



**VALPARAISO LAKES AREA CONSERVANCY DISTRICT
BOARD OF DIRECTORS MEETING
MINUTES**

March 18, 2026

**BOARD OF
DIRECTORS**

Chairman

Kyle Hauber

Vice-Chairman

Chad Kuehl

Members

Christian Anderson

Connie Hughes

Walt Breitinger

Michael Cantieri

Richard Tegt

CONSULTANTS

General Manager

Alicia Barber

Financial Secretary

Dale Brewer

Attorney

Chuck Parkinson

Engineer

Jacob Ballah

BF&S

The Board of Directors of the Valparaiso Lakes Area Conservancy District met in the Valparaiso Lakes Area Conservancy District Board Room at 1805 Burlington Beach Road, Valparaiso, Indiana on March 18, 2026, beginning at 5:30 p.m. Board members present included Kyle Hauber, Chad Kuehl, Connie Hughes, Walt Breitinger, Michael Cantieri and Richard Tegt. Board member not present was Christian Anderson. Consultants present included Alicia Barber, Dale Brewer, Chuck Parkinson, and Jacob Ballah.

Chairman Kyle Hauber called the meeting to order

Roll Call

- Present – Kyle, Chad, Connie, Walt, Michael, and Richard
- Not Present – Christian

Approval of minutes for February 18, 2026 Annual Board Meeting

- Connie made a motion to approve the February 18, 2026 minutes. Walt seconded the motion which was approved by unanimous vote.

Approval of minutes for February 25, 2026 Workshop Meeting

- Chad made a motion to approve the February 25, 2026 minutes. Michael seconded the motion which was approved by unanimous vote.

Approval of minutes for March 11, 2026 Executive Session Meeting

- Connie made a motion to approve the March 11, 2026 minutes. Chad seconded the motion which was approved by unanimous vote.

Approval of Claims

- Michael made a motion to approve claims. Connie seconded the motion which was approved by unanimous vote.

Attorneys Report

- Chuck discussed the motion filed in court by a group of freeholders asking the courts to amend the district plan. Chuck informed the details of the motion which included authorizing the district to coordinate contract with Valparaiso City Utilities or any other qualified public or private utility. It also seeks to amend the board by reducing the board from seven members to three at large all elected by Porter County Commissioners. Since the filing of that motion, Valparaiso City has filed a motion to intervene in the case, in which the city says they would like to protect their own interests, and correct certain misperceptions regarding Valparaiso's authority to serve users within the VLACD. Valparaiso also notes that because the VLACD has been granted authority to provide water and

sewer service within the VLACD boundaries, the city of Valparaiso is not authorized by law to do that. Chucks office has reviewed the motion to amend the district plan and has prepared Resolution #26-2. A Resolution of the Board of Directors of the Valparaiso Lakes Area Conservancy District Opposing a Petition to Amend the District Plan. Chuck proceeded to read the resolution.

- **Resolution #26-2 Opposing a Petition to Amend the District Plan**

- Richard inquired about Valparaiso Cities motion to intervene. Chuck answered.
- Walt asked for a summary of Valparaiso Cities motion. Chuck summarized the Valparaiso City entered a motion to intervene to protect their interests and correct certain misperceptions regarding Valparaiso’s authority to serve users within the conservancy district. The misconceptions include that the petition states that water and sewer services are now available directly to district residents from Valparaiso City Utilities. Valparaiso cannot directly serve users within the district. The Valparaiso Cities motion goes on to say that the petition filed states that Valparaiso could serve users within the district “at a cost that is demonstrably lower than the districts cost to acquire and provide such service making continued district involvement economically inefficient”. Valparaiso states that cost to Valparaiso to serve users within the district, should an agreement for that to occur be reached, is unknown. Engineering and accounting analysis would be necessary to determine the exact cost for Valparaiso to serve users within the conservancy district should the parties reach an agreement for that to occur. It is unlikely that Valparaiso would be able to sell water to the conservancy district’s users at the same costs it sells water to LAC Utilities because the district has its own debt and costs to maintain its water mains. Chuck mentions the Valparaiso City Council meeting on March 9, 2026, Mr. Poulos, Director of Valparaiso City Utilities, stated that the last time they did an engineering study to acquire a utility of this type, which would be necessary, cost \$250,000 in 2019. Chuck summarizes that the point that is being made in the resolution is that VLACD already has the interlocal agreement with the city of Valparaiso.
- Connie motioned to approve Resolution #26-2. Michael seconded the motion. Kyle, Chad, Connie, Walt, and Michael voted yes. Richard voted no. Motion passed 5-1.

Engineers Report

- Jacob informed the Edgewater survey is about 50% done. Asset management plan is moving along, next steps will be a site visit of each pumping station. Some discussion around the cost to repair or replace a lift station and parts.

General Managers Report

- Alicia spoke about on call payment clarifications. Alicia and the board discussed and concluded that if an employee is on vacation or time off and states they will respond to the after-hours calls, they will receive the on call pay. If the employee states they will not

respond to the after-hours calls (vacationing out of the area being an example), the general manager will delegate the calls.

- Alicia spoke about the couple of master vaults/meters that have little to no consumption used yet we pay a minimum bill on those vaults. It has been brought up amongst freeholders within the district that this may be a point of cost savings for LAC. Alicia explained that in June of 1979, the old general manager Karl Bauer asked city of Valparaiso for a discount on those meters. VCU agreed to make one of our 6" meters billed at the charge of a 4" meter to save LAC some money. More years went by and more conversations between VCU occurred, and it came up that LAC was paying a fire hydrant fee. It was then decided that we would no longer have to pay that fee, resulting in a savings to LAC. Later communications included asking for more savings but those were respectfully denied by VCU. Alicia mentions the rate reduction that she asked for in September that was also respectfully denied by VCU, which may be brought back up for discussion in the future. To summarize, LAC has been granted certain savings from VCU and some requests have been respectfully denied throughout the years. Alicia explained that we need those two master meters, the ones with little to no water usage, because if there is a water main emergency or fire they will automatically kick in, which makes them necessary and valuable. Richard asked about the current design of the water system and its efficiency. Alicia answered that the water system is built the way it is because this area was essentially piecemealed together, one area at a time, and the current system was the only way to achieve the over all successful water system that we have today. Had this entire area been rebuilt from scratch things would look different but that is not the circumstances. It is generally not recommended to try and redesign the water system.
- Alicia spoke about her monitoring the new houses being built in Wildrose and Edgewater for any stormwater violations. A couple of neighbors' have had concerns about storm water, and she reported that the builders have complied or made corrections. Chad asked for clarification on VLACD's role in new builds in the district. Alicia explained that VLACD only manages stormwater, VLACD is not in charge of the Porter County building permits.
- Walt mentioned freeholders inquiring about the court papers that were mailed to everyone by the petitioners. Chuck explained that anyone who would like their name removed from that petition needs contact the VLACD office and that the VLACD boards attorney is also handling the issue.
- Walt asked about rumors of water being pulled out of Flint Lake again. Some board members answered they heard the mayor and director of VCU state that to be untrue.
- Walt stated that if the VLACD districts were ever redrawn that he wants to be involved if that ever happened.

Public Participation

- Tom Ludwig asked about the founding documents of VLACD and fiduciary responsibility of the board. Chuck explains VLACD has adopted a code of conduct and within that it states that the board act in the best interest of the freeholders. Tom further asks about VLACD's asset management plan and how that differs if any from the

expense that VCU would have to undertake to evaluate the LAC system in the event of an acquisition. Alicia explained the asset management that we are having done is required by the state of Indiana and is not the same as the engineering study required if one utility acquires another utility. Chuck further explained that its not as simple as turning over our asset management plan. For a utility to acquire another utility it requires financial studies, engineering studies, as well as purchasing price. Jacob explained what the asset management plan entails and how it differs from the engineering study completed to acquire another utility. Walt suggests Mr. Ludwig listen to or watch the Valparaiso City Council meeting that occurred on March 9, 2026. Walt explains that at that meeting the Valparaiso City Utilities director spoke and showed no interest in taking over the water and sewer from LAC Utilities, he stated that the cost alone for the engineering and financial study would be in the six figures.

- Maureen Benoist stated she was shocked by the petitions court mailings. She asked how freeholders who oppose the petition filed with the courts should proceed. Chuck said objections to the petition may be submitted before the court date and that the resolution made today indicates that the board is opposed to the petition. Chuck continued that freeholders who signed the petition that want their names removed need to contact the VLACD office.

Kyle asked for a motion to adjourn the meeting

- Walt motioned to adjourn the meeting. Chad seconded which was approved by unanimous vote.

Meeting adjourned at 6:40p.m.

Next regularly scheduled meeting: April 15, 2026



Attested by Alicia Barber, General Manager

RESOLUTION #26-2

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE VALPARAISO LAKES AREA CONSERVANCY DISTRICT
OPPOSING A PETITION TO AMEND DISTRICT PLAN**

WHEREAS, the Valparaiso Lakes Area Conservancy District ("VLACD") was formed in the Porter Circuit Court under cause number 75-PCC-5; and

WHEREAS, the VLACD was formed pursuant to a plan which authorized or has been amended to authorize the VLACD to provide water, sewer, and stormwater services ("Plan"); and

WHEREAS, the Plan established a board of directors ("Board") with all of the power and authority granted by Indiana law to conservancy districts pursuant to Indiana Code 14-33-5, including the authority to "invoke any legal, equitable, or special remedy for the enforcement of this article or of any property action of the board in a court" as set forth in IC 14-33-5-20; and

WHEREAS, the Board is also granted authority to enter into agreements "for any purpose for which the [VLACD] exists;" and

WHEREAS, the VLACD consists of hundreds of freeholders who own property located outside of corporate limits of the City of Valparaiso and get their water, sanitary sewer and stormwater services from the VLACD; and

WHEREAS, pursuant to its statutory authority, the VLACD Board has previously entered into agreements with the City of Valparaiso through its Valparaiso City Utilities Board of Directors for the provision of water and sanitary sewer services; and

WHEREAS, a Verified Motion to Amend Plan and Purposes of the Lakes Area Conservancy District Plan ("Petition") has been filed with the Porter Circuit Court; and

WHEREAS, the Petition seeks to amend the Plan "to authorize the District to coordinate, contract, or enter into interlocal or interagency agreements with Valparaiso City Utilities or any other qualified public or private utility for the provision, management, operation, maintenance, or financing of water utility services and wastewater/sanitary sewer services, whether in whole or in part;" and

WHEREAS, the Petition also seeks to reduce the number of the members of the Board of Directors of the VLACD from seven (7) to three (3); and

WHEREAS, the Board of Directors of the VLACD has studied the matter and now takes the following position to oppose the Petition.

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE VALPARAISO LAKES AREA CONSERVANCY DISTRICT AS FOLLOWS:

1. The Board reaffirms its commitment to provide quality service to the freeholders of the VLACD, including water, sanitary sewer, and stormwater services.
2. The Board does not believe the Petition to be in the best interests of the freeholders of the VLACD.
3. The Board of Directors of the Valparaiso Lakes Area Conservancy District opposes the Petition and authorizes its attorney to take all steps which may be necessary to contest the Petition.


RESOLVED THIS 18TH day of March, 2026.

VALPARAISO LAKES AREA CONSERVANCY DISTRICT

By: 

Kyle Hauber, Chairman

Attest:



Dale Brewer, Secretary

STATE OF INDIANA)
) SS: PORTER COUNTY CIRCUIT COURT
COUNTY OF PORTER) CAUSE NO. 75-PCC-5

IN RE THE ESTABLISHMENT OF THE)
VALPARAISO LAKES AREA)
CONSERVANCY DISTRICT)

MOTION TO INTERVENE

Intervenor, City of Valparaiso, Indiana (“City” or “Valparaiso”), by counsel and pursuant to Indiana Rule of Trial Procedure 24, for its Motion to Intervene (“Motion”) states as follows:

1. Under Indiana Rule of Trial Procedure 24(B), upon timely motion, anyone shall be permitted to intervene in an action “when an applicant's claim or defense and the main action have a question of law or fact in common.”

2. On January 2, 2026, Stuart Summers filed a Verified Motion to Amend Plan and Purposes of the [Valparaiso] Lakes Area Conservancy District Plan (“Verified Motion”).

3. This Court has set a hearing on the Verified Motion on March 12, 2026.

4. In the Verified Motion, petitioners made the following allegations that reference the Valparaiso City Utilities:

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| <p>a. Water and Sanitary services are now available from Valparaiso City Utilities (VCU), adjacent to and interconnected with the district's infrastructure.</p> <p>b. Water and Sanitary Sewer service are now available directly to District residents from Valparaiso City Utilities at a cost that is demonstrably lower than the District's cost to acquire and provide such service, making continued District involvement economically inefficient.</p> |
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5. Valparaiso moves to intervene to protect its own interests and to correct certain misperceptions regarding Valparaiso's authority to serve users within the Valparaiso Lakes Area Conservancy District ("District").

6. When creating a conservancy district, the court "grants to the district territorial authority to provide the service of water supply within the district." Ind. Code § 14-33-20-6.

7. The petition creating a conservancy district must include a "description of the territory to be included." Ind. Code § 14-33-2-4 (2).

8. Under the Home Rule Act, a municipality, such as Valparaiso, may exercise any power that "is not expressly granted to another entity." Ind. Code § 36-1-3-5(a)(2).

9. Because the District has been granted authority to provide water and sewer service within its boundaries, Valparaiso may not do so. *Town of Merrillville v. Merrillville Conservancy Dist. By & Through Bd. of Directors*, 649 N.E.2d 645, 652 (Ind. Ct. App. 1995) ("To the extent that the [Merrillville Conservancy District] and IHCD have been granted specific powers . . . to provide for the collection, treatment and disposal of sewage, including the creation of a taxing district, we agree that Merrillville is precluded from exercising conflicting powers under the home rule statute.")¹

¹ Valparaiso does provide water service to certain historic customers that may be near or within the District's water service territory, but Valparaiso served those users prior to the District's formation. The order creating the District may have accounted for those users, but even if it did not do so, Valparaiso can continue to serve them because it served them prior to the District's formation. See *City of N. Vernon v. Jennings Nw. Reg'l Utilities*, 829 N.E.2d 1, 7 (Ind. 2005) (concluding "that where there is an overlap between the service area of a regional district and the service area of a municipality . . . the district prevails unless the municipality was already providing services to the area at the time the district's service area was created").

10. As a result, it is incorrect when the Verified Petition states that “[w]ater and [s]anitary [s]ewer service are now available directly to District residents from Valparaiso City Utilities.” (Verified Motion p.2.) Valparaiso cannot directly serve users within the District.

11. In addition, there is no “duplication of utility services” because the District serves users within its boundaries, and Valparaiso does not do so. (*Id.*)

12. There is also no duplication of services because the District owns the water mains within the District, and Valparaiso does not own any water mains within the District.

13. The Verified Petition further states that Valparaiso could serve users within the District “at a cost that is demonstrably lower than the District’s cost to acquire and provide such service, making continued district involvement economically inefficient.” (*Id.*)

14. The cost for Valparaiso to serve users within the District, should an agreement for that to occur be reached, is unknown. Engineering and accounting analysis would be necessary to determine the exact cost for Valparaiso to serve users within the District should the parties reach an agreement for that to occur. It is unlikely that Valparaiso would be able to sell water to the District’s users at the same cost it sells water to the District because the District has its own debt and costs to maintain its water mains.

15. Prior to Valparaiso serving any users within the District, an agreement would have to be reached between Valparaiso and the District, and Valparaiso would have to approve the terms of such agreement, which approval has not occurred.

16. Valparaiso requests to intervene for the limited purpose of addressing Valparaiso’s authority to serve users directly within the District, and to address that Valparaiso and the District would have to reach an agreement prior to Valparaiso serving any users within the District.

WHEREFORE, Intervenor, City of Valparaiso, Indiana, by counsel, respectfully requests that this Court permit it to intervene in this case and grant all other just relief.

Respectfully submitted,

/s/ Bradley M Dick

J. Christopher Janak

Attorney No. 18499-49

Bradley M. Dick

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*Attorneys for the Valparaiso Lakes Area
Conservancy District*

CERTIFICATE OF SERVICE

I certify that on March 9, 2026, I electronically filed the foregoing document using the Indiana E-Filing System (IEFS). I also certify that on March 9, 2026, the foregoing document was served upon the following person(s) via IEFS:

Scott R. McClure
Rham, Elwood & McClure
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scottmclure@rhameandelwood.com

/s/ Bradley M. Dick

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