

BOARD OF TRUSTEES SPECIAL MEETING
 Wednesday April 26, 2017 @ 6:00 p.m.
Memorandum

Ms. Anderson called the meeting to order at 6:06 p.m.

ROLL CALL

Present: Board President Marilyn Anderson, Treasurer Jane Merrill, Secretary Michael McDonald, Members Barb Lamb, Eric Hand, and Michael Shaver. Also in attendance: Utility Director Drew Williams, Engineering Manager Wes Merkle, and Legal Counsel Anne Poindexter.

Absent: Carl Mills, Steve Pittman and Chuck Ford

DISPOSITION OF EASEMENT

Ms. Anderson stated that this special meeting was scheduled in response to a request from Vectren Energy for the District to release an existing exclusive sewer easement located along Springmill Road in the Northeast Quarter of Section 34, Township 18 North, Range 3 East, Hamilton County. There was a sufficient quorum to vote.

A motion was made by Ms. Merrill to approve the release of the easement for the amount of \$12,075.00 and was seconded by Ms. Lamb. The question was raised regarding the change in the original amount of \$15,000. Mr. Merkle explained that the original amount was based on an estimated calculation of acreage, and then adjusted when the revised survey came in after the memo was created. Mrs. Poindexter noted that this is a purely discretionary issue for the District. Since the District has condemning powers, this easement cannot be removed from the District. She further stated that District Staff is currently evaluating other routes for the installation of gravity sewer along Springmill Road that would not require using this easement. Vectren is currently onsite and in the process of relocating a gas main in the same area. The release of this easement is mutually beneficial for both parties; the District could use the funds to acquire easements that may be needed for the gravity sewer.

Mr. Shaver asked why the District owned an easement that they did not intend to use. Mr. Williams explained that the easement was granted to the District by the developer of the Jackson's Grant project. Vectren actually purchased their easement that overlaid the District's exclusive easement without realizing it. Meanwhile, District Staff has been negotiating with Jackson's Grant ownership to acquire easements that would be further back from the road. The benefit is, that it would realign the interceptor sewer and allow for a straight crossing of the Book property, eliminating 5 manholes. Staff had already determined that the timing would not work for the route along Springmill Road in conjunction with Carmel's project. Ms. Lamb asked what those easements in Jackson's Grant might cost the District. Mr. Merkle replied that the new easement across the Book property would cost roughly \$25,000 - \$30,000. This cost may be offset by vacating our existing easement by the abandonment of the current force main.

Mr. Hand asked for clarification of the term "Exclusive Easement". Mrs. Poindexter explained that the District has the right to either use or vacate the easement. This particular situation was brought about as the result of someone mistakenly overlooking the District's' recorded easement during the design process for the gas main relocation. Mr. Williams explained that if the District vacates the easement, then Vectren can use it. Ms. Merrill asked what could happen if the District did not release the easement. Mr. Merkle replied that the gas main relocation project, as well as the City of Carmel's road and pathway project, would come to a halt. Mrs. Poindexter stated that the policy of the District has historically been to cooperate with other entities when we can. This situation may however, have more value than the amount being approved. Mr. Shaver pointed out that this may be an invitation to "the law of unintended consequences". He is concerned that at some point the District will regret giving away something that we shouldn't for some reason. He further said that there is another Board meeting on the 8th and maybe there should be some further review to determine if the value may be higher. Mrs. Poindexter noted that the offer from Vectren is time sensitive and may not be there on or after May 8th. Mr. McDonald said that releasing the easement would help to create good will for some time in the future when the District could require consideration from Carmel or Vectren.

Mrs. Poindexter asked about the implications of the District vacating the easement at no cost to Vectren in exchange for Vectren paying for the easements on the Book property; with a cap. Mr. Williams said that it would be challenging to determine what the cap would be. It was suggested that \$25,000 was not an unreasonable request. Ms. Merrill asked if \$25,000 would cover the costs the District has incurred discussing this matter. Mr. Williams indicated that the costs incurred have been limited to some staff and attorney hours.

Ms. Lamb noted that this alternative appears to put District Staff in an uncomfortable situation. Mr. Merkle affirmed that it does work out better for all parties involved to proceed with the release as presented. The money that will be saved by using the new design, reducing the number of manholes and avoiding the wetlands on the Book property will balance things out in the long term. Mr. Shaver stated that he was willing to abide by whatever decision is made but has no qualms about saying that this was not the District's problem and he will stand by his previous statement that approving this release is an invitation to the law of unintended consequences by having all of our eggs in one basket. Mr. Hand affirmed that it does narrow the District's options moving forward. Mr. Shaver asked if Carmel is ever going to be interested in widening Springmill again. Mr. Williams said that if they did, the District would be out of the way if the sewer is moved to the rear of the parcels as proposed.

Ms. Merrill said that she had to leave, but affirms her vote to approve the release. There was some discussion relating to the positive public image that will be maintained by accommodating this request in a timely fashion.

Mrs. Poindexter stated that there is a motion on the floor that was made by a member that has now left the meeting and cannot be amended; it requires a vote to either approve it or defeat it and make a new motion.

Mr. Williams clarified that the offer as it stands is factored as 50% of the land value. Ms. Anderson cautioned against modifying the amount as presented without good cause. Mr.

Williams provided the dollar amount assuming 60%, 70% and 75% factors. Mr. Merkle clarified that the District typically pays at a rate of \$80,000 an acre; Vectren's offer came in at a rate of \$150,000 per acre.

Ms. Anderson called for the vote, resulting in a vote of 4 in favor of the motion and 1 nay from Mr. Shaver.

Ms. Anderson thanked those in attendance.

Ms. Lamb and Mr. Shaver left the meeting at 6:45 p.m.

PUBLIC OUTREACH/MARKETING

District Staff members, Cindy Sheeks, Colleen Byrnes, Aaron Strong and Edie Miller joined the meeting for the Brainstorming session on new names for the District.

There were 15 name suggestions written on the white board. The pros and cons of the original name suggestions were discussed, and the list was narrowed down to 7 names by a show of hands for each name. The list was further reduced to 4 names that will be recommended to the Board of Trustees at the next meeting on Monday, May 8, 2017:

- Community Sewer Utility
- HMB Sewer Utility
- Tri-Co Sewer Utility
- Renew Sewer Utility

ADJOURN

A motion was made by Mr. McDonald to adjourn the meeting and was seconded by Mr. Hand. The motion was approved unanimously.

The meeting was adjourned at 7:35 p.m.

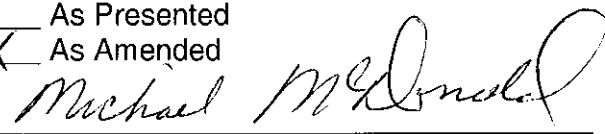
The next Board of Trustees Meeting is scheduled for Monday, May 8, 2017 at 7:00 p.m.

Respectfully submitted,

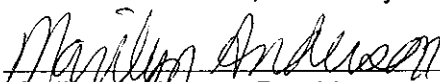

Andrew Williams
Utility Director

Approved:

As Presented
 As Amended



Michael McDonald, Secretary



Marilyn Anderson, President