

**LAGRANGE COUNTY REGIONAL UTILITY DISTRICT
BOARD MEETING MINUTES FEBRUARY 21, 2023**

The LaGrange County Regional Utility District Board of Trustees met in Regular Session on **Tuesday, February 21, 2023**, at 3:00 PM, at 116 E Wayne Street, LaGrange, IN 46761.

MEETING ATTENDANCE:

BOARD OF TRUSTEES:

ROLL CALL Kenneth Hunn, President
 Nicole Heffelfinger, Vice President
 Kathy Miller, Secretary/Treasurer
 David Gunter, Board Member
 Michael Mohrman, Board Member

EX-OFFICIO MEMBERS:

ABSENT Terry Martin, County Commissioner

DISTRICT STAFF: Adam Sams, General Manager
 Jeanette Combs, District Administrator

ADVISORS: Andrew Boxberger, Carson LLP
 Steve Henschen, Jones Petrie Rafinski

The meeting was called to order by Ken Hunn at 3:00 P.M.

Roll Call was taken by Jeanette Combs.

Motion was made by Michael Mohrman to approve the agenda as amended.

Add Item 11C2 – Ice Miller Agreement

Add Item 11H – Kathy Zoucha request to waive late fee.

Motion was seconded by Nicole Heffelfinger. Motion carried unanimously.

Motion was made by David Gunter to approve the January 19, 2023, Regular Session Minutes. Motion was seconded by Kathy Miller. Motion carried unanimously.

Motion was made by Kathy Miller to approve the February 2, 2023, Executive Session Memorandum. Motion was seconded by Nicole Heffelfinger. Motion carried unanimously.

Motion was made by Nicole Heffelfinger to approve the February 2, 2023, Special Session Minutes. Motion was seconded by Michael Mohrman. Motion carried unanimously.

Jeanette Combs presented the January 2023 Bank Reconciliations, Fund Report, Revenue w/Estimates Report, and an Appropriation Report.

Motion was made by Nicole Heffelfinger to approve the January 2023, Financial reports. Motion was seconded by Michael Mohrman. Motion carried unanimously.

Jeanette Combs presented the claims docket dated 2/21/2023 to the Board for approval.

- REGISTER OF CLAIMS dated 2/21/2023, in the amount of \$709,820.77.

Motion was made by Kathy Miller to approve the Register of Claims dated 2/21/2023. Motion was seconded by Michael Miller. Motion carried unanimously.

Adam Sams presented the General Mangers report.

Motion was made by Nicole Heffelfinger to approve the General Manager's Report as presented. Motion was seconded by Kathy Miller. Motion carried unanimously.

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

Steve Henschen presented a construction update for the Region B Treatment Area WW Project Phase 2 and discussed use of remaining funds.

Steve Henschen gave a project update on the Region C Treatment Area WW Project Phase II and easement update.

Steve Henschen gave a project update on the Region C Treatment Area WW Project Phase III update.

Andy Boxberger presented an Ice Miller Agreement for Services for bond counsel for the Region C Phase III project.

Motion was made by Michael Mohrman to approve the Ice Miller Agreement for Services. Motion was seconded by Nicole Heffelfinger. Motion carried unanimously.

Steve Henschen gave an update on the Fawn River Crossing Sewer Project. Steve presented the engineers' recommendation for contract award which included a tentative notice of award for consideration. The engineer's recommendation was to tentatively award Niblock the contract in the amount of \$425,351.50. Steve also discussed increasing the contingency.

Motion was made by Michael Mohrman to accept the engineers' recommendations and issue a tentative notice of award to Niblock, pending confirmation of funding. Motion was seconded by Nicole Heffelfinger. Motion carried unanimously.

Motion was made by Nicole Heffelfinger to approve submittal of the following project claims for disbursement:

1. Region B Wastewater Project Phase II – SRF
 - a. Jones Petrie Rafinski - \$10,453.00
 - b. Selge Contract A - \$63,053.00
 - c. Selge Contract B - \$33,200.00
2. Fawn River Crossing Sewer Project – Lagrange Co. RDC Grant
 - a. Carson LLP - \$ 216.00
 - b. Jones Petrie Rafinski - \$16,066.09
3. Region C Treatment Area WW Project Phase II – ARPA Grant
 - a. Jones Petrie Rafinski - \$24,279.00
 - b. LCRUD Reimbursement - \$16,002.58

Motion was seconded by Kathy Miller. Motion carried unanimously.

Jeanette Combs presented a request from Laura Jean Gring to waive a late fee in the amount of \$8.04. Laura had called in and followed up by writing a note, which was provided to each trustee, and stated that she did not receive a letter in November and December about the new Invoice Cloud payment processing. Laura stated that at that time she was temporarily staying at her son's home and did not have her mail forwarded. Therefore, Laura had not responded to the requests from the District to update her auto pay form, she was removed from auto pay in January, and she received a late fee. She did receive her penalty letter and no change of address was requested.

Kenneth Hunn stated that we always refer to precedent on these kinds of things and this seems to fall in that area where the trustees would not typically look favorable up the request. Andy Boxberger stated, for newer board members, it has been the historical opinion that if it is the District's fault or mistake that the District clearly rectify that fee or charge, but if it is the homeowners mistake then they have not waived the fees. Andy stated this has been the philosophy for the past 10+ years. Michael Mohrman asked how much the late fee is. Jeanette Combs answered \$8.04.

Motion was made by David Gunter to deny the request from Laura Jean Gring to waive the late fee in the amount of \$8.04. Motion was seconded by Kathy Miller. Motion carried unanimously.

Jeanette Combs presented a request from David Shilharvey to waive a late fee in the amount of \$8.40. Mr. Shilharvey had written an email, which was provided to each trustee, stating that he had not seen the notice of the changes in time and therefore had not yet responded. Mr. Shilharvey signed the form the same day after speaking to our office. Mr. Shilharvey did receive his penalty letter and a change of mailing address was not requested.

Kenneth Hunn stated that he wasn't sure a lot of conversation is needed in this instance. Motion was made by Nicole Heffelfinger to deny the request from David Shilharvey to waive the late fee in the amount of \$8.40. Motion was seconded by Kathy Miller. Motion carried unanimously.

Jeanette Combs presented a request from Kathy Zouch to waive her late fee in the amount of \$8.04. Originally Kathy had emailed questioning her late fee, in the same email stating that she did not receive an email notifying her of the change and requested the fee be removed. She paid her bill online. Jeanette stated that she had responded to Kathy's original email letting her know that the request would be provided to the board of trustees, and explained to her that the District mailed a notice in November and December, emails were not sent regarding the change in payment processing. Kathy Zoucha did not request a change in mailing address.

Motion was made by David Gunter to deny the request from Kathy Zoucha to waive the late fee in the amount of \$8.04. Motion was seconded by Michael Mohrman. Motion carried unanimously.

Jeanette Combs discussed the vacant property at 7720 S SR 3. Jeanette informed the trustees that the commissioners are petitioning for a tax deed. The liens will be released by law and the District will not receive any funds for the certified liens against the property. Once the property transfers, the county commissioners will own the property and begin being billed for wastewater service.

Motion was made by Nicole Heffelfinger to release the outstanding liens against the property located at 7720 S SR 3 up deed transfer to the county commissioners. Motion was seconded by Michael Mohrman. Motion carried unanimously.

Jeanette Combs presented the January 2023 Adjustments of -\$53,229.62 and Other Charges of \$7,920.00.

Motion was made by Michael Mohrman to approve the January 2023 Adjustments and Other Charges as presented. Motion was seconded by Nicole Heffelfinger. Motion carried unanimously.

Motion was made by Nicole Heffelfinger to adjourn the meeting at 4:04 p.m. Motion was seconded by Kathy Miller. Motion carried unanimously.

Respectfully Submitted,

Jeanette Combs
Recording Secretary