

**BOARD OF TRUSTEES MEETING**  
**March 9, 2006**

TRUSTEES PRESENT:	Jim Smith	President
	Patrick Novotny	Secretary
	Art Anderson	Treasurer
	Larry Dunn	Board Member
	Ron Felz	Board Member

SUPERINTENDENT	Mike Darter
ATTORNEY	Donald Tribbett

ABSENT	Reggie Shireman	Vice President
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The meeting was called to order at 3:02 PM by Mr. Smith.

Mr. Smith expresses the Board condolences for the loss of Mr. Anderson's uncle.

A motion was made to accept the minutes of the February 23, 2006 meeting by Mr. Felz, seconded by Mr. Burke

Vote Ayes 4 Nays 0

**Treasurer's Report:**

Mr. Anderson presented the claim voucher for the Phase III Construction fund in the amount of \$37,100.00.

A motion was made to approve the claim voucher by Mr. Burke, seconded by Mr. Felz

Vote Ayes 4 Nays 0

Mr. Anderson presented a claim voucher for the Operational and Maintenance fund in the amount of \$27,318.83.

A motion was made to approve the claim voucher by Mr. Burke, seconded by Mr. Felz

Vote Ayes 4 Nays 0

Mr. Anderson commented that he signed the checks pertaining to the purchase of the property from Dittman Farms.

### **Committee Reports:**

Project Committee

The committee is waiting for the artwork for the logo from Keller-Rivest.

- Mr. Burke commented that the District would need a slogan to go with the artwork.
- Mr. Burke submitted potential slogans but has not received any input from the Board members.
- Mr. Burke encouraged member to comment on submitted slogans or create their own

### **Ex-official Member's Report:**

None

### **Old Business:**

Mr. Anderson made comments to the audience about “described” easement for property owners in Phase III.

- Mr. Anderson stated that it could be done and has always been allowed.
- Mr. Tribbett commented about the need for an attorney. Further stating that the owners would provide the description and the District would insert that description into the District’s form, instead of the general blanket format.
- Mr. Burke comment about the uniqueness of the District’s easement format, with the format being similar to any public utility.

### **Superintendent's Report:**

Mr. Darter reported there were the following incidents, 3 - Phase I, 3 - Phase II, 2 - Snow Ditch, and 1 – Big Monon Bay. All incidents were responded to and corrected. There were 10 complaints from the Phase I and II construction project.

- Mr. Smith asked what the problem was on the break on Freeman Road.
  - Mr. Darter responded that the curb stop valve was installed with a concrete block supporting the valve. The concrete block did not allow movement of the valve causing it to snap off the main line.
- Mr. Smith asked Mr. Klockow if the District was still having curb stop installed in this manner.
  - Mr. Klockow responded that the curb stops are now all bedded in stone.

Mr. Darter reported he has received a number and calls and letters from Phase III property owners and that he was trying to respond in a timely manner.

Mr. Darter provided the Board a memo detailing the status of these calls and/or letters.

### **Attorney's Report:**

Mr. Tribbett reported on the Dittman Farms acquisition:

- Last meeting the Board authorized to file objections to the appraiser's report, had prepared but before filing, there was an objection filed on behalf of Dittman Farms.
  - According to their objection the appraisal of the three appraisers was too low, their asking the court set this matter for trial and an award be made in excess of the appraised value from the court appointed appraiser's report.
  - Takes the matter out of the District's hands.
  - Jury to make decision of what the value actually is for the property.
- Mr. Tribbett reported that he went ahead and filed the District's objections.
- Mr. Tribbett further comments on potential strategies that would need to be discussed in an executive session.
- Mr. Anderson asks if we can raise the amount that you pay somebody in lieu of paying legal fees.
  - Mr. Tribbett responds that we can compromise, with further strategies to be discussed in executive session.
  - Mr. Tribbett further comments on precedent being set by paying above appraised values.
  - Mr. Smith comments that the customers are the ones who eventually are paying for the land acquisition.

Mr. Tribbett reported on the Bassett Building acquisition, Hubbard Auto Center has filed objection to the taking and Mr. Tribbett requested that Judge Thacker set that for hearing and has done so setting the hearing for April 17, 2006 at 10:30 AM.

- Mr. Tribbett recommended that Mr. Smith and Mr. Darter both be in attendance for the hearing to testify with regard on matters that led up to the taking of the property.
- Mr. Anderson requests that Mr. Burke be present at the hearing.
- Mr. Tribbett reports that the basic issues involved with the hearing are:
  - Does the Board have powers of eminent domain,
  - Is this a purpose of the sewer district
  - Was the offer made in the appropriate fashion

- Mr. Tribbett stated that he had been in communication with the attorney for PIR and was told that if they have a Phase 1 environmental review that they would provide that to the District.

Mr. Tribbett requested the Board's guidance concerning an access problem outside the Big Monon Bay WWTP.

- District acquired property, from Lot #1 for an access road from Mr. Esposito for the Big Monon Bay WWTP.
- The remainder of Lot #1 is landlocked, having no way to get to West Shafer Drive.
- Mr. Esposito thinks he has a potential buyer, for the remainder of Lot #1, but needs to resolve the issue of access to West Shafer Drive, before he can move forward.
- Mr. Esposito is requesting an easement across the land owned by the District, which they bought from Mr. Esposito
- Mr. Tribbett has a couple of concerns:
  - Went through an appraisal process and paid full appraised value for the property, the District didn't pay appraised value less the value of an easement
  - Have heard that some sort of a retail establishment, which could mean that the roadway could get some travel on it
- Mr. Tribbett commented reasonable for the Board to expect them to pay for an easement that the District would give back to them or agree to help maintain the access road or both.
  - Mr. Anderson commented that he thought there still was 8 -10 ft of property along side of the access road left for lot #1.
  - Mr. Tribbett commented on his assessment of the real estate transaction and potentially how Mr. Esposito land locked himself for lot #1.
  - Mr. Smith commented on the potential of traffic on the access road with a retail establishment being located on this parcel
  - Mr. Tribbett commented on the use of the lot and continual usage of the access road and the maintenance required for that usage
  - Mr. Burke commented on real estate Mr. Esposito owned
    - Mr. Tribbett commented there were a several different Esposito's and may not be talking about the same person.
- Mr. Tribbett commented that at some point in the future the Board will need to take a position on this matter.

Mr. Tribbett discussed the Swartz property, lift station #3.

- The offer from Mr. Swartz and the offer given to Mr. Swartz from the District is \$700.00 apart.
- Mr. Tribbett provided the Board with his recommendation concerning the purchase of the property.
- Mr. Tribbett discussed the timing of accepting the offer from Mr. Swartz.

Mr. Anderson made a motion to accept the offer from Mr. Swartz of \$3,700.00 for the purchase of the property for lift station #3, Mr. Burke seconded

Vote Ayes 4 Nays 0

Mr. Tribbett's final comments was a discussion of easement and people urging Phase III customers not to sign easements, the refusal or not signing of easements will not stop this project. The project will go ahead without any easement. This issue was addressed 7 -8 years ago by the District when the District adopted the Sewer Use Ordinance.

- Mr. Anderson commented that the customers will still be billed and not have any facilities.

### **Engineer's Reports:**

Rhein-Bach

Mr. Sullivan, Jr. commented on progress at the upgrade at the BMB WWTP:

- Laboratory:
  - Drywall & painting; floor needs to be completed in laboratory
  - Mr. Smith asked if it will completed on time per contract.\
  - Mr. Sullivan stated it should be completed on time.
- Blower have been relocated
- CASS equipment being installed in SBR basin #1 and #2
- Effluent piping

GRW

Mr. Mashruwala discussed the 2<sup>nd</sup> mailings and postcard sent out to property owners.

- Inundated with calls to GRW and have 1000 easements received
- Mr. Poole met with C&C Beach owners, Ponces Hillside owners and staked Mr. Rodziewicz on SR 39 N
- Mr. Poole also met with Mr. McDaniels, Riverview, concerning grinder pump location and installation. Concern center on the property layout and minimal access to install grinder due to the appurtenances built onto the main structure.
  - Yet to be resolved.
  - Grinder pump location under a deck
  - Mr. McDaniels comment on his septic location, property layout and potential concrete buried on the site, from concrete truck washout.
  - Mr. Smith comments on the status of a general contractor and communication needs to be between the District and GRW.
  - Mr. McDaniels ask if he should send in easement form. He has concerns with the contractor being able to dig anywhere they want on his property.
    - Mr. smith comments that he should send in easement
    - Mr. Anderson explains how the contractor places the grinder in the closest location for the owner and the District.

Mr. Mashruwala discussed meeting with Mr. Delzell and providing him with the landscaping plan.

- Mr. Delzell had concerns and was requesting additional landscaping on the east side of the lift station and wanted more fencing costing an additional \$8,000 to \$10,000.
  - Mr. Smith request to see a drawing
  - Mr. Tribbett comments about fencing
  - Mr. Anderson comments on fencing

Mr. Larry Dunn arrives.

Mr. Smith comments on Home Show and request attendance of any Board member to help at the booth.

### **Public Comment**

Mrs. Hathaway ask a question about grants for Phase III

- Mr. Anderson responded explaining the role of the Carroll County Commissioners and that they did not “drop the ball”
- Mr. Anderson further explains grants in general for the all District projects.
- Mr. Anderson explained the request the District made to Carroll County
  - Mr. Tribbett comment on the request amount
  - Mr. smith commented on the request
- Mr. Burke comments that the customers contact Senator Lugar and Bayh. Write letter requesting grant funding.

Mr. Ed Lucy comments on different phases and asks why are the projects south of the Norway Dam built with little or no grant money and everything north of the Norway Dam receive ample grant money

- Mr. Anderson comments on the actions of the original Board and engineer, designing a project in the heart of the most impoverished area and starting there, Big Monon Bay
- Mr. Lucy comments on the income levels of customers in the Phase III project and not being able to afford the cost
- Mr. Lucy comments on waiting for more grant in the future further comments that he wants to be treated fair and make affordable.

Phase III customer asks if we have drawings of purposed sewer lines and where they can view these plans.

- Mr. Darter explains that customers can come to the District office to view.
- Mr. Tribbett explains the types of sewer lines and there locations.

Mr. McDaniels ask a question about profit sharing

- Mr. Tribbett responds

Mrs. Robertson asks a question about the Carroll County Commissioners thinking when they ask for inclusion into the District.

- Mr. Anderson responds

Comment made about the timeliness of repair to broken lines.

- Mr. Anderson responds
- Mr. Tribbett responds

Mr. Anderson made a motion to adjourn, seconded by Mr. Burke at 4:20PM

Vote Ayes 5 Nays 0