

Thirty Nine North Conservancy District  
February 12, 2022  
February Board M  
Annual Meeting  
IBEW meeting Hall, 2701 N. State Road 39  
La Porte, IN 46350  
9:00 AM

Board Present  
Mark Childress  
Jim Clarida  
John Knoll  
Ed Arnold

Staff Present  
Jeffrey Haw  
Karl Cender  
Shaw Friedman  
Gary Radtke  
Harry Goldsboro

Public Present  
John English

By Zoom Internet  
Cheryl Reinhart

Drew Bender  
Randy Strasser

The meeting was called to order by President Mark Childress.  
All stood to recite the Pledge of Allegiance  
Each Board and then those in attendance introduced themselves for the record

The Annual meeting was called to order:

President Childress announced that since there was only one bonified nominee for each open Board position, no balloting was needed. Jim Clarida and John Knoll were declared the Board members for their respective Districts at this time.

President Childress continued and asked for nominations for Chairman for the Board. Ed Arnold moved to nominate Mark Childress, Cheryl Reinhart seconded. All voted in favor.

President Childress will remain Chairman of the Board.

Moving forward, President Childress asked for nominations for vice President: Ed Arnold nominated Cheryl Reinhart, Jim Clarida seconded and all voted in favor. Then, Secretary; John Knoll nominated Ed Arnold, second by Jim Clarida, all voting in favor. Then Treasurer; Jim Clarida nominated by Cheryl Reinhart, second by John Knoll, all voting in favor.

With the slate selected, Attorney Shaw Friedman conducted the Swearing In of the Board to up-hold the laws of Indiana and the Conservancy District to the best of their Abilities.

Selection of the Financial Clerk: President Childress nominated Susan Knoll to continue as Financial Clerk. Second by Ed Arnold. All voting in favor.

Discussion regarding payment for the Financial Clerk and the Board were included in Resolution 2022-01. It calls for Financial clerk to continue to be paid at a rate of \$20.00 per hour on a monthly basis and the Board to have no payment for their roles as positions as Directors on the

Board. Cheryl Reinhart moved to approve Resolution 2022-01, second by Ed Arnold, and all voting in favor. Board members to sign Resolution before the end of the meeting.

Clerk Knoll presented the Conflict of Interest document, which states that she is married to Board member John Knoll and that he abstains for votes which relate to the association. Cheryl Reinhart moved to approve the document and Ed Arnold seconded, all voted in favor. The Board will sign the document before leaving and it will be forwarded to the DLGF.

The Contract for the Office Space for the District needed to be renewed with Childress Holding, LLC. Cheryl Reinhart moved to approve the new agreement which was the same as last year, Ed Arnold, seconded, all voted in favor, President Childress, abstaining.

President Childress presented a Conflict of Interest document to the Board, which states that he is the President of Childress Holdings, LLC and derives payment from the rents paid to that company. He will abstain from voting on Board decisions when they come up. The Board will sign the Conflict of Interest form and it will be forwarded to the DLGF site.

#### Other Staff Selections:

Legal Advisor: The current legal advisor, Attorney Shaw Friedman, proposes an increase in monthly retainer, but all other conditions remain the same. Ed Arnold moved to Continue with Attorney Friedman as our Attorney, second by Cheryl Reinhart, all voting in favor.

Financial Advisor: Karl Cender, from Cender/Dalton Municipal Advisors (Formerly Cender and Company) has submitted a contract which proposed that Principal Advisors will stay at the same hourly rate, but Staff hourly rate will rise \$50.00 per hour. Motion to approve the Contract, by Ed Arnold, second by Cheryl Reinhart, all voted in favor.

Engineering Advisors: Two firms: VS Engineering and Radtke Engineering and Surveying have submitted contracts for consideration. President Childress will allow each Principle to give a short Presentation before selection.

Gary Radtke gave a short history of his work with the District, starting in the 1990s as the Engineer from McMahon Associates (Valparaiso Office) working on the original design for the district infrastructure. He reminded that the City of Lal Porte and their then current Superintendents did the design with us and set the connection sites. All was well through about 19 years. In 2012 he went private on his own and continued with the District. In 2020 he sold his business to VS Engineering and had a two year non-complete clause. That time frame is over and he is asking consideration to be the Engineer for the District again. He realizes that we have a problem with the City now to deal with and would work toward doing so. He would suggest some ways that this could be accomplished after a study:

Plan for our own water system There was a report/plan done 20 years ago that could be the start of that phase

Get a water supply from another City

Mr. Radtke reminded that there are currently no City or County services promised from either of them.

President Childress asked what Mr. Radtke feels a yearly estimate of costs would be for his services, and he replied he would be working on a per hour basis unless there was a project which could fall under a not-to-exceed title. He also noted that there are some aspects of our need that might already have been worked on in past years which could lighten the number of hours to bring a plan up to date.

Jeffrey Haw, VS Engineering Randy Strasser and Drew Bender by Zoom discussed how VS Engineering would like to continue with the District as the Engineers:

Jeffrey Is the local representative and has been the primary for the last 2 years. Prior he has been with Radtke Engineering for 3 years doing work for the District. VS is not just a local company, but has brought Good engineering experience to our needs. Drew Bender spoke about the abilities of VS. They do mostly construction in municipalities in Indiana. Ed Arnold asked if VS has any contracts with the City of La Porte currently. Jeffrey answered, yes, bridge projects and some infrastructure.

Ed Arnold continued that he has concerns because of this situation: Who will be served if there is a conflict? Drew Bender replied: Jeffrey has represented us (District) well for two years, and he could not give any other example of how it would be.

Attorney Friedman suggested that both firms could give a lot to the District. The Board could appoint both as "of record" then work service by service on individual projects to get the best of both.

Cheryl Reinhart replied : "That makes sense"

Attorney Friedman: This way expertise is not punished. It would be done by a cost-by-cost basis. VS might have the skill set, and Radtke Eng. the History

Ed Arnold replied that Radtke Engineering commits to no conflict of interest by working for the city. In so doing, Ed Arnold made a motion to have Radtke engineering as the District's Engineer. John Knoll Seconded Cheryl Reinhart voted "Nay" President Childress asked for a vote from Jim Clarida, who voted "Aye" Radtke Engineering will be the 2022 Engineering Advisor for the District.

Questions about open projects:

Ed Arnold moved to have open projects completed by VS engineering, Second by Jim Clarida and all voting in favor.

Website:

The monthly rate of the Website Advisor was reduced just a few months ago. Ed Arnold made a motion to continue the contract at the same price and for the same basic services. Cheryl Reinhart seconded and all voted in favor.

The Investment Meeting was opened:

Cheryl Reinhart mentioned that leaving the excess money we have accrued from previous investing, in the bank checking accounts for the time being, is probably the best we can do so that as interest rates start to rise, we can be poised for good investments again.

Clerk Knoll reported that we received interest of \$2102.03 during the year 2021. There is still one Certificate of Deposit held and about to mature that has carried over 2022.

The short graphic gave a listing of all invested money and is available with the meeting packet. No other questions were asked.

The Investment meeting was closed.

President Childress asked for questions from the Public. There were none.

Ed Arnold moved to close the Annual meeting. Cheryl Reinhart seconded and all voted in favor.

The February Board meeting was continued.

The minutes of the January 2022 were reviewed. Ed Arnold moved to approve the minutes as presented, second by John Knoll, all voting in favor.

The Financial report was reviewed. Cheryl Reinhart moved to accept, Jim Clarida seconded and all voted in favor.

Bills for payment were presented. Clerk Knoll said that all bills were as usual, except the last from the City of La Porte Water Department for the repair and replacement of the damaged and wrecked water testing station at the North end of the water line. The District did not receive any notice of the problem or the repair/replacement project, for \$+7000.00, until after the work was done over a 2 month period. President Childress explained that upon notice of the bill to come to us, he strenuously requested that in the future we be advised on such problems before work is done, and that we have an itemized billing with pictures for such. Superintendent Werner agreed that future events can be done that way. Ed Arnold moved to pay the bills as presented, John Knoll seconded and all voted in favor.

Reports:

Attorney Friedman: Water tower/ EDA Application. Matt Reardin feels good about the Application. The county would be more likely to commit money when they see us with the money from the EDA in hand. He also feels that movement on the water tower will lead to futures relationships with the City. If we move forward with the water tower.....

Discussion about the design faults.... The City and state signed off on every stage of the District's work/ SafeCo Insurance was brought in on the default by the original contractor and made sure all was done correctly and signed off. We need to continue to build back a positive relationship with the City.

Ed Arnold asked about the @ Million dollars from the City that was spoken of and then has not been re-mentioned? Attorney Friedman said only a full vote by the Council has led to anyone receiving money, so we need to keep working on the water tower as our start. He reminded

that the county had 21.3 million in total and the next round comes in March. Also there is a Bi-Partisan Infrastructure amount which will be coming up.

Jeffrey Haw: Odor Control Project The new equipment is in full operation. The Hydrogen Sulfate content is being monitored and still a little higher than expected. Simple vegetation growth might change that of summer weather. It is being monitored.

The Woodruff and Sons company has been paid the first 95% and the last 5% will come after final ground work is done in the spring.

Gary Radtke: Shady Grove Project. John Parelli has been un-well but he recommitted this week to get the project going. Paul Oselka said they can not start the directional bor project in this cold, cold weather, but feels March 7 or March 14, will be their start day if there is no more freezing at that time.

Mr. Radtke says that John needs to finish the project as the plan is so there are no questions for the District or City when it comes time for the acceptance of the project. Gallop is out of the project. So , the project will not include the North side of highway 20.

Other:

Next meeting will be on March 3, 2022. Zoom connection information will be available about 10 days before the meeting.

Cheryl Reinhart moved to adjourn the meeting, Ed Arnold seconded and all voted in favor.

Respectfully submitted,  
Susan E. Knoll  
Financial Clerk