

## REGULAR MEETING MINUTES

### BOARD OF DIRECTORS OF THE FALLING WATERS CONSERVANCY DISTRICT

December 9, 2024: TIME: 6:30 p.m.: Executive Cottage Homes Clubhouse located at 682 Verdano Terrace, Crown Point, IN 46307

Members Present: Chairman Dave Cullom, Vice-Chairman Mark Langbehn and Director Don Plumb. Also present included: Attorney Nathan Vis, Operator Derek Gertzen and Financial Secretary Karen Giesler.

1. Meeting opened at 6:32 p.m. with the reciting of the Pledge of Allegiance.

2. Approval of Minutes:

Vice-Chairman Langbehn made a motion to approve the minutes from September 30, 2024, following a second by Director Plumb. Motion duly carries 3-0.

3. Operators Report:

Operator Gertzen reported that at the end of October the district starting having failures of e coli. He investigated and found issues with the UV system. The bulbs were fine, but they checked the glass sleeves they slide in and a few of them were shattered and he realized they have never replaced the glass sleeves. He recommends replacing all sixteen of them and a quote was submitted.

Chairman Cullom made a motion to move forward with the quote to get the glass sleeves, following a second by Vice-Chairman Langbehn. Motion duly carries, 3-0.

Operator Gertzen reported that the last old pump burned up. It was rebuilt previously and he thinks that it is not worth the money to try and fix it again. He has provided a quote for a new pump.

Chairman Cullom made a motion to approve the quote to purchase a pump for use as a backup pump, following a second by Director Plumb. Motion duly carries, 3-0.

Operator Gertzen responded that they will keep the spare pump at the shop and now all the lift stations have two pumps and the district will have a spare.

Operator Gertzen reported that they have started the sludge removal process, during the winter it will slow down because it is only as temperature allows, they will try to get couple loads tomorrow, if there are some warm days, they can move a lot of solids. He will update as they go.

4. Secretary Report:

Vice-Chairman Langbehn made a motion to accept the financial report for November following a second by Chairman Cullom. Motion duly carries, 3-0.

Director Plumb made a motion to approve the claims presented, following a second by Chairman Cullom. Motion duly carries, 3-0.

5. Attorney Report:

A. Attorney Vis explained the board needs to approve legal notice and resolution for dates to meet in 2025, it is his understanding the board wants to meet January, February, April, June, August, October and December on the second Monday of each month at 6:00 pm. The annual meeting is to be held February 10, 2025 at 6:00pm. He will file the annual notice with the court to move the annual meeting date.

Chairman Cullom made a motion to approve the resolution for the 2025 meeting dates, following a second by Director Plumb. Motion duly carries, 3-0.

B. Attorney Vis explained that the board asked him to modify the sewer rate ordinance regarding the delinquent fees to reduce the penalty to \$300.00 plus appropriate costs and an ordinance was prepared.

Director Plumb made a motion to approve Ordinance 2024-03, following a second by Chairman Cullom.

Chairman Cullom explained the board was reducing the penalty because it is more in line with what other utility companies are charging, moving forward it is non-negotiable and the penalty will take effect on January 1, 2025.

Motion duly carries, 3-0.

- C. Attorney Vis explained that the board has been discussing the increasing prices for maintenance, costs of items for repairs and getting timely bids. The state statute requires three bids if the cost is going to be fifty-thousand or more. The board has been using the threshold at five-thousand, but because of increasing costs, that is a very low number. The board would like to set the amount at twenty-thousand or more, so he has prepared Ordinance 2024-04.

Vice-Chairman Langbehn made a motion to approve Ordinance 2024-04, following a second by Chairman Cullom. Motion duly carries, 3-0.

- D. Attorney Vis explained that newer developments that are being installed are running their downspouts and sump pump discharge to near the edge of the curbs of the development. The difficulty is that it is starting to undermine infrastructure owned by the HOA and the FWCD. He will prepare an amendment to Ordinance 2019-01, which prohibits downspouts extensions and sump pump discharge from realizing their end point unless it is greater than twenty feet from the edge of curb of the roadway.

Chairman Cullom made a motion to amend ordinance 2019-01 extending the distance to twenty feet, following a second by Director Plumb. Motion duly carries, 3-0.

Attorney Vis explained the existing Ordinance 2019-01 prohibits it within fifteen feet.

- E. Attorney Vis explained that he has been working with the board on a license application because the FWCD owns a significant amount of green and blue space within the development that the residents enjoy the use of. He has prepared a license application mirrored off of what other municipalities do, the board should not be in the business of monitoring significantly how people are using the FWCD green and blue space. An ordinance is being prepared to greatly restrict the use of the green and blue space on the back side of homeowner's property unless it is going to be for minor landscaping improvements and the conditions that go with it. The ordinance and application should be complete and the board can finalize the approval at the next meeting.

6. Board:

- A. Vice-Chairman Langbehn reported that the electrical panel by the lake has been completed.  
B. Vice-Chairman Langbehn reported that the seeding by the gazebo will be done this spring.

Chairman Cullom explained that the decorations and lights that were put up at the gazebo were all done with donations and volunteers.

- C. Vice-Chairman Langbehn reported that the branches were cut by the north gate.

7. Any Other Matters:

Vice Chairman Langbehn explained that an invoice was received from M7 and they are doing the excavation of Lilly's Pond. Right now, if they were finished today, the total cost would be \$29,500.00, of which the district right now owes them \$3,100.00 for extra work that was found to be done for the district. The final grade and seeding will not be done until spring. DSKL will reimburse the district when the final grade payment is made and will make a donation to the district for \$21,400.00.

Vice-Chairman Langbehn made a motion to pay M7 \$24,500.00, holding back payment of \$5,000.00 for the final grade and seeding until spring, following a second by Director Plumb. Motion duly carries, 3-0.

Open Floor to the Public:

Being no more business before the board, Vice-Chairman Langbehn made a motion to adjourn, following a second by Chairman Cullom. Motion duly carries, 3-0.

Meeting adjourned by Chairman Cullom at 6:55 pm.

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Chairman

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Vice-Chairman

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Secretary

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Date