

Meeting Minutes
Board Meeting
Monday, February 12, 2007 at 7:00 p.m.

Executive Session- Litigation IC5-14-1.5-6.1 (b) (2) (B)

Roll Call

Present were President Ron Houck, Vice President David DeVilbiss, Treasurer Michael Claytor, Secretary Michael McDonald, Eric Hand and 2nd Vice President Michael Kostrzewa. Marilyn Anderson was not present for the Executive Session. Absent were Bill Karns and Ron Hagan. Staff present included Controller Ron Hansen, Utility Director Drew Williams, Director of Administration and Customer Service Candy Feltner, District Engineer Ryan Hartman and Legal Counsel Anne Poindexter. The audience sheet is attached.

Consent Items

Mr. Houck asked for any corrections to the January 8, 2007 Executive Session Minutes. Mr. Claytor motioned to approve the minutes as presented. Mr. Kostrzewa seconded the motion. The motion unanimously passed.

Mr. Houck asked for any corrections to the January 8, 2007 Board Meeting Minutes. Mr. Kostrzewa motioned to approve the minutes as presented. Mr. McDonald seconded the motion. The motion unanimously passed.

Attorney's Report

Project Updates

Mrs. Poindexter reported that there were no project updates to report.

Report of Pending Litigation

Clay Township Trustee's Appeal to OEA

Mrs. Poindexter reported the judge granted the joint motion. Mrs. Poindexter presented the Petition for Judicial Review, which Zionsville filed, to the Board at the beginning of the meeting. Mrs. Poindexter reported that Zionsville would like to sign the agreement with the Board regarding provisions of sanitary sewer services. Such an agreement would cause Zionsville to withdraw their Petition for Judicial Review and abandon the appeal.

Deerfield Easements- Carey Foreclosure Complaint

Mrs. Poindexter reported that the mortgage foreclosure will be dismissed because the Carey's have brought their mortgage current. There is no action from the Board at this time.

Utility Director's Report

Director's Report and Selected Statistics

Mr. Williams handed out the Utility Director's Report, which included a summary of the statistics from 2004-2006. Mr. Williams reported that some of the additional information requested by the Board was now included in the Selected Statistics.

Committee Reports

Budget & Finance Committee

Mr. Claytor reported that there were no action items for the Board. Mr. Claytor called attention to the topic of credit card payments that was discussed at the Committee meeting. Mr. Claytor reported that Mrs. Poindexter has offered to help with the issue on occasion if needed. Mr. Hand asked if there was a charge for using the credit card. Mrs. Poindexter reported that there is a percentage charge per transaction. Mr. Hand also questioned the wording of "cash balances" and more appropriate phrasing for utility purposes. This item was briefly discussed. Mr. Claytor indicated that "cash balance" is just that- cash; even though it is already allocated to specific projects.

Personnel & Benefits Committee

Pretreatment Compliance Specialist

Mr. Hand motioned to approve the Pretreatment Compliance Specialist position addition to the staff. Mrs. Anderson seconded the motion. After a brief discussion, the motion unanimously passed.

Mileage Reimbursement

Mr. Hand motioned to approve the change to the Mileage Reimbursement Policy giving the Utility Director discretion to reimburse on a case-by-case basis. Mr. Kostrzewa seconded the motion. Mr. Houck stated that the wording in the last sentence of the second paragraph should state "privately owned vehicles used for District business are not the responsibility of the District" instead of "District business are the responsibility of the traveler."

Mr. Hand motioned to approve the Mileage Reimbursement Policy as amended. Mr. Kostrzewa seconded the motion. The motion unanimously passed.

Mr. Hand reported that the date of the Personnel & Benefit Committee meeting changed to the fourth Monday of every month at 7:30 a.m.

Construction and Capital Committee

Dedications

Mrs. Anderson motioned to approve the following dedications:

- Overbrook Farms
- Fieldstone, Section 1
- Village of West Clay, Section 9002
- Village of West Clay, Section 9003
- Village of West Clay, Section 10004-B
- Village of West Clay, Section 10012
- Village of West Clay, Section VO2-B

Mr. DeVilbiss seconded the motion. The motion unanimously passed.

Low Pressure System Policy

Mrs. Anderson asked the Board for feedback and input about the Low Pressure System Policy. Mr. McDonald stated that he believes that gravity systems are better and wanted clarification when Low Pressure Systems would be used. Mrs. Anderson explained that the Low Pressure System would be used when a Gravity System ~~does not work~~. There was a discussion but no action was needed by the Board at this time. The staff will work to answer the questions raised by the Board.

was not feasible

*RAH
3/12/2007*

The Woods at Lions Creek Release of Easement

Mrs. Anderson motioned to approve the Woods at Lions Creek Release of Easement. Mr. DeVilbiss seconded the motion. After a brief discussion, the motion unanimously passed.

Ordinance 2-12-2007- Sewer Dedication (Revision to Ordinance 4-10-2006)

Mrs. Anderson stated Ordinance 2-12-2007- Sewer Dedication includes mostly format and grammatical revisions. Mr. Houck corrected the wording on page 3 in Item 3 to read: "shall be completed at Owner/Developer's cost. Owner/ Developer's shall correct or repair any deficiencies noted." Mrs. Anderson motioned to approve Ordinance 2-12-2007- Sewer Dedication as amended. Mr. McDonald seconded the motion. The motion unanimously passed.

Belt Press Award

Mrs. Anderson motioned to award the Belt Press Bid to Ashbrook for \$198,000.00 and authorize either Mr. Houck or Mr. Williams to sign the contract. Mr. DeVilbiss seconded the motion. After a brief discussion, the motion unanimously passed.

Biosolids Facility- Appointment of the Wage Determination Hearing Committee and Authorization to bid the project

Mrs. Anderson motioned to appoint Mr. McDonald as the Owner Representative, Mr. DeVilbiss as the Industry Representative and will recommend the appointment of Mr. Eric Hand as the Boone County Representative to the Wage Determination Hearing Committee and authorize bidding the project. Mr. Kostrzewa seconded the motion. After a brief discussion, the motion unanimously passed.

Executive Committee

Revision of By-Laws

Mr. Houck stated that the Revision of By-Laws addresses a restructuring of the officers. It would eliminate the office of 2nd Vice President and change the title of Utility Manager to Utility Director throughout the document. Mr. Houck also stated that Article IX and Article X were added to the By-Laws. Mr. Hand pointed out that the date in Article X should read February 12, 2007. Mr. McDonald motioned to adopt the revised By-Laws as amended. Mrs. Anderson seconded motion. The motion was unanimously passed.

Mrs. Anderson motioned the appointment of 2nd Vice President be converted to Member at Large for the Executive Committee. Mr. DeVilbiss seconded the motion. The motion unanimously passed.

Old Business

Agreement concerning provision of sanitary sewer services with Zionsville, Boone County and Eagle Township

Mr. Houck questioned Item 4 on page 4 on Version 4. Mr. Houck was concerned with the wording "other than appointments by existing authorities at the end of the prior appointments term." Mrs. Poindexter stated that by removing "prior" from the sentence, the phrase would be more appropriate. Mrs. Anderson was also concerned with this item because there no mention of how the appraisers get appointed.

Mrs. Anderson had concerns with Item 5 on page 4, which states that in the event of Item 4 occurring, one representative from Carmel is to be on the new Regional Waste District board. Mrs. Anderson is concerned that regardless the amount of Carmel customers within this service area, only one representative is being proposed.

Mrs. Anderson stated that Item 2 on page 2 still lacked clarification that in the event that Boone County and Zionsville could not come to mutual agreement, the District would revert to the Boone County appointment.

Mrs. Anderson and Mr. Kostrzewa both voiced concerns with the agreement and the Board's fiduciary responsibilities to Clay Township rate payers.

Mr. Kostrzewa motioned to not approve the Agreement concerning provision of sanitary sewer services with Zionsville, Boone County and Eagle Township Redline between Version 3 and Version 4. Mr. McDonald seconded the motion. After a brief discussion, the motion was passed with a vote of seven in favor and one opposed.

Mr. Houck, Mr. DeVilbiss, Mr. McDonald, Mr. Karns, Mr. Claytor, Mrs. Anderson and Mr. Kostrzewa voted for the motion. Mr. Hand voted against the motion.

Mr. Claytor stated that he believes representation for the town of Zionsville is overdue and the District should pursue some representation in the future.

New Business

Claims Docket

Mr. Williams reported that a bill for \$11,350 was received after the claims docket was printed. He stated that payment of \$11,350 to Allbore was added to the Claims Docket. Mr. Claytor motioned to approve the amended Claims Docket. Mr. DeVilbiss seconded the motion. The motion unanimously passed.

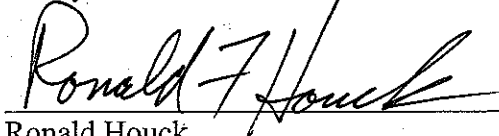
Adjourn

Mr. Kostrzewa motioned to adjourn. Mrs. Anderson seconded the motion. The motion unanimously passed. The meeting was adjourned at 8:41 p.m.

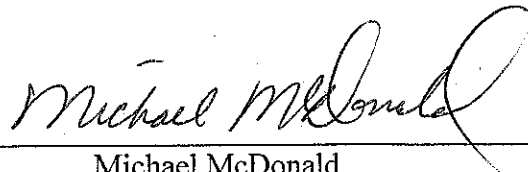
Respectfully Submitted:



Andrew Williams
Utility Director



Ronald Houck
President



Michael McDonald
Secretary

Accept the Meeting Minutes:

As Presented _____

As Amended X