

# LEBANON UTILITY SERVICE BOARD

## Lebanon, Indiana

November 6, 2024

Council Chambers

5:00 P.M.

Board:

Neil Taylor, Chairman  
Bill Stoner, Vice Chairman  
Tim Hudson, Secretary  
Aaron Smith, Member  
Anne Patterson, Member (Absent)

Staff:

Ed Basquill, General Manager  
Jeff Jacob, Legal Counsel  
Jeff Greeno, Electric Ops Manager  
Sandra Morgan, CFO  
Ryan Ottinger, W & WW Ops Manager  
Danielle Butts, Executive Assistant

Guests:

Scott Miller, Bakertilly  
John Lightner, BF&S

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1. Chairman Taylor called the November 6, 2024, meeting of the Lebanon Utility Service Board to order at 5:00 P.M.
  2. Pledge of Allegiance to the American Flag was observed.
  3. Chairman Taylor opened the floor for public comment. Tom Whitsett, 2215 Travis Dr. stated that he has been a resident of this City since 1974. It would seem to him as a preface to his question that this board's first duty and obligation would be to the citizens of this city prior to the obligations that they may feel they have for any persons wanting to come in and establish new development. Mr. Whitsett's question is how is it that this board authorized or permitted the acquisition of water to existing or proposed developments and from what he heard two days ago the citizens of this city are going to be denied the opportunity to obtain building permits for any properties that they own until the first quarter of 2027.

Jeff Jacob, Legal Counsel, stated the Board would like to respond in some juncture but as they are aware Mr. Whitsett attempted to file a building permit with the City and was unsuccessful in doing so. And in doing so has filed tort claim notice against the city and the Utility. A tort claim notice is a procedural step when a governmental entity is involved in potential litigation. While the City and Utility may formally respond to Mr. Whitsett in the tort claim notice in due course, while it may be unsatisfying to the Board he recommends that responding to his questions happen in a different environment and more of an informal setting and would defer commenting until that time. Jeff stated that he has offered and continued to offer to Mr. Whitsett to gather Lebanon Utilities Board members, staff and engineers to sit down and talk to Mr. Whitsett about our first come first serve allocation process, the Boone County water study, the timing of issues over the last couple of years. Also, that water has not been allocated to future LEAP projects but all current customers of the City water utility. That offer remains and he would be happy to facilitate that meeting

Mr. Whitsett stated that he would like an answer to his question and that he believes there are others in a similar situation that he is. Member Smith asked Mr. Whitsett to clarify he exact question. Mr. Whitsett stated his question is how this board allocated virtually 100% of the water available, to be allocated without considering the fact that they could reserve some for the existing citizens of the city.

4. Member Smith made a motion to table the October 23, 2024, minutes approval until the November 20, 2024 Lebanon Utility Service Board meeting. Secretary Hudson seconded the motion. Motion carried.
5. Secretary Hudson made a motion to continue Resolution 2024-11 until the November 20, 2024, Lebanon Utility Service Board meeting. Vice Chairman Stoner seconded the motion. Motion carried.

6. Ryan Ottinger, Water & Wastewater Operations Manager, asked the Board to approve declaring Truck #36 as surplus. Secretary Hudson made a motion to approve declaring Truck #36, a Sterling Vactor 2100, as surplus in accordance with IC 5-22-22 with understanding that General Manager can sign documents to the disposition of said vehicle. Member Smith seconded the motion. Motion carried.
7. Ryan Ottinger, Water & Wastewater Operations Manager, requested the Board to approve Reese Park Change Order 2B. Secretary Hudson made a motion to approve Reese Park Change Order 2B from Kokosing Industrial for an amount not to exceed \$2,372,381.00. Vice Chairman Stoner seconded the motion. Motion carried.
8. Ryan Ottinger, Water & Wastewater Operation Manager asked the Board for retro-active approval for a Rest Park Change Order. Vice Chairman Stoner made a motion to approve by way of IC 36-1-4-16, Ratification of Actions of Officers or Employees, approval be given for the emergency repair of the Well at the Indiana Northbound Rest Park for an amount not to exceed \$24,000.99. Secretary Hudson seconded the motion. Motion carried.
9. Ryan Ottinger, Water & Wastewater Operations Manager, asked the Board to approve the new Clothing Policy. Vice Chairman Stoner made a motion to approve the new Water & Wastewater Clothing policy. Secretary Hudson seconded the motion. Motion carried.
10. Vice Chairman Stoner made a motion to approve the claims/payroll/transfers dated November 6, 2024, in the amount of \$1,942,853.38 for claims and payroll and \$157,690.00 for transfers. Secretary Hudson seconded the motion. Motion carried.
11. Chairman Taylor asked for any other business that may be brought before the Board. No business received.
12. Chairman Taylor opened the floor for public comment. No public comment received.
17. The next Utility Board meeting will meet as scheduled on Wednesday November 20, 2024, at 5:00pm.
18. Hearing of no further business to be brought before the Board a motion was made to adjourn the meeting by Vice Chairman Stoner. The motion was seconded by Secretary Hudson. Motion carried.

The meeting was adjourned at 5:36 P.M.

APPROVED THIS 20th day OF November 2024

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CHAIRMAN OF THE BOARD

ATTEST:

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SECRETARY OF THE BOARD