

**Valparaiso City Utilities
Board of Directors
December 15, 2009**

The Board of Directors of the Valparaiso City Utilities met at the Valparaiso Department of Water Works Board Room, 205 Billings Street, Valparaiso, Indiana on Tuesday, December 15, 2009 at 5:00 P.M.

Board Members present were: President Brad Dolezal, David Bengs, Lori Ferngren, Kathy Luther and Mike Sur. Also present were staff members: Utilities Director John Hardwick, Assistant Utilities Director Steve Poulos, Attorney Mike Langer, Administrative Assistant Cathy Fejer, Controller Dick Freeman, Distribution Manager Chuck McIntire, Office Manager Shaun Shifflett, Water Operations Manager George Brown, Staff Accountant Alina Hahn, Stormwater Engineer Matt Kras, City Engineer Tim Burkman, City Administrator Bill Oeding, Mark Behrendt from GIS, Eric Lee from SteelCo. 358 Ruge St. and Randy Wheeler and Jay Devereaux representing Brigadoon Subdivision. Also in attendance was Times Reporter Phil Wieland.

The minutes of the November 24, 2009 were reviewed and approved.

Brad Dolezal reviewed and approved the claims submitted on Tuesday, December 8, 2009.

Resolution No. 2009-11 – VCU 2010 Operating Budget – The Board of Directors approved Resolution No. 2009-11 – VCU 2010 Operating Budget. (Copy Attached)

Resolution No. 2009-12 – VCU 2010 Capital Budget – The Board of Directors approved Resolution No. 2009-12 – VCU 2010 Capital Budget. (Copy Attached)

Resolution No. 2009-13 – VCU 2010 Salary Compensation – The Board of Directors approved Resolution No. 2009-13 – VCU 2010 Salary Compensation. (Copy Attached)

Resolution No. 2009-15 – VCU Capital Budget Change from \$500 to \$5,000 – The Board of Directors approved Resolution No. 2009-15 – VCU Capital Budget Change from \$500 to \$5,000. (Copy Attached)

Resolution No. 2009-16 – A Resolution to Amend 401K Plan – The Board of Directors approved Resolution No. 2009-16 – A Resolution to Amend 401K Plan. (Copy Attached)

Bad Debt Write-offs 2009 – Water, Water Reclamation & Stormwater – The Board of Directors approved the Bad Debt Write-offs for 2009 – Water, Water Reclamation and Stormwater. (Copies Attached)

Property and Liability Insurance Renewal Approval – Mark Behrendt, GIS representative appeared before the Board to present his recommendations for general liability and workers' comp insurance. His recommendations were later this year as he needed to seek additional quotes for workers' comp insurance. The Board voted unanimously to waive the "Barkley Rule" (resolution requiring the Board to waive the provision that an item before the Board must be submitted on the Thursday before a Board meeting in order to take action on the item. The Board's unanimous approval to waive is required in order to take action.) The Board of Directors approved the 2010 Property & Liability Insurance Renewal with Selective Insurance in the amount of \$178,029. This includes a change in workers' Comp from Accident Fund to FCCI with a \$10,000 savings.

Eastport Centre, Parcel B – Sanitary Sewer System Approval – The construction plans for the sanitary system for this development have been reviewed and are being recommended for the Board's approval by the city engineers office. The project will include 1,060 ft of 8 inch

sewer and 4 manholes. The sewer will connect to an existing 12 inch gravity sewer on the east side of Eastport Centre Drive, just north of Bowman Drive. The Sewer will serve the proposed Welter National Bank and three additional future commercial lots located in Eastport Centre. Conditions of the plan approval are: 1. IDEM construction approval. 2. No occupancy permits will be issued until the sewer is accepted by the Utility. 3. Prior to acceptance of the sewer a one year maintenance bond shall be provided to cover any defects in workmanship and/or materials. The Board approved the Eastport Centre, Parcel B Sanitary Sewer Project.

Developer and Contractor Contracts for Heritage Hall – Chuck McIntire presented the Contractor/Developer Contracts for Heritage Hall Water Main Installation. The Board approved the contracts. (Copy Attached)

Brigadoon Subdivision Force Main Sizing – Engineering Director Tim Burkman presented a compromise recommended by the City Administration for the financing of the 12 inch force main running from the Westside Sewer at SR 130 at Froberg Road to the Norfolk Southern Railroad. The compromise is to grant the developer an \$800 discount of the Sewer Connection Fees for the 291 lots within the Brigadoon Subdivision. The Board was advised that Ordinance 46 - 2005, an ordinance amending Section 51.50 of the City of Valparaiso Municipal Code and setting fees for connections to the City Sanitary Sewer System, states in section 51.55 D - *The Valparaiso City Utilities Board of Directors shall have the right to reduce the amount of the Connection Fee for unique circumstances such as, but not limited to, certain overlapping reimbursable districts qualifying not-for profit organizations, etc.*

The Board approved the granting of the discount subject to the following provisions:

- The discount includes only the 291 lots proposed for Brigadoon Subdivision and that the discount cannot be transferred to any other development or any proposed addition to the Brigadoon development.
- The \$800 discount will not be raised due to inflation, although the Sewer Connection Fee will continue to increase per the schedule included in Ord. No. 46 – 2009.
- The Board Attorney will draft the agreement.
- This is a one time offer and will not be considered for other developments in the future.

New Business:

Eric Lee, Steel Co. 358 Ruge Street, attended the meeting. He had a complaint concerning the water quality of the tap water at his facility. The Board requested George Brown and Chuck McIntire to look into the situation and report back to the Board at its January 26, 2010 meeting.

Staff Reports:

The VWRD IWEA Lab Award was tabled until next board meeting.

Meeting adjourned.

The Next Board Meeting is January 12, 2010 at 5:00 p.m.

Brad Dolezal, President

Lori Ferngren, Secretary