

Thirty Nine North Conservancy District
April 7, 2023
Monthly Board Meeting
Minutes

In Person

Board Present
Mark Childress
Ed Arnold
Jim Clarida

Staff Present
Shaw Friedman
Gary Radtke
Karl Cender
(John Knoll)

Public Present
John English
Bruce Manor
Janice & Don Mistrella
George Baley
Paul Skwiat
Gary & Barb
Vanderlugt

VIA Zoom

Cheryl Reinhart

Justin Keil

The meeting was called to order by President Childress, who led the group in the Pledge to the Flag.

Clerk Knoll then called the roll for all present in person and by zoom connection.

The Minutes from the March meeting were reviewed: Jim Clarida moved to approve as read, Cheryl Reinhart seconded and all voted in favor.

The Financial Report was reviewed: Finding a typo in the final balance/year to date, and being corrected, Ed Arnold moved to approve the financial report, Jim Clarida seconded and all voted in favor.

Bills for payment were reviewed. President Childress noted that a bill from Radtke Engineering was not included in the bills for payment until discussion could take place on some of the charges. With that to be done Ed Arnold moved to pay the bills as written and included a reviewed bill from Radtke Engineering. Jim Clarida seconded and all voted in favor.

Old Business/Reports

Attorney Friedman:

We continue to work toward a Federal Grant award. Currently we have submitted a STAG Grant application through Rep. Murvaan's office for a 250,000 gal. sized tank. We will await any message that might come from that. We are using that 250K sizing as a corrected capacity. He reminded that we already have the site location.

Karl Cender/ Financial Advisor excused that he was not ready to discuss the AFT at today's meeting, but that it has been completed and delivered to DLGF timely. It will be his discussion at next meeting.

Attorney Friedman, Karl Cender, and President Childress then Discussed the Annexation situation:

The second letter to the District Constituents tried to advise all that there is no urgency for acting to pledge allegiance to the Mayor's proposed annexation or to give a vote to anything. We acknowledge that the

Water Agreement with the City has a May 4, 2025 end date. However, there has been an state statue enacted that gives a 2 year cooling off period after an 'end date' before a water shut-off may be done.

Further: the meeting between President Childress and Attorney Friedman with Mayor Dermody and Attorney Otis were discussed for all to hear:

President Childress recited that he put forth 3 points which would be a minimum necessary for a Board Recommendation for Annexation:

1. Compensation for the Infrastructure to the District: Mr. Cender has done a short survey and finds that the average residential property has put in \$46,000.00 CD taxation and the Average Business property \$136,000.00. This is above and beyond the 3.5 million dollar Bond, which was paid back 2 years early, and 1.8 million dollar Grant from the State of Indiana which did road work (passing lanes etc) There has to be a value for the infrastructure which itself is at about half-life before any further discussion can begin.
2. There has to be written agreement that no special taxes or fees will be charged to the CD alone in the quest to assume and hook up the district in its entirety.
3. There must be a written plan completion of the services which are required by annexation in 1 year and again in the 3 years following a change over. The time table must be specific and give underwritten costs for work complete, with penalties for not being done on time.

President Childress again urged that we all be careful before jumping into any agreement. We need a full physical plan. If we would sign now, it takes out our ability for any negotiation. We can not work with verbal statements, it must be agreements made in a written form on paper.

What is the is needed by either side to make their stand, what is the unit which votes/ parcel or assessed value? Attorney Friedman said 60% would be a defeat.

What about development? Unknown at this time.

Withholding consent gives a better ability to negotiate

Mistretta: This is pitting the City against the Conservancy.

Fire Department still working hard with us because of the bum rap they are getting about safety.

Mr. Baley: Map does not include Cha Miere Pres duLac in the annexation/ while they are in the District? What will happen to them? President Childress said we simply do not know why the map was drawn the way it was but it does make the map look haphazard. If is an example of how they are not organized.

Mr. Radtke: Shady Grove had planned to add water service in the future. The Springville Mobile Home Park was an invention of IDEM because of water issues, but it is not a discussion any more because they do not want to get into the annexation situation.

Mr. Friedman Reminded again that the City has not come forth with the NIES study they continuously reference, and that we have a request for the study to be made public before the review board for clarification for Public Document status, with the Access Council. We should be being contacted by that Office very soon for a decision.

Discussion was held about the Center Twp. Fire Department and their agreement to assist with our work to stay separate from the City. Also other fire department questions from Mr. Baley: FD location now in the new building; extra response because of having Center and Springfield Twp. Departments doing reciprocal service on all calls.

Other Old Business:

Gary Radtke, Engineering Reports:

1. Shady Grove. The lift station was installed at the Shady Grover site recently. Ready to go except they are not yet hooking up for service.

Monte Singh is back to working with Shady Grove again. He is working toward getting his location connected.

Gary says there is about one week of work to do - weather permitting - and then he will do the record drawings for the whole extension. It should be done yet this month. All drawings and Certifications and approvals will be handed in and turned over.

2 The generator has to be set after grading and the mechanical hooked up at Shady Grove. President Childress asked about a fence being included for around the main Lift station on Highway

39. Gary said it was not planned. He added that none of the other stations are fenced and have not been problems. President Childress said he would like to re-evaluate this again soon. Also the gravel drive must be installed to the main lift station on Hwy. 39.

3. Water Volume study. There have been a lot of issues getting the information. But the volume used coming off our system is not an easy number and it should be tracked to find out why.

4. Springville Mobile home Park should not be something we pay for information for. It was not our project, but the State's. We have numbers from the toll road to the Park: 1.3 Million with a 250,000. Gal. tower: 2.8 Million. But the State has said that they do not want to be involved in an annexation situation.

a. Water main piping inside the park was 459,298. For individual hook ups. But we do not need any of this information/it is not ours to pay for, but we were billed.

b. There are thoughts that the water should go the highway 20. The IFA Lady thanks for Gary's work.

5. Annexation of Bachelor property on 300 N for sewer: The next step is for Mr. Bachelor to get an Attorney to go before a Judge to be annexed into the District. Then he could come to us for more approvals. So far, he has not gotten back to Radtke Engineering

6. Jeffrey Haw from V/S Engineering has sent a note that he could not attend this meeting. Work is progressing on the Water Study and he will be at the next meeting.

Karl Cender:

Of late he has been working on the parts of the Grant that has been submitted (STAG Grant which is Federal) through Rep. Murvaan's office, and then working with Shaw and Mark on presentations for meetings with the Mayor and others for negotiating points in the annexation situation.

In May Mr. Cender will present the AFR (which has been turned in timely to the DLGF for our 2022 report) for discussion and acceptance by the Board.

President Childress:

Since we purchase our water from the City and then sell it forward, we have now come under new rulings which require us to hold our own Water entity standing and take on all IDEM testing to make sure water we are selling is up to standards in our pipes. This is a science and we need to meet their standards. We need assistance. MCO does "AtoZ" coverage of some systems, but we already have a contract with the City for Operations & Maintenance. Therefore we are asking on for oversight and assistance with the testing procedure. Currently we must do a monthly test for one reason. In the near future we must start a 6 month long regimen testing for copper and lead in the pipes carrying the water from the pump station to the individual services. After we "prove" compliance we might get a waiver for future scheduled testing. (This could be due to many of our pipes being in buildings built after the use of lead pipes was discontinued) A contract for minimal oversight assistance has been presented to the Board for review. We could change or discontinue services with a 30 day notice. MCO agrees to come to do assistance for us when already in the area with other customers when possible, so we could share travel fees. Ed Arnold made a motion to approve the contract, Jim Clarida seconded and all voted in favor.

Public Comment:

Mr. Baley asked why the area North of the Toll Road was not included in the Mayor's plan and how could he cut them out of service? President Childress answered that we do not know how the map

was formulated and that we also see that he took the Hampton Inn Hotel into his plan, but ignored the State Toll Booth, Cha miere, and Mile Stone completely.

Motion to adjourn by Ed Arnold, Second by Jim Clarida, all voting in favor.

Next meeting will be May 5, 2023.

Respectfully submitted,

Susan E. Knoll, Financial Clerk