

MINUTE SHEET

Date: 3/15/2019

Case No. 000006448

Name: In re the Matter of the Ben Davis Conservatory

Address:

SSN:

FILED

Vs.

223 MAR 26 2019

Name:

Address:

SSN:

Myra A. Eldridge
CLERK OF THE MARION CIRCUIT COURT

The Court will please enter the following minutes on the docket sheet of said cause:

Present Parties:

John L Hess: Attorney for the Ben Davis Conservatory

Beverly Matthews: At-large board member

Angela Wirth: Secretary of Finance for the Board of Directors for the Ben Davis Conservatory

Jeff Wood: Director of the Board of the Ben Davis Conservatory

Lucy Hernandez: Member of the district, resident of Wayne Township

Susan Roudales: Member of the district, resident of Wayne Township

Steven Brock: CPA and UNITSA advisor to the Ben Davis Conservatory

A Spanish interpreter was present and sworn to interpret today proceedings for Ms. Hernandez.

Hearing today was held on the Ben Davis Conservatory's Second Amended Petition for Authority to Take Preliminary Steps to Secure Funding for a Proposed Sewage Treatment Facility at Market Rates

Mr. Brock was sworn and provided testimony regarding

- a) Currently the Ben Davis Conservatory contracts with Citizen's Energy to clean its sewage
- b) Per an agreement with the Ben Davis conservatory and CWA whereby Ben Davis conservatory will pay more money each year starting in 2019 through 2025 for sewage services
- c) Ben Davis Conservatory believes, and Mr. Brock is in agreement, that if the Ben Davis Conservatory continues its contract whereby Citizen Energy treats its sewer water, the costs to its residents will continue to rise
- d) The Ben Davis Conservatory is trying to move towards a User Fee model of assessing costs on its residents as opposed to the ad valorem tax model because they believe the user fee more accurately correlates between the user and the amount of sewage produced
- e) According to Mr. Brock, the costs of Citizen's Energy sewage system is continuing to rise and will continue to rise because Citizen's Energy has been mandated to separate its sewage from its storm drain system
- f) Then Ben Davis Conservatory believes if it secures funding and can eventually build its own sewage facility, treating the waste water will cost less to its constituents and it will have more control over the rates
- g) On the high end, the Ben Davis conservatory and Mr. Brock estimate it could cost up to \$15 million dollars to obtain land and construct this independent waste water/sewage facility.
- h) The Ben Davis Conservatory is seeking permission from this Court to expend possibly up to \$15 million dollars to construct this facility as they believe it will save money for their residents
- i) 5 exhibits were admitted through Mr. Brock: Exhibit 1: Steven Brock's CV, Exhibit 2: a sample bill that is sent out to Ben Davis Conservatory Residents informing them of the public hearing, Exhibit 3: a copy of an article from the Indianapolis Star informing the public of the public hearing, Exhibit 4: A chart showing the rate the user fees will continue to rise if paid through tax v if paid through fees; and Exhibit 5: a projected user rate fees if the Ben Davis Conservatory takes out financing for 20 or 30 years to finance the building of its own water waste system

Ms. Hernandez and Ms. Roudales were permitted to look at the five exhibits

Both were permitted to ask questions

Ms. Hernandez admitted she now understands the reason she is getting a separate bill for the user fees.

She explained that she moved to Indiana from Miami because the cost of living was better. She does not want the cost of utilities to continue to rise. She knows the rising costs is a great concern to her neighbors, some of whom were unable to be present due to work conflicts and age. She wanted a guarantee that if the Ben Davis Conservatory did expend the money to build the conservatory that their rates would be cheaper in the future.

Mr. Brock explained he was confident the rates would continue to rise if the Conservatory continues to contract with Citizen's Energy and the plan was for the Ben Davis Conservatory to build its own waste water filtration system to curb the eventual higher costs to the residents

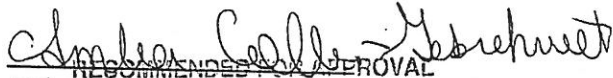
Ms. Hernandez said for this reason she did not object.

The other board members that were present invited Ms. Hernandez and their neighbors to their monthly meetings and other public hearings so she could stay informed about the plans to build if it is deemed feasible.

The Court inquired about a paragraph in the petition wherein the board had mentioned renting land from the town of Speedway on which to build the waste water facility as opposed to purchasing the land.

Mr. Brock suggested purchasing the land is a far better idea, since the Ben Davis Conservatory intends to spend millions of dollars building a waste treatment facility.

After having heard the evidence and addressing the concerns of the two present constituents, and hearing no objection, the Court will grant Ben Davis Conservatory's Second Amended Petition for Authority to Take Preliminary Steps to Secure Funding for a Proposed Sewage Treatment Facility at Market Rates


~~RECOMMENDED FOR APPROVAL~~
Amber Collins-Gebrehwet
Magistrate, Marion County Circuit Court

MAGISTRATE
APPROVED AND ORDERED
