LEO-CEDARVILLE REGIONAL SEWER DISTRICT

ORDINANCE NO. LCRSD 01-2020

RESOLUTION OF THE BOARD OF TRUSTEES OF THE LEO-CEDARVILLE REGIONAL SEWER DISTRICT AUTHORIZING THE INCLUSION OF TERRITORY TO BE SERVED BY THE DISTRICT

WHEREAS, the Allen County Regional Water & Sewer District, by its Board of Trustees, have filed an Application for Inclusion of Territory (the "Application") of certain property currently included in their territory to be included in the Leo-Cedarville Regional Sewer District (the "District") with the exception that the District will provide sanitary sewage treatment services to such area to be included in the District's territory. A copy of the Application is attached hereto as Exhibit 1; and,

WHEREAS, the area designated in the Application to be included in the District is more particularly described in Exhibit A attached to the Application (the "Territory"); and,

WHEREAS, the Board of Trustees of the District has determined that it would be in the best interests of the District to provide sanitary sewage treatment services to the residents of the Territory.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Leo-Cedarville Regional Sewer District:

1. The Board authorizes the inclusion of the Territory in the District.

2. The Board authorizes its President, Philip Wagler, its Director of Operations and Maintenance, Brad P. Carnes, and its attorney, Adam M. Henry, to notify the Indiana Department of Environmental Management ("IDEM") for the inclusion of the Territory in the District pursuant to I.C. 13-26-8-2 and to deliver all necessary documentation to IDEM regarding the same.

[Signatures follow on next page.]

BEERS MALLERS
BACKS & SALIN, LLP
ATTORNEYS AT LAW

Adam M. Henry
e-mail: amhenry@beersmallers.com

February 25, 2020

Via U.S. First Class Mail and
e-mail: lmyers@idem.in.gov

Mr. Lance Myers
Operations Section Chief
Indiana Department of Environmental Management
Office of Water Quality/Surface Water, Operations & Enforcement
100 North Senate Avenue, IGCN 1255
Indianapolis, Indiana 46204

Re: Leo-Cedarville Regional Sewer District – Approval of Application for Inclusion
Our File No. 26910-20000

Dear Mr. Myers:

The undersigned and his law firm represent the Board of Trustees of the Leo-Cedarville Regional Sewer District. I write to advise that the Board has approved an application for inclusion of territory from an eligible entity under Indiana Code § 13-26-8-2. Enclosed you will find the resolution approving the application and a description of the territory.

If you should have any questions or need additional information relative to this matter, please do not hesitate to contact me. Thank you and be well.

Very truly yours,

BEERS MALLERS BACKS & SALIN, LLP

Adam M. Henry

Adam M. Henry

Enclosure(s)
cc: Daniel Willard, Esq.
Angela Bottom
AMH/jlb:36M2796

RECEIVED
FEB 27 2020
IDEM/OWQ

ALLEN COUNTY REGIONAL WATER AND SEWER DISTRICT

BOARD OF TRUSTEES MEETING*December 11, 2019

Citizen's Square, 200 East Berry Street, Room 035, Garden Level @ 12:00 p.m.

MINUTES

CALL TO ORDER:
Mr. Zehr President, called the meeting to order at 12:00 pm

ATTENDANCE:

- Board Members present were: President: Ric Zehr, Vice-President: MJ Klinker, Secretary: Jim Orr, Treasurer: Justin Brugger, Ex-Officio: Gary Chapple, Matthew Wirtz, Kevin McDermit and Tim Roy. ACRWSD Staff: Executive Director: Jeff Morris and Office Administrator: Erika Beachem. Support Staff: District Engineer: Ben Adams of Commonwealth Engineers, Inc. and Vince Helny of Carson LLP. There were 09 visitors: John Julien of Baker Tilly Municipal Advisors LLC, Andy Boxberger of Carson LLP, Nathan Baggett of FWCU, Frank and Francie Zucco of 2406 Timberbrook Trail, Jerry Schlawdroff, Bryan Hood, Steve and Judy Miller of 4814 N. Webster Road.

APPROVAL OF MINUTES:

- Mr. Klinker made a motion to approve the November 13th, 2019 Board Minutes as distributed and reviewed. Mr. Roy seconded the motion. *All ayes cast.*

TREASURER'S REPORT

- Mr. Brugger reviewed the December 2019 bills to be paid; bank balances summary and made a motion to approve. Mr. McDermit seconded the motion. *All ayes cast.*

PUBLIC COMMENTS:

At 12:03 pm Mr. Zehr opened the floor for a damage property claim appeal.

- DAMAGE PROPERTY CLAIM APPEAL
  Mr. Zucco presented to the Board a property reimbursement claim for $3k for damages that occurred to his mother's home on or about July 28th, 2019. Mr. Zucco went on to say, his mother would like to avoid having to file a tort claim and requested prompt Board consideration no later than December 25, 2019.

Mr. Zehr closed the property claim appeal at 12:10pm.

APPROVAL OF PAYMENT TABS

- Mr. Adams reviewed and recommended the Board approve Commonwealth Engineers Inc., **invoices totaling $15,201.40 and Thieneman Construction, Inc. payment tabs totaling: $148,387.62.** Mr. Roy made a motion to approve the claims to be paid. Mr. McDermit seconded the motion. *All ayes cast.*

• Invoices 44606; 45535 – 45538 Commonwealth Engineers, Hoagland Regionalization – Construction Engineering Services		15,201.40
	Total Invoices: $	15,201.40
• Payment Tab #11 – Thieneman Construction, Inc. Hoagland Regionalization & Marion Center-Monroeville		113,328.58
	FTW Oversizing:	16,040.28
• Payment Tab #12 – Thieneman Construction, Inc. Hoagland Regionalization & Marion Center-Monroeville		19,018.76
	Total Claims: $	148,387.62

EXECUTIVE DIRECTOR REPORT: Reported by Mr. Morris – Board Recommendation

- Mr. Morris reviewed two sewer release petitions for Board consideration.

1. No Board action required for 20023 Wyburn petition to connect to Monroeville's sanitary sewer system, property is currently outside the District's territory.

2. Mr. Brugger made a motion to approve Tullymore Addition's petition to be relinquished to Leo/Cedarville. Mr. McDermit seconded the motion. *All ayes cast*

PUBLIC HEARING:
At 12:18pm Mr. Zehr opened up the floor for the Public Hearing (Rate Ordinance 2019-11-13).

Mr. Julien distributed and reviewed a summary of the November 7th, 2019 Bakertilly Rate Study and recommended the Board approve a 3-yr rate increase starting in 2020.

As matter of record, Mr. Heiny asked Mr. Julien about the number of years served as the District's Financial and Rate Consultant. Mr. Julien response was 38 years. Mr. Heiny proceeded to ask Mr. Julien, as the District's Rate Consultant, if he was familiar with the Statutory Requirements in the State of Indiana with regard to the establishment of rate and charges. Mr. Julien response was yes. Mr. Heiny then asked Mr. Julien to confirm if the November 7th, 2019 Bakertilly Rate Study met the Statutory Requirements. Mr. Julien responded yes to each of the following four Statutory Requirements:

1. Rates and Charges produce sufficient revenue to pay all expenses incident to the operations of the works including maintenance costs; operating charges; upkeep; repairs and interest charges on bonds and or other obligations.
2. Rates and Charges produce sufficient revenue to provide for the sinking fund for the liquidation of bonds or other evidence of indebtedness in reserves against default in the payment interests of bonds.
3. Rates and Charges produce sufficient revenue to provide adequate money to be used as working capital as well as for making improvements; additions; extensions and replacements.
4. Rates and Charges give new consideration to the interests of the rate payers.

Mr. Zehr opened the floor for public hearing comments. Mr. Zehr indicated there were no comments and closed the Public Hearing at 12:27pm.

SEWAGE RATE ORDINANCE (ORDINANCE NO. 2019-11-13):

- Mr. Brugger made a motion to introduced and adopt Sewage Rate Ordinance No. 2019-11-13 as distributed and reviewed. Mr. Klinker seconded the motion. *All ayes cast.*

MAINTENANCE REPORT: Reported by Mr. Morris – No Board Recommendation

COMMITTEE REPORTS AND RECOMMENDATIONS:

Finance Committee: Reported by Mr. Brugger –Committee Activity Report/Board Recommendation

- Mr. Brugger made a motion to draw $586K from the Rate Stabilization Fund as reviewed and recommended from the November 7th, 2019 Bakertilly Rate Study. Mr. Klinker seconded the motion. *All ayes cast.*

- Mr. Brugger made a motion to approve for a 3% Cost-of-Living Adjustment increase for District employees for 2020. Mr. Wirtz seconded the motion. *All ayes cast.*

- Mr. Brugger made a motion to approve a 3.3% health insurance increase for District employees for 2020. Mr. Klinker seconded the motion. *All ayes cast.*

New Development Committee: Reported by Mr. Klinker – Committee Activity Report/No Board Recommendation.

Infrastructure Committee: Reported by Mr. Wirtz – Committee Activity Report/No Board Recommendation.

Personnel Committee: Reported by Mr. Brugger –Committee Activity Report/Board Recommendation.

- Mr. Brugger recommended the Board schedule the Executive Director's evaluation on Wednesday, December 18th, 2019 starting at 12-noon. Mr. Wirtz also suggested adding Ms. Zucco's claim appeal to the agenda. Mr. Heiny and Ms. Beachem will establish the meeting location and publish the Executive Session and Special Meeting notice.

PUBLIC COMMENTS:

- Mr. Zehr opened and closed the floor - with no public comments at 12:38pm.

PROJECT UPDATES: Reported by Mr. Adams – No Board Recommendation

- No project-update report for December. Mr. Adams provided the Board with an update on the Hoagland lagoons.

NEW BUSINESS:

- **2020 Board Meeting Schedule.** Mr. Zehr requested for the November meeting to be changed to November 18th, 2020 and to schedule the December meeting for December 16th, 2020. Mr. Klinker reviewed and recommended the Board approved the 2020 Board Meeting with the noted changes for the November and December Board meetings. Mr. McDermit seconded the motion. *All ayes cast.*

- **2020 Legal Counsel Change.** Mr. Heiny advised the Board that he has been the District's legal counsel for 35 years and recommended Mr. Boxberger to serve as the District's legal counsel starting in 2020. Mr. Boxberger has an extensive legal background and is currently representing eight other Regional Sewer Districts.

- **2020 Board Appointment Change.** County Council met last month and tabled the recommendation to replace Mr. Orr with Mr. Rotering, for the next 2-year term. Mr. Zehr reached out for Council to reconsider and encouraged others to do the same.

ADJOURNMENT:

Mr. McDermit made a motion to adjourn the meeting. Mr. Orr seconded the motion. All ayes cast. The meeting was adjourned at 12:46 pm.

1/28/2020

Respectfully submitted,

Tim Roy , Secretary

Erika Beachem, District Office Administrator

Access District Board Meeting minutes and full video recordings: Go to www.acrwsd.com

Property as located within T32N R13E and generally described as follows:

The western half of the southeast quarter of Section 03 of Cedar Creek Township, bounded on the east by Lochner Road; on the south by the border of Sections 03 and 10 of Cedar Creek Township; on the west by the north/south quarter section line of Cedar Creek Township Section 03; and on the north by the east/west quarter section line of Cedar Creek Township Section 03. And the property commonly known as 10610 Garman Road described as frontline west 249 of east 324 of frontline north 362.1 feet southeast quarter of south west quarter section of Section 03 Cedar Creek Township.

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[Signatures follow on next page.]

ALL OF WHICH IS DULY RESOLVED THIS 16 DAY OF January, 2020, BY A VOTE OF 4 FOR, 0 AGAINST, AND 0 ABSTAIN.

LEO-CEDARVILLE REGIONAL SEWER DISTRICT BOARD OF TRUSTEES

Philip Wagler, President

XXX

Mathew Wirtz, Vice President

Thomas Cottrell, Secretary/Treasurer

Thomas Morrical, Member

Robert Harris, Member

ATTEST:

36M3616