



**BOARD OF TRUSTEES MEETING**  
Monday, January 12, 2009 @ 7:00 P.M.

Meeting Minutes

**ROLL CALL**

Board members present: President Ron Houck, Secretary Michael McDonald, Marilyn Anderson, Ron Hagan, Eric Hand, Jane Merrill, Sam Mishelow, Greg Starleaf, Utility Director Andrew Williams, and Legal Counsel Anne Poindexter. Absent: Treasurer Michael Claytor. The audience sheet is attached.

**ELECTION OF OFFICERS**

A motion was made by Ms. Anderson to retain the current officers, President Ron Houck, Treasurer Michael Claytor and Secretary Michael McDonald, and was seconded by Mr. Hagan. The motion was unanimously approved.

Mr. Sam Mishelow is replacing Mr. DeVilbiss' seat on the Board due to Mr. DeVilbiss' retirement.

A motion was made by Mr. McDonald to nominate Ms. Anderson for the position of Vice President, and was seconded by Ms. Merrill. The motion was unanimously approved.

**APPROVAL OF MINUTES**

In the November 10, 2008 Board Meeting Minutes, page 4, first paragraph regarding Great Lakes Quick Lube, the sentence, "If Great Lakes Quick Lube commits any additional violations ....." should be changed to read "If Great Lakes Quick Lube commits any additional violations during the 36 month period, the \$29,500 will be due." A new sentence should then start, "The \$21,500 payment is due within 30 days." A motion was made by Mr. Hagan to approve the November 10, 2008 meeting minutes, and was seconded by Ms. Anderson. The motion was unanimously approved.

A motion was made by Ms. Anderson to approve the December 8, 2008 Board Meeting Minutes, and was seconded by Mr. Hand. The motion was unanimously approved.

**ATTORNEY'S REPORT**

Project Updates

Mrs. Poindexter did not file the three non-connect cases in December, 2008, but waited until January, 2009 when a new circuit court judge was appointed. Mrs. Poindexter will have an update for the Board at the February 9<sup>th</sup> Board meeting.

Report of Pending Litigation

Nothing to report at this time.

## UTILITY DIRECTOR'S REPORT

### Director's Report and Selected Statistics

Mr. Williams reported on the growth of the District. The District has continued to grow but at a reduced rate. For the first time, the District treated more flow at our own plant than was sent to the Carmel treatment plant.

Work is still being completed on the Personnel & Benefits packet containing the goals for 2009 and accomplishments of 2008, and should be ready in a few weeks.

There was one customer complaint from a resident in Springmill Ridge with sewer backup in his basement. Since the resident has a check valve, the backup was limited to the flow from his house. Lift Station #4 had pump failure and due to a programming error in the SCADA system, there was no call out alarm. The pumps were fixed and the SCADA programming changed. It was suggested that plant personnel create mock pump failure at the lift stations in order to check that all alarm functions are properly working.

Mr. Williams updated the Board on Baker's Corner. Mr. Williams contacted Mr. Steve Hobson, a resident in Baker's Corner. Mr. Hobson is now the contact person replacing Pastor Hand. Six homes were notified by the County Health Department that their septic systems were in failure and needed repair. The residents had the soil tested in the farm field behind these homes and it was determined the soil was acceptable for septic fields. However, the farmer does not want to lose the ability to farm the land. The County Commissioners have directed the Health Department to enforce the law and make the residents disconnect their sewer lines from field tile. The Health Department is telling the property owners to talk to the County Commissioners about condemning the farmland for new septic fields. Mr. Hobson is at a loss of what to do. Board member Mr. Hand added that these properties do not have finger systems. Wastewater discharges to a county ditch. The lot sizes are too small to accommodate finger systems. Mr. Williams is willing to coordinate efforts between the County Commissioners and the Health Department to avoid the condemnation of homes and the eviction of residents. Mr. Hand would like the District to consider developing a viable solution to be presented to all parties involved. Mr. Houck would first like to see an analysis of the options available and the costs of each to determine the District's financial exposure. Mr. Williams stated that a Preliminary Engineer's Report is necessary to apply for grants, and this report can also be presented to the property owners.

A motion was made by Mr. <sup>Hand</sup> McDonald to direct the Utility Director and District staff to develop a Preliminary Engineer's Report in-house to determine options and costs for Baker's Corner and report back to the Board. The motion was seconded by Ms. Merrill. The motion was unanimously approved. A motion was made by Ms. Anderson to direct our legal counsel to explore grant options, and was seconded by Mr. McDonald. The motion was unanimously approved.

## COMMITTEE REPORTS

### BUDGET & FINANCE COMMITTEE

Mr. McDonald updated the Board regarding the contract and financial issues with Carmel. They are very motivated to move forward with contract discussion; specifically the 6:1 ratio of potential flow vs. current flow the District is sending Carmel. Mr. McDonald expects they will want to be involved in the District's master plan study. Mr. Houck stated that if Carmel is included in the District's master plan process, the District should be included in operational

decisions made at the Carmel WWTP since this directly impacts the cost the District pays for treatment.

#### PERSONNEL & BENEFITS COMMITTEE

There are no action items before the Board this evening.

#### CAPITAL & CONSTRUCTION COMMITTEE

The updated Inflow & Infiltration Policy was discussed. The question was asked regarding how will a new property owner know if an inspection was scheduled by the previous owner at the time of the sale of the property. Mrs. Poindexter suggested that the District develop a mass education program targeting specific groups such as realtors, title companies and closing agents. The District could also move away from the approach of having the inspection due at the time of sale, and just say that the District is going to start district wide inspections, then do so in some orderly fashion. Ms. Anderson stated that the C&C Committee liked the idea of requiring an inspection at the time of sale, with the option of going into a whole neighborhood to address an area that appears to have problems. There is also the option of notifying customers through the billing process, website, etc.

The \$100 fee for inspection was discussed and how it might be interpreted by the customers. The C&C Committee previously discussed this and decided to include it under inspection fees at the time of sale. Mr. Houck added that if we control I&I costs, we should be able to benefit our customers in terms of stability of rates.

The Board agreed to delete the contents referring to I/I Inspector Program and private I/I inspectors on pages 16 and 17. The District has the option of developing an inspector training policy in the future.

A motion was made by Ms. Anderson to approve the Inflow & Infiltration Policy Document with the amendments proposed, and was seconded by Ms. Merrill. The motion was unanimously approved.

1<sup>st</sup> Reading of Inflow and Infiltration Ordinance 12-08-08 was conducted. Mr. Houck read the following into the record: An ordinance establishing inflow and infiltration reduction program. After discussion, the Board agreed to add a new sentence to Section 3 regarding sewer surcharge. A motion was made by Ms. Anderson to have another 1<sup>st</sup> reading of Ordinance 12-08-08 with the inclusion of a new sentence in Section 3: "Such sewer surcharge shall be in addition to any and all other fines levied under existing ordinances." The motion was seconded by Mr. Starleaf, and was unanimously approved.

Another 1<sup>st</sup> Reading of Inflow and Infiltration Ordinance 12-08-08 was conducted. Mr. Houck read the following into the record: An ordinance establishing inflow and infiltration reduction program, with the amendment to Section 3, adding a new sentence to read: "Such sewer surcharge shall be in addition to any and all other fines levied under existing ordinances." A motion was made by Ms. Merrill to have a 2<sup>nd</sup> reading of Inflow and Infiltration Ordinance 12-08-08 at the February 9, 2009 Board Meeting, and was seconded by Mr. Hand. The motion was unanimously approved.

After further discussion on Ordinance 12-08-08, a motion was made by Ms. Anderson to open and amend Section 3, paragraph 3 to read: "For all residential rentals, commercial, and industrial properties, a \$20 per month sewer surcharge shall be imposed beginning thirty (30) days after the sale of the property, or thirty (30) days following notice of scheduled inspection,

whichever is sooner, if the I/I certification of compliance is not on file with the District.” The motion was seconded by Mr. Hagan, and unanimously approved.

After more discussion on Ordinance 12-08-08, a motion was made by Ms. Anderson to open and amend Section 3, paragraph 3 to read: “For all residential rentals, commercial, and industrial properties, a \$20 per month sewer surcharge shall be imposed beginning thirty (30) days after the sale of the property, or thirty (30) days following notice of scheduled inspection, whichever is sooner, if the I/I certification of compliance is not on file with the District.” On page 2, the signature section should be changed to reflect Ms. Anderson as Board of Trustees Vice President in place of Mr. DeVilbiss, and Mr. Sam Mishelow will be added as Board of Trustees Member. The motion was seconded by Mr. Hagan, and was unanimously approved.

A motion was made by Mr. Hagan to publish amended Ordinance 12-08-08 for the 2<sup>nd</sup> reading in February, 2009, and seconded by Mr. Mishelow. The motion was unanimously approved.

A motion was made by Ms. Anderson to reopen the Inflow & Infiltration Policy Document and amend Page 2, and was seconded by Mr. Mishelow. The motion was unanimously approved.

A motion was made by Ms. Anderson to add a new sentence to Page 2, Paragraph 4: “Such sewer surcharge shall be in addition to any and all other fines levied under existing ordinances.” Also revise Paragraph 4 to read: “If a certificate of compliance is not issued within thirty (30) days of the change in ownership, or thirty (30) days following notice of scheduled inspection, a sewer surcharge of \$20 per month will be assessed and added to the sewer bill.” The motion was seconded by Mr. Hagan. The motion passed unanimously.

A motion was made by Ms. Anderson that the Board adopt the Sewer Extension Policy, and was seconded by Ms. Merrill. The following discussion ensued. Mr. Hand asked that under Existing Sewers, first sentence of paragraph 2 be changed to correct the word “form” to “from”. Under New Sewers, revise Paragraph 1 by striking the words . . . “new sewers which service more than one property,” . . . Mrs. Poindexter clarified that it was her suggestion to create this policy to help District staff in their communications with developers. Mr. Houck also suggests that the list of factors under Existing Sewers be numbered or bulleted to distinguish them from the other text. Mr. Houck also asked to strike the words “high density” from the 5<sup>th</sup> factor under Existing Sewers #2; also change the 10<sup>th</sup> factor, word “date” to “data”. Ms. Merrill suggested a signature page be added. Mr. Houck stated that since we are revising this document, maybe we should add the signature page. Since there were no other comments, Mr. Houck then asked, “All those in favor of approving the amended sewer extension policy signify by saying ‘Aye’, all those opposed same sign.” The motion was unanimously approved.

Mr. Williams updated the Board members regarding the Executive Committee meeting on December 29, 2008. The Master Plan and the possibility of the District serving the area east of Michigan Road in Union Township were discussed. Zionsville and Union and Eagle Townships have voted to merge their government agencies and this could impact who provides sewer to this area of Union Township. Mr. Williams will contact the Boone County Commissioners and the Town Manager of Zionsville to convey the District’s desire to be considered as an alternative to serve the area. HNTB is looking at the 2<sup>nd</sup> week of February to present memorandums #3 and #4 and the final draft to the Board. Mr. Williams will contact HNTB for tentative dates and get back to the Board for their consideration.

**OLD BUSINESS**

Great Lakes Quick Lube's attorney has communicated with Mrs. Poindexter that they are willing to pay the reduced fine, but he is concerned that the terms the District gave him include a mistaken fact. The District asked for copies of their IDEM test reports, but IDEM has not asked for any testing yet. Mrs. Poindexter stated that their attorney could have submitted a check and asked to have the wording revised to include any and all testing; sign it and then say Valvoline had none. Their attorney is unwilling to release the check to the District until there is a final agreement. It was recently communicated to Valvoline that if they are not testing because IDEM is backlogged, the District requests inflow and outflow testing be sent to us until IDEM contacts them. The Board is in agreement that once the language is agreed upon by both parties, Valvoline has ten (10) days to send their payment to the District.

Mr. Williams updated the Board on the Carmel Clay Schools. The District has not yet received payment from them. Mr. Williams met with Carmel Clay Schools on December 19, 2008. Their architect brought plans showing the corrections they are making. Mr. Williams is under the assumption that representatives from Carmel Clay Schools will be in attendance at February's Board meeting to discuss their fine.

Mr. Williams summarized the FOG issue with Mike's Express Carwash. They are now in compliance. But they will be notified on the \$600 fine owed since they did not make the corrections by the specified date.

**NEW BUSINESS**

Mr. Houck questioned the monthly payment to GUTS, and inquired about the feasibility of having our own software computer system, especially for a utility company our size. This will be discussed further at the next Budget & Finance Committee meeting.

A motion was made by Mr. <sup>G. Starleaf</sup> ~~McDonald~~ to approve the claims docket, and was seconded by Mr. Hagan. The motion was unanimously approved.

Mr. Williams reminded the Board that Committee assignments needed to be made, especially since there is a new Board member, Mr. Sam Mishelow. It was agreed that Mr. Mishelow would serve on the Capital & Construction Committee.

**ADJOURN**

A motion was made by Mr. Mishelow to adjourn, and was seconded by Ms. Anderson. The motion was unanimously approved. The meeting adjourned at 9:30 p.m.

The next Board of Trustees Meeting is scheduled for Monday, February 9, 2009 at 7:00 p.m.

Respectfully submitted:

Andrew Williams  
Andrew Williams, Utility Director

Michael McDonald  
Michael McDonald, Secretary  
Ronald F. Houck  
Ronald Houck, President

Accept the Meeting Minutes:

As Presented

As Amended