

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS FOR THE
DAMON RUN CONSERVANCY DISTRICT
JANUARY 28, 2009

The Board of Directors of the Damon Run Conservancy District met at 9:00 a.m. on January 28, 2009 at the office of the Duneland Group at 1498 Pope Court, Chesterton, Indiana. Directors present were John C. Barko and Jennifer Beauchamp. Director Bernard Madej was absent. Attorney William Ferngren was present.

Mr. Barko called the meeting to order and presented the minutes of the December 18, 2008 meeting. Ms. Beauchamp moved that minutes of the Board be approved as presented. Mr. Barko seconded the motion. Motion carried by unanimous voice vote.

Mr. Barko then read Ordinance No. 2009-1 regarding the increase in the connection fee imposed by the District. Mr. Barko indicated discussion pertaining the Ordinance was to be had during a public hearing and opened the meeting for public comment. Mr. Barko asked if any members of the public were present or if any correspondence was received. Seeing that no members of the public were present and that no correspondence was received, Mr. Barko closed the public hearing. Ms. Beauchamp asked if the proposed Ordinance was the same as introduced at the December 18, 2008 meeting and Mr. Barko advised that it was and no changes were made to the Ordinance, further stating that notice of the public hearing was also published in the newspaper. With no further discussion offered or questions asked, Mr. Barko asked for a motion on Ordinance No. 2009-1 as presented. Ms. Beauchamp made a motion to adopt the Ordinance No. 2009-1. Mr. Barko seconded the motion. Vote taken with the following result: In favor (Barko and Beauchamp) Opposed: None. Motion carried 2-0 and Ordinance No. 2009-1 was adopted and effective as of this date.

Mr. Ferngren advised the Board that the annual meeting of the District is scheduled for February 17, 2009 at 9:00 a.m. at the offices of the Duneland Group, Inc. He further informed the Board he had received only one nomination for the Director seat of Ms. Beauchamp which expires at the annual meeting. The only nominee was Ms. Beauchamp. Mr. Ferngren will publish notice of the annual meeting including the election at the meeting to be conducted.

The Board next discussed delinquent accounts for the District. Ms. Beauchamp informed the Board that to her knowledge the only delinquent amounts were those prior to IAWC taking over the billing for the District. The Board is considering what if any action will be taken or is prudent to collect on the delinquent accounts.

Next the Board discussed the status of Liberty Intermediate and Elementary School and service of utilities to the school. District Engineer, Charles Ray, informed the Board that discussions have been on going and the school appears close to making a decision whether or not to obtain utility service from the District, perhaps even at its February meeting. Mr. Barko asked about the annexation possibility and whether it was feasible before March 1, 2009. Mr. Ferngren advised

annexation by this date is not possible due to process of the annexation taking in excess of thirty days. Utility service by and through a contract with the school was discussed as well, and specifically that in lieu of the school annexing, the parties would enter into an agreement for the District to provide utility service and the school to pay a user fee which would in essence replace the property tax on the property. Mr. Ferngren informed the Board that once the school advises it is ready for service, he can work with the school's attorney to create the contract between the parties and that service outside the boundaries of the District will require approval of a rate for service by the IURC.

Mr. Barko indicated he would renew his request for the recapture agreement payment status with the Portage City Engineer and report back to the Board at the next meeting.

There being no further business to come before the Board, Ms. Beauchamp moved to adjourn the meeting, Mr. Barko seconded. Motion carried by unanimous voice vote.