

**STEUBEN LAKES REGIONAL WASTE DISTRICT  
BOARD OF TRUSTEES MEETING  
MARCH 29, 2023  
23-03R  
6:00 P.M.**

**MEMBERS PRESENT:**

Abby VanVlerah  
Larry Keeler  
Renee Clauss  
Jon Flaugh

**MEMBERS ABSENT:**

Craig Rice  
Rob Moreland (via phone)  
Kelly Johnson

Also Present

Andrew Boxberger – Carson LLP  
Steve Henschen – Jones Petrie Rafinski

Abby VanVlerah called the meeting to order at 6:00 p.m.

Abby VanVlerah 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 only to the matters at hand.

**APPROVAL OF THE FEBRUARY 2023 MEETING MINUTES CHANGES OR ADDITIONS.**

The Board presented minutes of the FEBRUARY 22, 2023, board meeting minutes for review and approval. Upon motion duly made by Jon Flaugh and seconded by Renee Clauss, the Board unanimously approved the board meeting minutes FEBRUARY 22, 2023.

**FINANCIAL REPORTS**

The financial reports, check register, project check register, bank account report, and claims for FEBRUARY 2023 were presented for review.

The Revenue Report, Appropriation Report, Capital Expenditures, Accounts Payable Register, Fund Report with Investments, and Monthly Budget Report with Capital for FEBRUARY 2023 were presented for review. Renee Clauss moved, and Larry Keeler seconded the motion, to accept and approve the FEBRUARY 2023 financial reports as submitted, which motion was unanimously approved.

**ATTORNEY REPORT**

- A. Remote Participation Policy: Andy Boxberger addressed the proposed remote participation policy that would allow remote participation for board members. With this

policy, the members remoting in would not be able to motion. Once a member has been remoted in for two meetings in a row, the third meeting must be attended in person. The board will still require a minimum of 4 members in person to have a quorum. Bryan Klein has confirmed with our tech support and internet provider that we do have the capability for this remote option. There was an executive order during COVID that allowed all public bodies including regional sewer districts to adopt a remote participation policy that previously excluded regional sewer districts from the long-standing Statute allowing remote participation. Since that executive order has ended and the Statute to now include regional sewer districts, we are purposing resolution 2023-05 to adopt a remote participation agreement. This policy also allows customers to remote into the board meetings as well. Renee Clauss moved, and Abby VanVlerah seconded the motion, to accept and approve resolution 2023-05 adopting the remote participation policy as submitted, which motion was unanimously approved.

- B. Temporary Secretary Treasurer: Due to Craig Rice being absent and traveling, we have asked Larry Keeler to step in as temporary secretary treasurer to attest the documents being signed at tonight's meeting. Larry agreed. Abby VanVlerah moved, and Renee Clauss seconded the motion, to accept and approve Larry Keeler as secretary treasurer pro tem as submitted, which motion was unanimously approved.
- C. Ordinance 2023-04 Amending Bond Ordinance: Our bond ordinance is what allows us to sign the BAN, however it says the president will sign the BAN. Our president (Rob Moreland) is currently out of town. This amendment allows our vice president (Abby VanVlerah) to sign the bond ordinance. Renee Clauss moved, and Jon Flaugh seconded the motion, to accept and approve the amendment, ordinance no. 2023-04 and ordinance amending ordinance no. 2021-01 as submitted, which motion was unanimously approved.
- D. Resolution 2023-02 Inclusion of Territory (Jamestown Township): The township trustee, who are an eligible entity under Indiana law has petitioned District to include areas within their township into the District territory, excluding anyone already served by another District or incorporated area. Unincorporated areas only. As discussed in previous board meetings. Renee Clauss moved, and Jon Flaugh seconded the motion, to accept and approve Resolution 2023-02 Inclusion of Territory (Jamestown Township) as submitted, which motion was unanimously approved.
- E. Resolution 2023-03 Inclusion of Territory (Pleasant Township): The township trustee, who are an eligible entity under Indiana law has petitioned District to include areas within their township into the District territory, excluding anyone already served by another District or incorporated area. Unincorporated areas only. As discussed in previous board meetings. Jon Flaugh moved, and Renee Clauss seconded the motion, to accept and approve Resolution 2023-03 Inclusion of Territory (Pleasant Township) as submitted, which motion was unanimously approved.
- F. Petition Update: After passing the last rate ordinance and contacting our customers to notify them of the updated rate and advising them of their right to appeal with a minimum of 50 rate payer's signatures to the district authority (county commissioners), we have

received notice of public hearing scheduled April 11<sup>th</sup>, at 1:00pm at the Community Center, Auditorium. Commissioners from LaGrange, Steuben, and Branch counties will attend. This hearing is to establish whether the Board of Trustees of the Steuben Lakes Regional Waste District, in adopting the ordinance establishing sewer rates and charges, followed the procedure required by Indiana Statute as well as whether the sewer rates and charges established by the Board by ordinance are just and equitable rates and charges, according to the standard set forth in the Indiana Code. Board members are not required to attend. No motion needed.

## ENGINEERS REPORTS

- A. Steve Henschen with JPR addresses the board for an update on NED II; Project was originally bid in mid-November 2022 and the bids were set to expire in April 2023. With our purposed closing dates, Selge Construction for contract A and Niblock Excavating for contract B have both offered to extend their bids to June 5<sup>th</sup>, 2023. We have quotes from preselected equipment vendors that expire in May 2023 and have been extended to July 12<sup>th</sup>, 2023, to lock in pricing.
- B. Schedule: Preclosing activity with the SRF is scheduled for May 3<sup>rd</sup>, 2023, and the formal loan closing is scheduled for May 22<sup>nd</sup>, 2023. This is the formal closing of all grant funds and loans. We will then issue the notice of awards to the two contractors by June 5<sup>th</sup>, 2023. We will have roughly a two week window from loan closing to when the contractor bids expire to get the notice of awards issued and contracts signed. Contract start time is estimated to be June 5<sup>th</sup>, 2023. The estimated completion of Contract A which is the main pumpstations would be roughly a year and a half to two years, and the estimated completion of Contract B (West side of the lake up around 120 and coming down to the curve on 120) would be complete in 2025.
- C. Property Acquisition: Permits are all in hand and working towards a resolution on the last pump station location. Should be resolved within the next 30 days.
- D. Lake View Estates: A past development located around 225 and lane 335. Two houses were built years ago and the developer has erected a couple of stone roads. The developer had previously submitted plans to the District to extend sewers to all lots in that development (estimated 16 lots, 8 shared tanks). Shared tanks per our standards at the time the development was approved. The District no longer installs or allows shared system. The District has asked JPR to oversee the inspections on this development.

## OLD BUSINESS

N/A

## NEW BUSINESS

- A. Sump Pump Quote: A quote from American Pump Repair & Service, Inc. is presented in the amount of \$1611.00 for three submersible effluent pumps. The three current pumps at the treatment facility are around 15 years old and can no longer be repaired. It is time for replacements. This quote is for three pumps with the same capacity but better quality than our current pumps. This quote does not need to be motioned on by the board as the total is less than \$5,000 to be spent, however, Bryan Klein wanted the board to be aware of this purchase out of capital funds. No motion needed.

## DISTRICT BUSINESS & OTHER GENERAL MATTERS

- A. 2023 SLRWD Rate Increase Communications with Additions and Edits: In an effort to explain what has gone into the current rate change and provide the correct information to our customers, we have put together a statement from SLRWD to be released as a press release wherever most accessible to our customers. We have involved our PR team at Asher to create this document. This statement can be posted on the website, local newspapers, emailed, or mailed. When discussing the high cost of mailing each customer and the large amount of returned mail we regularly get, mailing is not cost effective. Of the 4820 current customers, we have emails for 2272 customers. Abby VanVlerah suggested we add to this statement a note about us sending it to customers we have email for. Those without an email in the system would not receive it via email. There is an option on our website that allows the customer to update their contact information including their email with us directly. We are currently fulfilling all legal obligations of supplying a notice of rate change to our customers by publishing in the local newspapers and mailing a written notice with the new coupon books. We are not required to do this additional statement; however, we are doing this in an effort to supply this information to as many of our customers as possible. There used to be a KPC media reporter that would attend our board meetings, but that is no longer being done at the choice of KPC media. We assume they may not have the staff for someone to attend and report on our board meetings every month. Discussion of monthly billing/statements vs. in-house coupon books is still in place. The coupon books are the most cost-effective way to bill, and monthly direct mail billing would be an additional \$34,000 a year in cost. Regarding this statement on the rate increase, we will move forward with emailing the customers we have email contact information for, posting to the website, publishing either the statement or a notice about the statement's availability on the website in the local newspapers, and possibly on radio. Will need to investigate cost of newspaper ad that size as well as radio time. No members had any issues with the statement as presented.

## PUBLIC COMMENT

- A. Jamie Wozniak who resides at 95 Ln 275 Jimmerson Lake: Jamie states she is a single income homeowner who is upset with our lack of transparency and communication. She has come into our office several times to inquire about the reason for the rate increase and was told it is because our financial advisor said so. She states she was told by someone in our office they would not choose to live in the District. She said this rate increase has cut into her savings and other money. She wants to know how everything works. She claims

no one in the office has directed her to our board meetings or our website. When REMC worked on her street, they called every homeowner personally to notify them a week in advance. She would like that same service from the District as we are a public service. She wants us to be more efficient and wants to know how her money is being spent.

- B. Charles Clark (Millgrove Township Trustee) who resides at 9625 W 650 N: Charles states he appointed Jon Flaugh to the board and he would like to ask him to resign because he personally feels 'they' are not representing the constituents. He stated all we talk about is 'spend, spend, spend' and did not discuss cutting costs at tonight's board meeting. He said we should operate within a budget our constituents can live with. He claims the District is in the same financial position as the Town of Orland was when he was on their board. He said the board members should be ashamed of operating a business the way we do. He states he already knows the results of the hearing as the law is written to protect the District and not the constituents. He wants the board to stop being yes men and do their d\*\*\* jobs. Increasing connections to the service and raising the rates is the District acting like Washington D.C. He claims his community is dying. He complains of the sewer bill over \$100 and a water bill over \$60 and residents on a fixed income. He said he will see us at the hearing and that he is part of the 'rebellion'. He said Bryan Klein is a nice guy. He said the board needs to take into consideration the employees such as the maintenance workers and office workers who are 'catching all this crap' but the board keeps on spending. Bryan notifies him of exceeding the 3 minutes allotted to speak. Renee Clauss thanks him. Charles said that is another thing wrong with this.

#### MOTION TO ADJOURN

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