

LEBANON UTILITY SERVICE BOARD

Lebanon, Indiana

November 5, 2025

Council Chambers

5:00 P.M.

Board:

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

Staff:

Jeff Jacob, Legal Counsel
Sandra Morgan, CFO
Jeff Greeno, Electric Ops. Manager
Ryan Ottinger, W & WW Manager
Danielle Bannourah, Exec Assistant

Guests:

John Lightner, BF&S
Jodi Stewart, Resident
Danielle Whitlock, Resident
Marshall Whitlock, Resident

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1. Chairman Taylor called the November 5, 2025, 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.

Danielle Whitlock read her notice as follows: This is a titled notice and point of clarity. Do you agree with the Supreme Court declaring public money must be used for a public purpose. This is a notice to agent as notice to principal and notice to agent. I, Danielle Whitlock, one of the people as seen in the Indiana Constitution Article 1 Section 1 Republican in form do present you this notice so that you do provide due care. Please take notice that I as one of the people wish for you to give a point of clarity based on your position as a sworn trustee. If you agree with the Supreme Cort declaring public money must be used for a public purpose or not. Danielle asked the Board for any comment. Danielle continued. Please take notice that the Supreme Court in Loan Association v. Topeka 87 US 6551874 and in declared the right of taxation can only be used in aid of a public object which is within the purpose for which governments are established and it cannot therefore be exercised in aid of enterprises strictly private for the benefit of individuals. Though in a remote way, the local public may benefit thereby. In Cole v. La Grange 113 US 1 1885 the Supreme Court declared The general grant of legislative power in the Constitution of a stated does not enable the legislature, in the exercise of the right of taxation for an y but a public object. These limits of the legislative power are now too firmly established by judicial decisions to require extended argument upon the subject. Please take final notice that it is my wish and demand that you respond, publicly, within 10 business days, with clarity in regard to your understanding if you agree with the Supreme Court that public money must be used for a public purpose, or not.

Jodi Stewart stated she presented a notice to the Board last week at the previous meeting and that was a judicial notice and a demand to conserve the people's natural resources. She stated she asked for a response within 5 days and she received no response from that notice. Jodi stated she wanted to clarify the question was where in the Indiana Constitution is there a grant of authority to use the people's natural resources for unauthorized purposes such as economic development, which is funded with the people's money. Jodi stated Failure to show the constitutional provision mean that you understand and agree that the people's natural resources cannot be utilized for unauthorized uses such as economic development and such resources must be conserved solely for constitutionally authorized purposes. Jodi stated that she also asked the Board that is was her wish and order and demand that the Board provide remedy by immediately ceasing and desisting using the people's natural resources for unauthorized purposes such a economic development funded with the public money and/or by

providing a public notice of the same to all departments of all state and local governments within the State of Indiana. Jodi stated this order and demand includes the use of imminent domain to provide the people's natural resources for such unauthorized purposes. She stated that if the Board believes that government has been granted power to use the natural resources for unauthorized purposes to please response by showing the constitutional grants of authority or you agree this practice is unlawful. And furthermore, please respond if you disagree with any of the claims in this notice. All responses should have been made within 5 days of the receipt by notice by sworn affidavit point by point clarity under penalty and perjury or you agreed by acquiescence to all the claims herein. This notice will stand as evidence against you in all courts of record. That no court may be rehear this matter, that this matter be heard by an arbitrator of my choice and that if remedy as instructed is not given, the people to whom you swore an oath will recognize that you are doing this purposely and with full knowledge of malice and intent. Jodi stated she did not received any response from the Board. She stated that that means they have agreed to everything that she served them. Jodi stated if they vote this through tonight they are doing with malice and intent. Jodi asked how much of the people's resources is the data center going to use on a daily basis. Jodi also asked when the full water is allocated for this data center is there going to be the full amount of water available for the data center.

Jeff Jacob, Legal Counsel stated that all the water that is coming in and being used in the LEAP district, absent the Lily project the first 2 phases of the Lily project are all outside of Lebanon water sourcing so it is all coming from Citizens Energy Group. The Resolution that was passed at the last meeting was protecting the Lebanon water capacities for the civil district and then it is drawing a line that water is going to be used for the most part Lebanon produced water stays within the civil district and some additional water and it is drawing a line saying only this much will be used in the LEAP districts. That is all water that's coming in for future construction is all water that is being supplied through our water supply agreement with Citizens.

4. Vice Chairman Stoner made a motion to approve October 29, 2025, minutes. Secretary Hudson seconded the motion. Motion carried.
5. Spencer Portish, Water & Wastewater Project Manager asked the Board to approve the Water Supply and Wastewater Capacity Pre-Allocation Reservation Agreements. Vice Chairman Stoner made a motion to approve the Water Supply and Wastewater Capacity Pre-Allocation Reservation Agreements with Beazer Homes Indiana LLP for the Spring Creek project and New Cold USA subject to City Council approval & subject to confirmation of section 1.1 by Spencer Portish. Secretary Hudson seconded the motion. Motion carried. 4-1.
6. Vice Chairman Stoner made a motion to table the Water & Wastewater Reassessment Agreement item. Secretary Hudson seconded the motion. Motion carried.
7. Ryan Ottinger, Water & Wastewater Manager asked the Board to approve the Chicago Street Well 3 Cleaning & Repair. Member Smith made a motion to approve Peerless Midwest to perform the work outlined in the Chicago Street Well #3 Quote for cleaning & pump repairs for an amount not to exceed \$34,585.00. Member Patterson seconded the motion. Motion carried.
8. Jeff Jacob, Legal Counsel presented the Water and Wastewater Agreement with Orla LLC to the Board. Secretary Hudson made a motion to approve the Water and Wastewater Agreement with ORLA LLC subject to City Council approval. Vice Chairman Stoner seconded the motion. Motion carried.
9. Jeff Jacob, Legal Counsel read Resolution 2025-19. Member Patterson made a motion approve Resolution 2025-19, Approving Public Private Agreement for Sanitary Sewer Lining and Gravity Sewer Reroute Program and GMP Report No. 1. Member Smith seconded the motion. Motion carried.

10. Jeff Greeno, Electric Operations Manager, requested the Board approve the 2026 Tree Trimming. Secretary Hudson made motion to approve My Tree Sons perform the 2026 Tree Trimming for Lebanon Utilities, completing the three year agreement with the not to exceed amount of \$240,000.00. Vice Chairman Stoner seconded the motion. Motion carried.
11. Jeff Greeno, Electric Operations Manager, requested the Board approve the ISC Electric Line Maintenance & emergency Restoration Services RFP. Vice Chairman Stoner made a motion to approve the Electric Line Maintenance & Emergency Restoration Services with IMPA Service Corp. for the transmission pole repairs for an amount not to exceed \$172,000.00 and have General Manager, Ed Basquill to sign all documents. Secretary Hudson seconded the motion. Motion carried.
12. Secretary Hudson made a motion to approve the claims/payroll/transfers dated November 5, 2025, in the amount of \$7,245,822.40 for claims and payroll and \$70,770.00 for transfers. Member Patterson seconded the motion. Motion carried.
13. Chairman Taylor asked for any other business to be brought before the Board. No other business received.
14. Chairman Taylor opened the floor for public comment. Jodi Stewart asked a question about the RFP that was presented. She asked what happens to the rest of the money if budget more than what is spent. Neil Taylor clarified that the amount approved is a not to exceed amount is a ceiling and that the full amount does not have to be spent. Aaron Smith stated he is on the finance committee and Lebanon Utilities is currently undergoing an electric rate study that's necessary. Budgeted amount do go into the computations and that he will be paying special attention to all electric budget items because of that. Jodi also wanted to make note that December the 9th they read into the City Council meeting the notice of not using public funds for non-public purposes. She stated she included that in the packet tonight because one of the stipulations that was passed off to all legislators, to the city council and to the mayor that he was to instruct everyone that this notice was served so that everybody could take due diligence and make sure they are not using public funds for non-public purposes.
15. The next Utility Board meeting will meet as scheduled on Wednesday December 3, 2025, at 5:00pm.
16. Hearing no further business to be brought before the Board, a motion was made to adjourn the meeting by Secretary Hudson. The motion was seconded by Vice Chairman Stoner. Motion carried.

The meeting adjourned at 5:53 PM

APPROVED THIS 3th day OF DECEMBER 2025

CHAIRMAN OF THE BOARD

ATTEST:

SECRETARY OF THE BOARD