

**STEUBEN LAKES REGIONAL WASTE DISTRICT
BOARD OF TRUSTEES MEETING
SEPTEMBER 8, 2016
16-09R
6:00 P.M.**

MEMBERS PRESENT:

Bob Coder
Jim Kidd
Rob Moreland
George Pifer
Jim Van Vlerah
Chad Wise

MEMBERS ABSENT:

Lyndon Tucker

Also Present

- Kenneth Jones, Jr. - Jones Petrie Rafinski
- Bruce Boxberger - District Attorney for part of meeting

George Pifer called the meeting to order at 6:00 p.m.

George Pifer read the following statement: At the end of the meeting, the public will be given an opportunity to speak. In the interest of time, each person shall be limited to three minutes. Your comments will be part of the public record of the meeting so we ask that you present them in a professional manner and speak to issues relevant to the business of the District.

APPROVAL OF AUGUST 11, 2016 MEETING MINUTES CHANGES OR ADDITIONS.

Minutes of the August 11, 2016 meeting were presented for review and approval by the Board. Upon motion made by Jim Kidd, and seconded by Jim Van Vlerah, the Board unanimously approved the August 11, 2016 meeting minutes.

FINANCIAL REPORTS

The financial reports, check register, project check register, bank account report, and claims, were presented for review. Rob Moreland moved, and Bob Coder seconded the motion to accept the financial reports as submitted, which motion was unanimously approved.

DISTRICT BUSINESS AND OTHER GENERAL MATTERS

3. 90-Days to Connect Starting from the Date of Acceptance by the Board; the Capacity Fee is Due Before Connecting; Will a Late Penalty be Applied After the 90-Day Connection Period for Those Who Have Not Paid or 30-Days After Billed - Tim Frederick stated that the 90 day connection fee and penalty has been addressed by legal counsel. Tim recommended the property owner connect and capacity fee collected later, and if not paid, a lien will be recommended. Rob Moreland moved and Jim Kidd seconded the motion for the Superintendent to proceed with allowing new customers to connect without paying the first payment of capacity fee in advance, which motion was unanimously approved.

4. 5470 W. 760 N. Mobile Home Court Requesting an Extension of Time for Connection to May 26, 2017 - Tim stated that the Indiana State Department of Health is involved in this and that will take some time and the extension is allowable due to that fact, but this needs to be addressed.

Discussion was held regarding building on easements.

OLD BUSINESS

None.

NEW BUSINESS

1. Resolution 2016-10 Lake City Bank (Old Account) Change of President - Rob Moreland moved and Jim Van Vlerah seconded the motion to approve Resolution 2016-10 Lake City Bank, which motion was unanimously approved.

2. Patterson Requesting a Setback Variance 175 LN 415A Jimmerson Lake - Tim explained the variance to the Board. Tim recommended getting the neighbor involved with sharing a tank and the neighbor's willingness to granting some of the easement to them. Mike Todoran, 12730 Coldwater Road, Fort Wayne, Indiana, spoke on behalf of homeowner. He stated that equipment could be brought in from opposite end of easement. Rob Moreland moved and Jim Van Vlerah seconded the motion for one of the staff employees to talk with neighbor Ankenbruck, for the purpose of a shared tank, and if unsuccessful, the Superintendent has the authority to draw up an equipment access easement at the homeowners expense along with recording fees, accompanied with a sleeving pipe on other side of house, which motion was unanimously approved. The Board recommended access to land for bringing equipment in.

3. 280 LN 890 Snow Lake, Boyd Driveway Encroachment & Tank in a Bowl - Tim stated that it is sitting in a bowl and needs to be raised with a 6 inch riser with costs to be paid by the homeowner. Jim Van Vlerah stated that the homeowner should be notified to either level the ground around the tank, or the District install the riser. Rob Moreland moved and Jim Van Vlerah seconded the motion for the Superintendent to send a letter to the homeowner at 280 LN 890 Snow Lake, to inform them to return the grade to the way it was originally, or in the alternative, the District will install a six inch riser or as needed, with costs being paid by the homeowner, with work to be completed within 30 days, which motion was unanimously approved.

4. 2760 W. 600 N. Request to Leave Sunroom for Cats - Tim stated that Bruce Deters will inform the homeowner that he needs to move the tank or move the structure to be in compliance.

5. Lot 75 and 55 Ln 101 DA Jimmerson Lake Retaining Wall Set Back - Tim distributed pictures to the Board. The Board recommended putting the riser back to ground level if a riser was added previously, and tearing down the wall or pull the wall back. Tim stated that a letter will be written to the homeowner. Rob moved and Jim Van Vlerah seconded the motion to authorize Superintendent to proceed with informing the homeowner that he needs to remove the wall from the easement located at Lot 75 and 55 LN 101DA Jimmerson Lake, and if necessary, to return the tank to its original ground level, and if work is not completed, the Superintendent

has the authority to proceed according to the District ordinance, which motion was unanimously approved.

6. 175 LN 150 Crooked Lake Special Easement Sent 12/30/2015 Has Not Been Signed and Sent Back - Tim stated this property has a carport and the District stated in the past that they need access to the property, and a garage was then built on the property that was supposed to be cut back to give the District access. The Board gave them permission if they signed a special agreement. The District will send a letter to the homeowner.

7. 4835 N. 300 W., 4' x 4' Deck Encroaching Into Sewer Easement - Tim stated no permit was issued for this. This issue will be handled internally.

8. Request to Purchase APP700 Panel Unit & I/O Unit \$8,683.00; 5 High Head Liberty Pumps \$8,280; Scaffolding \$1,800 From Capital Funds for a Total of \$18,763.00 - Tim stated lightning has been an issue and he will inform the insurance company. This is associated with Lift Station #24 that Miller Poultry flows through.

Jim Kidd moved, and Jim Van Vlerah seconded the motion, for the purchase of a new controller at \$8,683.00, which motion was unanimously approved.

Jim Van Vlerah moved, and Rob Moreland seconded the motion, to purchase the high head Liberty pumps for \$8,280.00 from the capital funds, which motion was unanimously approved.

Tim stated that filters need serviced which requires a ladder, and tanks need cleaned and painted also. He would like scaffolding for this purpose and would provide training for employees. Jim Van Vlera moved, and Jim Kidd seconded, the motion for up to \$2,500.00 as needed, for the purpose of purchasing scaffolding that is OSHA compliant, which motion was unanimously approved.

9. NIPSCO Electric Service Tariff Contracts for New Rate - Jim Van Vlerah moved and Rob Moreland seconded the motion for Tim to sign the new NIPSCO Electric Service Tariff Contract as presented, which motion was unanimously approved.

DISTRICT BUSINESS AND OTHER GENERAL MATTERS

1. Lake Pleasant - Haskins Pay Request No. 4 - Tim stated that \$176,857.70 is due Haskins Underground, Inc., leaving a retainage balance of \$85,041.30. Tim discussed the progress of the project and also stated that there might be a \$20,000.00 reduction in the Haskins contract. Jim Van Vlerah moved, and Chad Wise seconded the motion, that the amount due of \$176.857.70 be paid Haskins Underground, Inc., which motion was unanimously approved.

Substantial Completion - Tim stated that substantial completion will be Monday, September 12, 2016. Ken Jones stated that the possible reduction of the contract is good news. Ken also told the District it would be in their best interest to flag the 50 easements so the homeowners know exactly where they are located for prevention of further building problems. George Pifer stated that the District will give this topic consideration. Tim stated that a motion needs approval. Rob Moreland moved and Bob

Coder seconded the motion to accept the statements of substantial completion of the Lake Pleasant project, which motion was unanimously approved.

2. NED Project - Ken Jones elaborated more on this topic. Ken will gather soft figures and share with Umbaugh, regarding revenue from Ramada and Lake Charles and Lone Tree Point. Ken also stated that an executive summary should be provided by Bruce Boxberger regarding North Snow Bay, and possibly renegotiating some of those terms with Fremont, and also looking into payments that have been collected in the past.

Tim Frederick met with engineer about Miller Poultry, and they are drafting, reworking, and collecting more information, and will have more information for the October meeting. Tim stated that there are power usage increases for Lift Station #24 and chemical usages are on the rise. The majority of the Board suggested a framework for an agreement. Rob Moreland moved, and Jim Van Vlerah seconded the motion, to authorize Tim and counsel to begin drafting an agreement, and begin negotiations with Miller Poultry for a final agreement for wastewater treatment, subject to all the technical issues that need to be resolved, with communication to Miller Poultry, and report on progress at the next meeting, which motion was unanimously approved.

3. 2017 Budget - Tim explained points of the budget. Jim Van Vlerah stated that \$10,000.00 out of the \$50,000.00 should be taken out of the budget and added to Tim Frederick's salary. Chad Wise discussed the PERF program and three percent yearly rates. George Pifer discussed revenue with the Board. Tim Frederick stated that employees rates are not equivalent to other similar occupations. George Pifer stated that no employee should have a raise according to the budget, and stated the fact that the Steuben County Engineer doesn't make as much as the Superintendent. Jim Van Vlerah moved, and Jim Kidd seconded the amendment to the budget, by taking \$10,000.00 from the \$50,000.00 amount held for the new employee, and put toward Tim Frederick's salary for a one time raise. The amendment to the budget passed with 4 in favor, 1 opposed, and 1 abstention. Jim Kidd moved, and Rob Moreland seconded the motion, to approve the amended budget, which motion passed with 4 in favor, with George Pifer in opposition, and abstention by Chad Wise.

Public Comments - None.

MOTION TO ADJOURN

There being no further business to come before the meeting, Mr. Pifer asked for a motion to adjourn. Such motion was made, seconded and unanimously carried, the meeting was adjourned.