

**BOARD OF
DIRECTORS**

Chairman
Christian Anderson

Vice-Chairman
Kyle Hauber

Members

Connie Hughes
Walt Breitingner
Michael Cantieri
Richard Tegt
Chad Kuehl

CONSULTANTS

General Manager
Alicia Barber

Financial Secretary
Dale Brewer

Attorney
Chuck Parkinson

Engineer
Jacob Ballah
BF&S



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

September 17, 2025

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 September 17, 2025, beginning at 5:30 p.m. Board members present included Christian Anderson, Kyle Hauber, Connie Hughes, Walt Breitingner, Michael Cantieri, Richard Tegt and Chad Kuehl. Consultants present included Alicia Barber, Dale Brewer, Chuck Parkinson, and Jacob Ballah.

Vice-Chairman Kyle Hauber called the board meeting to order.

Kyle made a statement regarding the concerns of citizens within the district and assured the crowd decisions are made fairly, legally, and responsibly.

Kyle called for a roll call. All members are present.

Approval of Minutes – Aug 20, 2025 Public Hearing, Aug 20, 2025 Regular Meeting, and September 2, 2025 Special Board Meeting

- Walt made a motion to approve all three sets of minutes. Chad seconded the motion which was approved by unanimous vote.

Attorney Chuck Parkinson Report on Budget Findings

- Chuck read the Budget Hearing Findings. See Attachment A.

Resolution #25-1 Budget Vote Roll Call along with Budget Hearing and Findings

- Christian Anderson Yes
 - Kyle Hauber Yes
 - Connie Hughes Yes
 - Walt Breitingner Yes
 - Michael Cantieri Yes
 - Richard Tegt No
 - Chad Kuehl Yes
- Vote approved 6-1

Attorneys Report

- Chuck congratulated David Hollenbeck on a successful 50 years as attorney of VLACD and looks forward to serving as the VLACD attorney.

Resolution #25-2 Transfer General Fund from 101001313 Training and Education to 101001221 Other Supplies for \$5,000.00

- Christian approved the transfer of funds. Connie seconded the motion which was approved by unanimous vote.

Approval of Claims

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

Engineers Report

- Jacob Ballah informed Blackhawk Beach field survey has been completed. Edgewater project will be surveyed in about a month.
- Walt inquired about the cost of operation of the lift stations within VLACD
- Kyle added that VLACD has spent total of 357, 026.21 in 2023-2025 on stormwater projects.

General Managers Report

- Generator contract with Cliffs Heating is \$450 for 2026-2027. Christian motioned to approve the new contract. Michael seconded the motion which was approved by unanimous vote.
- Alicia received a letter from DNR regarding the metal plate across the Calumet Avenue culvert. The City of Valparaiso has applied to extend that permit to 2027. We receive those notifications because the road is over a regulated drain within the conservancy district. The county and city are responsible for the road/culvert and its repair.

Kyle read some claims circulated by It's the Same Water Coalition and responded to those claims

Public Participation

- Justin McCurdy – Justin stated his questions were already answered by the attorney
- William Schiller – William asked why do we need to purchase water from VLACD instead of directly from VCU. Alicia explained that VLACD is under contract with VCU and she has been tasked with talking with VCU about a bulk rate. She explained that task was better suited for the attorney to negotiate. Alicia further explained that Dave Hollenbeck when serving as VLACD attorney had tried to negotiate a better contract with VCU in the 80s and 90s and did not get a better rate but did get a discount on one of VLACDs meters. William asked if the contract has an expiration date. Alicia informed it does not.
- Taylor Burkholder – Taylor explained some questions were answered then asked about minimum billing. Taylor said snowbirds who leave the area for the winter and don't use water also have to pay a minimum bill. Alicia corrected Taylors statement and informed that if a "snowbirds" water is shut off and no water used that month they do not receive a minimum bill. Taylor stated that residents would then have to pay a shut off fee. Alicia corrected her and informed that VLACD has not charged anyone a fee to turn off water for the season. Since 2022, Alicia has requested changes from the board to not charge customers a minimum water or sewer bill if no water was used that month and the board agreed. Taylor stated that the City of Valparaiso has not charged her a minimum bill. VCUs ordinance states a monthly minimum bill for water from 0 to 300 cubic feet.
- Tom Kruse – Tom inquired about a previous water project. Tom received the flyer from the remonstrators, he informed the crowd the purpose of VLACD and the improvements VLACD has made to the district. Tom provided his opinion to not sell the water and sewer department to the City of Valparaiso.

- Walt stated that taxes will rise if VLACD is annexed by the City of Valparaiso.
- Justin McCurdy – Justin stated his displeasure regarding transparency. Justin mentioned wanting more transparency for special meetings held and expressed that he spoke with the general manager about it and was assured meetings will be further represented on the website.

Kyle asked for a motion to adjourn the meeting. Christian motioned and Chad seconded to adjourn the meeting. Motion passed.

Next regularly scheduled meeting: October 15, 2025

Attested by Alicia Barber, General Manager

A handwritten signature in cursive script, appearing to read "A. Barber", written in black ink.

**VALPARAISO LAKES AREA CONSERVANCY DISTRICT
2026 BUDGET – FINDINGS IN RESPONSE TO PETITION TO APPEAL TAX LEVY**

On August 20, 2025, the Board of Directors of the Valparaiso Lakes Area Conservancy District (“VLACD”) held a public hearing on the matter of the adoption of a budget for fiscal year 2026. Two freeholders appeared at the meeting and provided comments. One freeholder submitted written materials. Thereafter, on August 27, 2025, a group of freeholders within the VLACD (“Remonstrators”) filed a Petition to Appeal Property Tax Levy (“Petition”) containing objections to the budget with the Indiana Department of Local Government Finance (“DLGF”). Being duly advised, the Board of Directors of the VLACD now adopts the following Findings in accordance with Indiana Code 6-1.1-17-5(c).

I. NOTICE OF THE PUBLIC HEARING ON THE BUDGET WAS PROVIDED IN ACCORDANCE WITH INDIANA LAW.

At the public hearing, one remonstrator questioned how notice of the public hearing on the budget was provided. The VLACD staff stated that publication of the notice of the public hearing is provided by the Indiana Department of Local Government Finance (“DLGF”) as provided by statute. In addition, copies of the notice of public hearing were posted in two prominent places at the principal office of the VLACD.

First, it is axiomatic that remonstrators who appear at a public hearing cannot contest a lack of notice. *Dittmer v. Indianapolis*, 143 Ind. App. 621, 627 (Ind. Ct. App. 1968). In advance of a public hearing on a proposed budget, an Indiana conservancy district is required to follow the same procedures as municipalities. Ind. Code 14-33-9-1(a)(2). That process includes submitting information to the DLGF through its Gateway portal. The DLGF then provides this information to taxpayers through its Gateway system at least ten days prior to the public hearing according to Ind. Code 6-1.1-17-3. The meeting itself complied with the Indiana Open Door Law as notice of the meeting was posted at both the principal office location of the VLACD and at the place of the meeting.

II. FINDINGS ON SUBSTANTIVE REMONSTRANCES

The Petition states as follows:

“We object to the large contingency appropriations in the budget and to the Board’s unwillingness to use existing fund balances to reduce or eliminate the need for a property tax levy. We believe the levy is excessive, unnecessary, and will place an undue burden on taxpayers. We submit that it was not prepared in accordance with Indiana Code.”

The substance of the objection is explained in written materials that were submitted at the public hearing and have been included with the Petition. Those specific substantive objections are addressed as follows:

ITEM NO. 1: *Inflated Budgets Hide the Truth.* The Remonstrators contend that the proposed Budget contains \$200,000 in “vague ‘other contractual services’” with no specific proposed project identified by the Board. The Petition (Item 1) characterizes this as a “contingency appropriation” and requests that it be reduced to not more than ten percent (10%) of the budget.

RESPONSE: The Remonstrators mischaracterize the “other contractual services” as a “contingency,” which it is not. For that reason, the limitation imposed by Ind. Code 14-33-8-2(b) does not apply. The line item in the budget is for stormwater projects approved by the board as part of a five-year plan. These stormwater project expenses were approved based upon 2023 estimates, even though pricing has increased since that time.

At the public hearing, a remonstrator also questioned the increase in the amount budgeted for legal services, from \$17,000 in 2025 to \$25,000 in 2026. These numbers are lower than the \$40,000 budgeted for 2024. The amount budgeted in 2025 (\$17,000) was an over-correction from 2024. The Board believes that the \$25,000 budgeted for 2026 more accurately reflects anticipated expenditures for legal services expenses which are expected to be incurred by the VLACD in 2026.

ITEM NO. 2: *Indiana Code Requires Lower Taxes When Funds Are Sufficient.* The Remonstrators contend that Ind. Code 14-33-9-3 requires the VLACD to apply \$492,000 from the previous year’s revenue to offset operating and maintenance expenses in 2026.

RESPONSE: Indiana Code 14-33-9-3(a) and (b) states as follows:

(a) The board shall deduct from the operation and maintenance expenses estimated under section 2 of this chapter the following:

(1) Any revenue actually received during the current year:

(2) Other money not obligated to paying or protecting the bonds or notes of the district.

(b) The board shall carry forward the balance after making the deduction required by subsection (a).

For 2026, the board has estimated the operational and maintenance expenses as follows:

Personal Services:	\$88,900
Supplies:	\$2,000
Services and Charges:	\$335,500
Capital Outlays:	\$8,000
TOTAL:	\$434,400

Tax revenue received in 2025 is capped by the maximum levy advertised in the 2025 budget (\$268,716), which leaves a shortfall that must necessarily be recouped through water rates or other

sources. The VLACD must necessarily choose between a slightly higher tax levy and increased water rates. Water rates are set by ordinance.

The operations funded by tax revenues also includes stormwater services, which are not currently subsidized by rates, unlike other communities, including the City of Valparaiso, which imposes a monthly stormwater bill.

ITEM NO. 3: *Cash Reserves Keep Growing While Taxes Keep Rising.* The Remonstrators assert that cash reserves have increased from \$562,889 in 2020 to over a million dollars and that "property taxes" have risen 81% over the past 12 years.

RESPONSE: The VLACD owns and operates all of the infrastructure located within the boundaries of the conservancy district. For that reason, the VLACD must necessarily maintain certain cash reserves sufficient to be able to repair aging infrastructure without the need to borrow or bond to fund repairs and improvements.

The relevant inquiry into the percentage tax increase should be limited to the 2026 budget, which proposes a four percent (4%) increase from 2025. As indicated in the Response to Item No. 2, the maximum levy proposed for 2026 will still fall short of the amount of revenue necessary for the budget estimate. The increase in the tax levy amounts to \$10,748, which will be apportioned to the more than 900 freeholders located within the VLACD based upon assessed value.

ITEM NO. 4: *No Plan to Spend Cumulative Fund Taxes.*

RESPONSE: The Remonstrators are referring to the Cumulative Conservancy Improvement Fund special benefits tax which is imposed pursuant to Ind. Code 14-33-21-5. This Fund, and the special benefits tax imposed, was established as part of the district plan as allowed by Ind. Code 14-33-31-2. By law, these funds may be used for additional construction or repair of the VLACD's infrastructure. The purposes for which the Fund may be used are set forth in the District Plan.

Adopted this 17th day of September, 2025.

**VALPARAISO LAKES AREA
CONSERVANCY DISTRICT**

By:

Its:


Board Chair

ATTEST:

