



BOARD OF TRUSTEE MEETING

Monday, April 9 at 7:00 P.M.

Memorandum

ROLL CALL

Present: Present: President Marilyn Anderson, Treasurer Jane Merrill, Secretary Michael McDonald, members Carl Mills, Barb Lamb, Eric Hand, Michael Shaver and Chuck Ford. Others in attendance were Legal Counsel Anne Poindexter, Utility Director Drew Williams, Engineering Manager Wes Merkle, Controller Cindy Sheeks

Mr. Pittman was absent

Ms. Anderson called the meeting to order at 7:00 p.m.

PUBLIC COMMENTS

There was no one present from the public.

APPROVAL OF MEETING MEMORANDUM

Ms. Merrill made a motion to approve the Memorandum from the March 12, 2018 Board Meeting. The motion was seconded by Mr. Mills and approved unanimously.

APPROVAL OF CLAIMS

Mr. Hand asked for clarification on a refund listed in the claims docket for \$3800.

Ms. Sheeks stated that the refund was for a commercial property that the District credited back for a cooling tower, CTRWD does not charge for cooling tower water.

Mr. Mills made a motion to include a handout presented to the board into the claims docket. The motion was seconded by Ms. Merrill and approved unanimously.

Ms. Merrill made a motion to approve the claims docket. The motion was seconded by Mr. Mills and approved unanimously.

ATTORNEY'S REPORTS

Mrs. Poindexter said she had nothing to report.

UTILITY DIRECTOR'S REPORT

Mr. Williams stated that due to a lack of action items, the previous committee meetings had been cancelled. It was spring break in Carmel and Zionsville last week, so it was a slow week. The exception being the rain and flooding in the area. On Tuesday April 3, 2018 the rain gage indicated we received 3" of rain in the Homeplace Area. The ground was already saturated from the previous 5.5"-7" of rain Carmel received in during the prior 10 days. The District had no overflows during this rain event. The wastewater treatment

plant peaked at 13.3 MGD instantaneous flow. For the day the District sent 7 million gallons of flow through the plant, which is a recorded record. Solids loading for the week was over the permit limits. The plant peak capacity is currently 15.3 MGD. The outfall is the one restriction in the system with a capacity of 11 MGD capacity. Since we peaked at a 13.3 million gallon rate there was a backup at the outfall. This is a project the District has been working on the design and permitting through IDEM. It has been held up because a neighbor downstream had some concerns, but he has not been responsive to correspondence. IDEM wanted to make sure all comments were addressed. Once the permit is approved, improvements to the outfall will increase capacity to 22 MGD peak rate which is what is needed for the buildout for the plant. Four years ago the District was hitting a peaking factor of 10 in Basin 1; this last rain event the peaking factor was 3.9. The District sent Carmel well below what the peak is for wet weather. The flows coming from Basin 2 into the MRWWTP used to peak at 2,200 gallons per minute during wet weather. With the newly installed force main on 106th Street, the flow increased to 3,950 gallons per minute. Mr. Merkle is collaborating with the design engineers and collection staff testing and cleaning the existing parallel force mains. It might be possible that the District will not have to build the third parallel force main from Ditch Road to Spring Mill Road. Lift Station 21 ran high, but one of the pumps was out for repair and the station was running off one pump. Mr. Merkle was surprised by the flow amount in such a small basin as Basin 21. Staff will be looking into I&I issues in this basin. Lift Station 4 went high as it typically does during heavy rain events. This station will be removed as the next section of Jackson's Grant is completed. The flow in that area will be directed to Lift Station 26 in Jackson's Grant, which was designed to allow the District to eliminate 4 smaller lift stations. Lift Stations 8 and 10 ran high, both stations have improvement projects planned for design in 2018 and construction in 2019. In addition, there was a power outage on the west during the rain event. Overall the system performed very well.

Mr. McDonald asked how long the power was out.

Mr. Williams stated that he was not sure of total length of the outage, the problem is when power is lost some of the control systems reset themselves. Staff must go out and restart them in the correct mode.

Mr. Merkle stated that the power outages were brief, but there were issues with dirty power coming in and the lift stations will cut power until there is clean power coming in. In some cases, generators will kick on if the outage is long enough.

Mr. Mills stated that a friend in the Austin Oaks subdivision was without power for a couple of hours.

Mr. Shaver asked a question regarding the rate increase in 2017 that was listed in the CTRWD Connection Newsletter. The rate increase in 2017 increased beyond the 1990 rate, is that because of the 7000-gallon figure?

Mr. Williams confirmed that is correct. In 1990 the rate for 7000 gallons would have been \$31.15. There were rate decreases which lowered the rate to \$23. Over the last several years rates have gone back up. Until 2017, the rates were lower than they were in 1990.

Mr. Shaver asked what the minimum flow charge was in 1990.

Mr. Williams stated that it was 7,000 gallons.

Mr. Shaver verified that the flat rate has not changed over the years, that it has remained 7,000 gallons. He stated the base charge per 1,000 is 50% higher for the primary areas, he asked why that is.

Mr. Williams stated that the base charge went down because the debt was paid off. Collection and treatment has gone up over time which is the per 1,000 number.

Mr. Shaver stated that the Board should be aware of the opposition research that is being done this year. One of the candidates for County Council was quoted in a national magazine stating that “we need to hit them in the wallet”

Ms. Anderson asked for clarification on whom the candidate was referring to.

Mr. Shaver said the candidate was referring to utility rate payers.

Ms. Anderson stated that she liked seeing the rate history chart. It is nice to see that the District has held the line. She thanked Mr. Williams supplying the name and number of the lift stations so that the Board Members can reference the locations of each station.

Ms. Lamb asked about three main breaks that occurred on one day.

Mr. Williams stated that contractors had hit our lines, in one instance the District Staff repaired the break. In this case even though the line was marked the contractor thought it would be deeper.

Ms. Lamb asked if the GIS map shows the depth of the lines.

Mr. Williams stated that the contractor could have popped the manhole and looked to see what the depth is. He said that the District will get reimbursed by the contractor for the repair and that it was reported to IDEM. The waste stayed in the hole, it did not leak out.

BUDGET & FINANCE COMMITTEE

Ms. Merrill stated that the Budget and Finance Committee did not meet.

PERSONNEL & BENEFITS COMMITTEE

Ms. Lamb stated that the Personnel and Benefits Committee did not meet.

CAPITAL & CONSTRUCTION COMMITTEE

Ms. Anderson stated that the Capital & Construction Committee did not meet, but there is a dedication.

Mr. Hand made a motion to accept the Dedication of Jackson's Grant Section 4. Mr. Ford seconded the motion and it was approved unanimously.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Mrs. Poindexter explained the law that governs the process of township consolidation. Mrs. Poindexter stated that she has not been involved in any discussions with Clay Township or the City of Carmel. The Indiana Government Modernization Act was passed in 2006. The language in the beginning of the Act talks about liberalizing the framework under which local government can reorganize. There have been only two cases in the State of Indiana interpreting the Act thus far.

The stated purposes of the Act are to encourage efficiency, cooperation, to allow reduced reliance on property taxes and enhance the ability to serve. The Act also or alternatively allows for reorganization and redistribution of powers through a cooperative agreement. The Act allows for the transfer of powers or responsibilities. The Act states that no outside approvals are required for the allowable actions under the Act, meaning specifically, no State approval is required or any approval from other governmental entities besides the entities that are a part of some type of reorganization or cooperation agreement under the Act. The Act states that the language of the Act is to be liberally construed to give effect to the purposes, which are to encourage efficiency, cooperation, to allow reduced reliance on property taxes and enhance the ability to serve. This process is subject to the Open-Door Laws and the Public Records Laws. Most commonly each governmental entity that is considering some action adopts a resolution approving that action. Resolutions must be based upon a proposed plan.

At some point in time there will be a proposed plan defining who is going to do what, who is going to exercise which powers, who are going to be surviving office holders, all that information will be in a proposed plan. There must be a public hearing on the proposed plan. This means the plan will be proposed one meeting and then a public hearing will be advertised and held the following meeting. Once the plan is approved by the governmental entities that are considering action, the plan is then sent to the County Recorder's office and to the Department of Local Government Finance. The action of sending the approved plan to the Recorder's office is what triggers the action for it to go to the Election Board to be certified for the public question. The plan can state what percent by which the public question should pass, anything between 50 and 55 percent.

Cases have precedent only if they go up for an appeal or some other higher level, not just because it was in passed under the law. There have been two cases in the State of Indiana. The first case from 2012 was where certain voters sued the Fishers Town Council because there was a consolidation of the Town and at least one Township. They challenged whether the new Act of 2006 allowed the two entities to take away certain voting rights. That plan stated that the Mayor was to be appointed not elected. Mayors are typically elected officials, so the challenge stated that provision was taking away a voting right from certain voters. The Court ruled that the proposed plan was fine, and the challenge was denied. The second case under the Act was the Town of Zionsville and Whitestown. In 2016, Zionsville had a plan of reorganization with Eagle and Union Townships which passed. Zionsville then made an effort at reorganization the remaining unincorporated areas in Perry Township but Whitestown was not in favor of the consolidation. Whitestown attempted to annex some of the same territory. There were questions in this case regarding how much property needs to be adjacent, how much distance and other issues. Zionsville prevailed. There is nothing in the law that states there cannot be a second plan and if the law is liberally construed, the first plan can be changed. Those are the only two cases under the new law in Indiana.

The direct impact for CTRWD is if there would be a consolidation between Clay Township and the City of Carmel most people believe that the township will become part of the City of Carmel. It impacts CTRWD directly because appointments are made to the Board of Trustees by both Carmel and Clay Township. A Plan of Reorganization that is approved by both entities would arguably decide how all those appointments are allocated.

Ms. Anderson stated that what Mrs. Poindexter presented was an overview of the process that will take place to accommodate the consolidation. Each of the Committees will have the opportunity to discuss and ask questions about the process in more detail.

Mr. McDonald asked for clarification regarding this process, the County does not have to approve the agreement between Clay Township and Carmel.

Mrs. Poindexter confirmed that is correct. The agreement would not require County or State approval.

Mr. McDonald asked how that will affect this Board with Boone and Hamilton County having appointees to the board.

Mrs. Poindexter said that presumably those appointees would stay the same. The appointments from Clay Township and Carmel would be affected.

Ms. Merrill asked for the site of the code.

Mrs. Poindexter said Indiana Code 36-1.5-1-1 through the end.

Ms. Anderson asked the Board to bring questions to the Committee meetings for discussion.

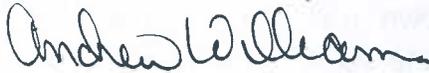
ADJOURNMENT

Ms. Merrill made a motion to adjourn the meeting. Mr. Mills seconded the motion and it was approved unanimously.

The meeting adjourned at 7:46 p.m.

The next Board of Trustees Meeting is scheduled for Monday, May 14, 2018 at 7:00 p.m.

Respectfully submitted,



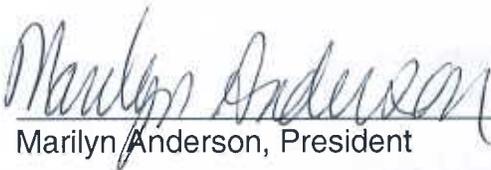
Andrew Williams
Utility Director

Approved:

as Presented
 as Amended



Michael McDonald, Secretary



Marilyn Anderson, President