

**LAGRANGE COUNTY REGIONAL UTILITY DISTRICT
BOARD MEETING MINUTES
SEPTEMBER 15, 2021**

The LaGrange County Regional Utility District Board of Trustees met in Regular Session on **Thursday, September 15, 2021**, at 4:00 P.M., at 116 E Wayne Street, LaGrange, IN 46761.

MEETING ATTENDANCE:

BOARD OF TRUSTEES:

ROLL CALL Kenneth Hunn, Vice President
 Kathy Miller, Secretary/Treasurer
 Gerry Turner, President
 David Gunter, Board Member
 Phil Malone, Board Member

EX-OFFICIO MEMBERS:

Terry Martin, County Commissioner

DISTRICT STAFF: Russell Eagan, Water/Wastewater Operator
 Jeanette Combs, District Administrator

ABSENT Adam Sams, General Manager

ADVISORS: Jeff Rowe, Baker Tilly
 Andrew Boxberger

The meeting was called to order by Gerry Turner at 4:00 P.M.

Roll Call was taken by Jeanette Combs.

Motion was made by Ken Hunn to approve the agenda as amended as follows:

- Insert Item 9B – Region B Treatment Area WW Project Phase 1
- Insert Item 9B1 – Final Change Order 6 Niblock - \$3,000
- Edit Item 9G1a – to include invoice amount \$11,000
- Edit Item 9G1b – to include invoice amount \$6,377.50
- Edit Item 9G2c – to include invoice amount \$25,585
- Edit Item 9G3a – to include invoice amount \$157,350
- Remove Item 9G3b – Jones Petrie Rafinski – TBD
- Edit Item 9G3c – to include invoice amount \$28,474.45
- Remove Item 9G3d – Baker Tilly for Phase 2 TBD
- Remove Item 9H – RSM Brian Sneed Request for Water Leak adjustment & Late Fee waiver
- Remove Item 9J – Jeffrey Dermott – insurance claim
- Insert Item 9M – Judith Bridges 5915 S 960 E & 5935 S 960 E – request to close one account

Motion was seconded by Phil Malone. Motion carried unanimously.

Motion was made by Kathy Miller to approve the August 19, 2021, minutes. Motion was seconded by Ken Hunn. Motion carried unanimously.

Jeanette Combs presented the August Bank Reconciliations, Fund Report, Revenue w/Estimates Report, and an Appropriation Report. Jeanette reminded the Board that the Sewer

Fund did not balance and is still consistent with the July bank reconciliation that is off by \$779.52. Jeanette said she would continue to investigate and try to reconcile.

Motion was made by Ken Hunn to approve the August 2021 Financial reports. Motion was seconded by Phil Malone. Motion carried unanimously.

Kathy Miller presented the claims docket 8/20/2021 thru 9/15/2021 to the Board for approval.

- REGISTER OF CLAIMS dated September 15, 2021, in the amount of \$358,998.

Motion was made by Ken Hunn to approve the Register of Claims dated 8/20/2021 thru 9/15/2021. Motion was seconded by Phil Malone. Motion carried unanimously.

Russell Eagan presented the General Managers report.

Motion was made by Ken Hunn to approve the General Manager's Report as presented. Motion was seconded by Phil Malone. Motion carried unanimously.

The meeting was opened for public comments on non-public hearing issues and items not on the agenda. There were none.

Nicolas Hamman spoke on behalf of the Great Commission. He presented a new timeline and plan on having all the buildings on the Howe Campus connected to the wastewater collection system. Nicolas also requested that the District would consider ceasing the \$100/day penalties. After discussion Nicolas agreed that buildings that were capable of being used would be given priority. Gerry Turner asked that if the District were to look favorable upon ceasing the \$100/day non-connection penalties would Great Commission be willing to return to the District's meetings every 90 days with an update on the status of the connection plan. Mr. Hamman stated yes, that would be agreeable.

Motion was made by Ken Hunn to approve Great Commissions modified connection plan as presented. Motion was seconded by Phil Malone. Motion carried unanimously.

Motion was made by Ken Hunn to cease the \$100/day penalty for Great Commission effective 9/3/2021. Motion was seconded by Phil Malone. Motion carried unanimously.

Phil Malone initiated a brief discussion on providing water to the Great Commission campus. Phil asked Steve if there was a possibility of getting an estimate or budgetary number for what it would cost. Steve Henschen stated that has already been done and it would cost several million dollars. Steve stated that he can make that information available.

Andy Boxberger explained the process of filing a forced connection suit against property owners who have been required to connect to the wastewater collection system but have failed to do so. Jeanette Combs provided the Board of Trustees with a list of the properties in Region C that have not connected. Jeanette explained the two of the properties, 6930 N 320 E and 6985 N 310 E are both on the Lagrange County Tax Sale list for October 2021. Andy Boxberger advised that perhaps the District would wait to file suit on the tax sale properties, as they may sell. If they properties sold, the District would recover the outstanding lien balances and have a conversation with the new property owner on making a connection. If the properties did not sell the District could choose to move forward at that time with a forced connection suit.

Ken Hunn made a motion to file forced connection suites against the following:

- Julio Cesar Garcia Hernandez, current property owner of 0715 E 0700 N Howe, IN also naming previous owner Odilon Garcia Carmona

- Garcha Realty, LLP, current property owner of 5355 N SR 9 Howe, IN
- Rudolfo G Jr & Charlotte A Rodriguez (aka US Land & Storage), current property owner of 0035 W 700 N Howe, IN

Motion was seconded by David Gunter. Motion carried unanimously.

Jeanette Combs will report the status of the accounts that were on the October tax sale list. The Board of Trustees will decide at that time how to proceed with those properties.

Steve Henschen gave an update on the Region B treatment area WW project Phase 1. Steve also presented a final change order, #6, for Niblock Contract A for \$3,000.

Motion was made by Ken Hunn to approve Change Order #6 for Niblock Contract A for Region B Treatment Area WW Project Phase 1. Motion was seconded by Phil Malone.

Steve Henschen gave a construction update on Region B Treatment Area WW Project Phase 2. Steve also presented Change Orders 4 for Selge Contract A, and 5 for Selge Contract A.

Motion was made by Ken Hunn to approve Change Order 4 for Selge Contract A in the amount of \$2250 and a time extension of 60 days. Motion was seconded by Phil Malone. Motion carried unanimously.

Motion was made by Ken Hunn to approve Change Order 5 for Selge Contract A in the amount of \$77,677. Motion was seconded by Phil Malone. Motion carried unanimously.

Steve Henschen presented Change Order #12 for Niblock in the amount of \$17,650 for the Region C Phase 1 Project.

Motion was made by Ken Hunn to approve Change Order #12 for Niblock in the amount of \$17,650 for the Region C Phase 1 Project. Motion was seconded by Phil Malone. Motion carried unanimously.

Steve Henschen gave a design update for the Region C Treatment Area WW Project Phase 2.

Jeff Rowe gave a funding update for the Region C Phase 2 project.

Motion was made by Kathy Miller to approve a Bond Anticipation Note for Region C Phase 2 for \$1,305,000 at Farmers State Bank with an interest rate of 2.99%. Motion was seconded by Ken Hunn. Motion carried unanimously.

Motion was made by Ken Hunn to approve the notice to proceed allowing Jones Petrie Rafinski to proceed for the balance of the engineering agreement for Region C Phase 2. Motion was seconded by Phil Malone. Motion carried unanimously.

Motion was made by Kathy Miller to authorize Gerry Turner to rescind the authority allowing Jones Petrie Rafinski to proceed for the balance of the engineering agreement for Region C Phase 2 if the BAN fails to close. Motion was seconded by Phil Malone. Motion carried unanimously.

Andy Boxberger explained to the Board of Trustees that there may be some interest from the White Pigeon Sanitary System in taking over Region D. Andy stated he is looking to see if there is any interest in pursuing the possibility. The Board of Trustees indicated that they would be at least willing to receive more information on the subject.

Motion was made by Ken Hunn to approve the Baker Tilly Service Agreement for Region D not to exceed \$6500. Motion was seconded by Phil Malone. Motion carried unanimously.

Jeff Rowe presented the updated Region D rate study.

Motion was made by Phil Malone to introduce the rate change for Region D to be effective with the January 2022 billing cycle. Motion was seconded by Ken Hunn. Motion carried unanimously.

All agreed that a rate hearing would be scheduled for October 21, 2021, at 3:45pm at the District office. The Board of Trustees acknowledged that the rate hearing notice would be published as required.

Steve Henschen stated that it appears the District did not receive an SWIF money for the Fawn River Crossing Water Project.

Andy Boxberger gave an update on the Fawn River Crossing Sewer Mutual Termination Agreement.

Motion was made by Ken Hunn to approve submittal of the following project claims for disbursement:

1. Region B Wastewater Project Phase 1 – SRF
 - a. Final Pay App Contract A Niblock \$11,000
 - b. Jones Petrie Rafinski \$6,377.50
2. Region B Wastewater Project Phase 2 – SRF
 - a. Pay App Contract A – Selge \$392,658.64
 - b. Pay App Contract B – Selge \$67,444.30
 - c. Jones Petrie Rafinski \$25,585.00
3. Region C Wastewater Project Phase 1 – SRF
 - a. Final Pay App Niblock \$157,350
 - b. Jones Petrie Rafinski – For Phase 2 \$28,474.45
 - c. Carson LLC – For Phase 2 - \$1584.00

Motion was seconded Phil Malone. Motion carried unanimously.

Andy Boxberger gave an update on the proposed order for the Wiederman property located at 0260 E 700 N Howe, IN.

Jeanette Combs presented a request from Rick Schaeffer for a refund for overpayment on two of his accounts. He has mistakenly been paying three payments per month per account. His credit totals \$3,360.15.

Motion was made by Kathy Miller to approve a refund of overpayments in the amount of \$3,360.15. Motion was seconded by Ken Hunn. Motion carried unanimously.

Jeanette Combs presented a request for Doug Holle to waive his late fee.

Motion was made by Ken Hunn to not waive Doug Holle's late fee. Motion was seconded by David Gunter. Motion carried unanimously.

Jeanette Combs presented a request from Judith Bridges. She has been mistakenly being billed for 2 parcels; however, structure was removed, and the parcels were combined. She is requesting to have one account closed and be billed for one account.

Motion was made by Ken Hunn to approve the removing one of Judith Bridges' accounts. Motion was seconded by Phil Malone. Motion carried unanimously.

Jeanette Combs presented the August Adjustments of \$169.68 and Other Charges of 24,010.00.

Motion was made by Ken Hunn to approve the August 2021 Adjustments and Other Charges as presented. Motion was seconded by Phil Malone. Motion carried unanimously.

The meeting was opened to Board of Trustees member comments.

Gerry Turner asked that the Bank Reconciliation be a separate item on next month's agenda.

Andy Boxberger asked Terry Martin if there has been any more information on the ARP funds with Lagrange County.

Motion was made by Ken Hunn to adjourn at 6:04 pm. Motion was seconded by Kathy Miller. Motion carried unanimously.

Respectfully Submitted,

Jeanette Combs
Recording Secretary