The definition of a Dwelling is a building with one or more connecting rooms containing permanent cooking accommodations and at least one bathroom." This is the same definition contained in the zoning manual of the Town of Culver.

Shea Resolution/Issue: Mr. Schenberg made a motion stating that the Shea's, at 473 S. Shore Drive, have met the District's requirements proving that they are not required to hook-up to the sewer system at this time. This motion was seconded by Mr. Norman. The motion passed unanimously.

Petitions for 2012 Election: *See above notes under District Consultant's Comments.* The Board amended their previous requirement that minutes should be sent out one day prior to the next meeting, to add they be sent out immediately after a meeting AND one day prior to the next meeting.

District Coordinator Contract: A motion was made by Mr. Schenberg to extend the existing contract for Lakeside Consulting for a period of one year. The motion was seconded by Mr. Yates. The motion passed unanimously.

USIC Contract: Mr. Norman explained the contract options put forth by USIC and that the annual cost should run an estimated \$4,500 to \$5,000. He and USIC will handle the 811 service application. Mr. Yates made a motion to accept the contract. Mr. Norman seconded the motion. The motion passed unanimously.

Since there were no other items of business coming before the Board, the meeting was adjourned at 11:45 a.m.

Respectfully submitted

Kathy Clark, District Coordinator
SWLMCD
Acting as Secretary