

# Valparaiso Lakes Area Conservancy District

## Minutes of Meeting January 18, 2023

**Board Members Present:** Mickey Koehler, Nancy Satterlee, Christian Anderson, Connie Hughes, Walt Breitinger, and Kyle Hauber

**Board Members Absent:** Michael Cantieri

**Consultants Present:** Dale Brewer, Alicia Barber, Dave Hollenbeck

**Audience:** Sean Mikos (BF&S), Tom Banaszak, Richard Tegt, and Sharon Beach

Mickey called the meeting to order at 5:30 pm.

### **Public Participation:**

Richard asked who would be responsible for cost over run on the Blackhawk Beach project. Mickey answered the VLACD would be responsible. Richard asked if there is a cost estimate. Mickey answered we should have that number by the end of next week. Richard asked if the project will continue without being fully funded. Mickey answered we cannot expand the grant money from OCRA but we are in the process of quoting out the ideas outside the scope of the project. Collin from Grimmer is working on getting us an estimate. Once we get the estimate the board will decide whether or not to continue.

Susan asked what the project being discussed entailed.

Richard expressed his dissatisfaction with the board not allowing him to introduce himself or have a bio online for the election. Mickey answered will be given a list of the voters and he is now allowed to have a bio online. Richard asked if he could have brochure in the office introducing himself. Mickey answered that no one will be allowed to have a brochure. Dave inserted that the statute says that voting by mail ballots need to be received by VLACD the day before the annual meeting. Richard mentioned meeting with Nancy and speaking about the Blackhawk Beach project and asking about tax payer money being used on private property. Mickey answered he needed specifics to be able to answer Richards question. Mickey mentioned that we are not in the business of doing roads but that the storm water project may include road work.

Tom mentioned his water was almost shut off and wants to know the procedure for shut offs, claiming that he was notified. Alicia answered that we do give people notice when they are to be shut off and that Tom is mistaken about his situation. We only give notice if there is a shut off for non payment not other situations. Alicia explained the previous owner requested to have the water taken out of her name. Tom asked about the silt trap.

BF&S is still waiting on porter county

**Motion to approve last months minutes:** Nancy motioned and Christian seconded. Motion passed.

**Motion to approve the Financial Committee Report:** Kyle motioned and Connie seconded. Motion passed. Sharon requested a copy of the financial documents.

**Reports of Standing Committees:**

Personnel Committee- Nothing to report

Insurance Committee- Nothing to report

Stormwater Management- Nothing to report

Public Liaison Committee- Nothing to report

Strategic Planning- Nothing to report

Engineering- Nancy mentioned continuing to work with the engineer

Finance- Nothing to report

**Managers Report:** Alicia- Mentioned the water main issue at Robin Road early this morning that was fixed within a few hours. Alicia said she received everything from Boy Conn for the upcoming election. Alicia explained the ballot/voting process using the included envelopes. Dave mentioned that the mailed ballots will also have a letter explaining the election. Walt asked if this election was any different than previous elections. Dave explained that the board at that time changed the process to only allow freeholders from the seat being contested to vote in the election. Dave gave each candidate a copy of the list of voters from Meridian Title. Alicia asked about the list Dave provided. Alicia mentioned the LARE grant, we petitioned for \$19,000 and our portion would be \$3,800. Walt requested a copy of chemicals used.

**Motion to approve the LARE Grant:** Nancy motioned and Connie seconded. Vote was 6 for and 1 opposed. Motion passed.

**Engineers Report:**

**Attorneys Report:** Dave- mentioned that mail in ballots need to be in the office by end of day February 14<sup>th</sup>. In person voting starts immediately and voters can come into the office and have up until 6pm on February 15<sup>th</sup>. Dave has secured a ballot box. Dave said the conservancy district statute states the voting process cannot start any earlier than 30 days before the annual meeting and no shorter than two weeks before the annual meeting. Dave recommended that the legal notice that will be in the paper also go on the website. Dave stated that the names on the ballot will be listed alphabetically. Dave stated each candidate needs to name a clerk and the chairman appoints a clerk. Only one vote can be cast per freehold regardless of the number of freeholders in ownership of the freehold. Example: If there are 6 parcels all owned by Fred Smith, then Fred Smith gets one vote. If a parcel is owned by two people, only one vote counts. Another example,

if Mary and Fred own two parcels, Mary can vote for one parcel and Fred can vote for the other parcel. LLC's are entitled to one vote no matter how many parcels.

**Motion to approve the ballot process:** Christian motioned and Connie seconded. Motion passed.

Nancy mentioned that she would schedule a meeting between the contractors and Alicia.

Tina from OCRA was phoned in. Nancy talked to Eric yesterday and the contractor and suggested meeting with Alicia and the board to talk about the costs. Tina will initiate the meeting. Tina mentioned they met all the grant deadlines. Tina talked about meeting with porter county to get all the payments out to the engineers, contractors, and her company. Tina mentioned about the board needing to sign the contract and Tina will send it to porter county. Dave has reviewed the contract and mentioned getting a construction easement. Nancy informed that the construction easement is on the wrong lot. It needs to be on lot 4. Tina mentioned the ownership of the roads and that the county says it is private but the residents claim they want the county to maintain it. Tina claims that it is impossible to know who truly owns the roads. Tina states that after talking to Dave she was comfortable moving forward without an easement on the roads. Dave stated that when the sanitary sewer lines were put in that they acted like they had a right to be there and nobody has ever said a word about it. Dave agrees with Tina that we don't need to secure an easement for the work on the road. Nancy wanted to know about a temporary easement on the beach. Dave said the engineers requested a permanent easement. Dave stated he doesn't know who to get it from. Dave wants to see who has the authority on behalf of the Blackhawk Beach association to sign the work easement on the beach. Nancy stated she can get Dave the documentation. Dave states he is satisfied with the construction contract with the exception of the changes to the contract. Tina stated that having an addendum after contracts are signed is not unheard of. Tina asked what is the plan if the amendments cost extra money. Mickey said it would have to be discussed and voted upon as a board. Mickey mentioned waiting for numbers from Grimmer for the additional work at Blackhawk Beach. Dave asked what is in the scope of work now. Nancy said the wall at the bottom of the hill that would have received the 8 inch corrugated tube from the storm drain was scraped in favor of the storm drain releasing the water into a rip rap valley. Nancy mentions the wall that is outside the scope of the project and Grimmer would have to provide quotes to the board for that additional cost. Alicia stated that the wall in question has not been changed in this contract, it is original scope only.

**Motion to sign the contract:** Kyle motioned and Connie seconded. Motion passed

Meeting adjourned at 6:30pm.

Attested to by Alicia Barber

General Manager VLACD