

SOUTH-WEST LAKE MAXINKUCKEE CONSERVANCY DISTRICT
QUARTERLY BOARD OF DIRECTORS MEETING

MINUTES

Culver/Union Twp Library
107 N. Main St., Culver, Indiana

Meeting Date: Saturday, February 18th, 2012

Members Present: Kathryn Densborn, Dan Yates, George Duncan, and Chuck Norman.

Others Present: Alan Hux, Taft Stettinius & Hollister LLP,
Kathy Clark, Lakeside Consulting LLC
Mrs. Ralph Macey, Freeholder
Rick George
Ted Schenberg

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 10:30 a.m.

New Business

Representative Appointments for Areas 3, 4, and 6: Mr. Hux explained that because there were no nominations for District Representatives for Areas 3, 4, and 6, thus a vacancy occurs on the Board. Pursuant to I.C. 14-33-5-12 the Board shall vote to appoint members to serve until the next annual meeting. Mr. Yates made a motion to appoint Mr. Richard George as Representative to Area 3 and Mr. Ted Schenberg as Representative to Area 6. This motion was seconded by Mr. Duncan. Motion passed unanimously. Mr. Schenberg then made a motion to appoint Mr. John Demaree, a nominee of Lodge Properties as Representative to Area 4. Mr. Hux stated that as one of the owners of Lodge Properties, Mr. Demaree would be qualified to serve as nominee of Lodge Properties. This motion was then seconded by Mr. Duncan. Motion passed unanimously.

Election of Board Officers: Mr. Yates made a motion to appoint the same officers as those currently seated, that being Kathryn Densborn, Chairman, Ted Schenberg, Vice Chairman and George Duncan, Secretary. Mr. George seconded this motion. Motion passed unanimously.

Approval of Minutes

The minutes of the December 10th, 2011 meeting were approved by a motion from Mr. George and a second from Mr. Duncan. The motion passed unanimously.

Approval of Claims

State Revolving Fund claims were submitted to the Board for their approval. They totaled \$31,022. It was noted that only Act III Appraisal submitted a claim for work on the Appraisal Board. These claims were approved by a motion from Mr. Schenberg and a second from Mr. Norman. Motion passed unanimously. Ms. Clark was asked to send a letter to Ms. Mahler and Ms. McIntire thanking them for their service on the Appraisal Board and the waiving of their fee.

Operation Claims totaled \$44,806.16 and were approved with a motion from Mr. Schenberg with a second from Mr. Yates. The motion passed unanimously.

District Consultants' Comments

Mr. Hux presented a Restrictive Covenant for the Shorney residence for the Board to consider. Mr. Schenberg explained that the owners modified their street side building and based on the definition of dwelling as contained in District's Rate Resolution, said building does not meet the definition of Dwelling. Therefore the Shorney's would not be liable for a second connection charge. The modification of the structure was confirmed by Ms. Clark. The Restrictive Covenant will run with the property and sets forth that only one dwelling can be built on the property unless a second connection fee is paid. A motion approving the covenant was made by Mr. George and seconded by Mr. Duncan. Motion passed unanimously. Ms. Clark will provide the Restrictive Covenant to the Shorney property owners for their signature. A copy of the Restrictive Covenant is attached to the minutes and labeled as Attachment 1, Shorney Residence Restrictive Covenant.

Mr. Hux then outlined the need for individual lien releases for freeholders who paid their exceptional benefit assessment in full. These Releases must be filed with the Recorder as soon as possible. Mr. George made a motion to give Ms. Clark the authority to sign the lien releases with Mr. Schenberg's approval. This motion was seconded by Mr. Norman. Motion passed unanimously. Mr. Hux will supply Ms. Clark with a form and any Exhibit A's that have not yet been filed.

The Board was advised it should consider amending its Rate Resolution and the Board needed to set the interest rate and length of the assessment for the Exceptional Benefits being paid over time.

A discussion then took place among the Board members about the needed changes to the Rate Resolution and how the financing would be handled for the exceptional benefits, interest rates, amortization of the exceptional benefit.

After this discussion, Mr. Schenberg made a motion to pass Resolution No. 2012-0218-1 (Length of Assessment and Interest Rate on Exceptional Benefit Assessments) as amended by Mr. Hux. Mr. Duncan seconded this motion. Motion passed unanimously. See Attachment 2, Resolution No 2012-0218-1 as amended.

Mr. Schenberg then made a motion to pass Resolution No. 2012-0218-2 (Amending and Restating SWLMCD's Schedule of Rates and Charges) as amended. Mr. Yates seconded this motion. Motion passed unanimously. See Attachment 3, Resolution No. 2012-0218-2. The Board set the date for the Public Hearing for April 21, 2012 at 10:30 a.m. at the Culver Library. At the regular Board meeting, following the public hearing, the Board will consider final adoption of Resolution 2012-0218-2.

District Coordinator's Report

Ms. Clark informed the Board that seven pumps had been picked up, 6 installed, and that 76 easements had been filed. A brief discussion took place regarding four individuals who had not paid bills, three it appears are due to bad addresses. The fourth is in an estate due to the recent death of the property owner. Ms. Clark will contact the heirs.

The Board made the decision to not run an ad in this year's Lake Association Directory or renew the lease on 203 S. Main Street for District office space. Ms. Clark explained to the Board she will be issuing a check to a property holder who only made a partial payment on the exceptional benefits tax returning the amount paid because partial payments cannot be accepted.

Project Update

Mr. Norman reported that everything is moving along nicely. Mr. Schenberg will contact the Town to confirm that no billing will take place until the District starts to deliver measurable flow to the Town's system.

Billing Update

Late fees and lien notices were discussed with Mr. Hux. The Board made a determination that Ms. Clark will file these liens if they become necessary (after 90 days) and that the liens will be signed by an officer of the Board. Ms. Clark will contact one property owner about his late charges.

Respectfully submitted

George Duncan, Secretary
SWLMCD