

## **Board Minutes for the Board of Sanitary Commissioners Meeting of July 1, 2020**

THE BOARD OF SANITARY COMMISSIONERS conducted a regularly scheduled meeting in via Zoom Video Conference due to COVID-19.

Board members present; William Smith, Board President; Mike Cline, Board Vice President; Joseph Evans, Board Secretary; Brian Stephens-Hotopp, Board Member and Stephen Brand, Board Member.

Department managers and staff present; Drew Hall, Legal Counsel; Jason Donati, Stormwater/Recycling Educator; Tamelia Moore, Working Foreman/Account Specialist

Public: Closed to the public due to COVID-19 but could be viewed on Facebook broadcast.

Mr. Smith introduced two new Board Members. Mr. Brian Stephens-Hotopp who is also the City Civil Engineer for the City of Muncie and Mr. Stephen Brand who has sat on several Boards in the local community. Mr. Smith said he knows they will have several questions today and he will work to get those answered in a timely fashion.

**Consideration of Minutes:** Mr. Cline moved to approve the minutes as submitted for the June 17, 2020 meeting. Mr. Evans seconded the motion. The motion was approved (3-0). The new members did not vote due to them not being in attendance or on the Board during the last meeting.

**Consideration of Claims:** Mr. Cline moved to approve the Register of Claims for \$6,483,406.65. Mr. Smith said they have all received the claims prior to the meeting but asked if there were any questions from any members at this time. Mr. Brand asked how this amount lines up with the budget or business plan for the MSD. Mr. Smith said many of the invoices this pay period have been signed contractually regarding the Long-Term Control Plan. He said when the previous Board was in charge, they decided to do a complete sewer separation that raised the value of the Long-Term Control Plan project to 190 million dollars. He said it is an ongoing process to meet with IDEM to get that amount reduced for our taxpayers and/or requesting more time to pay the contract amount. Mr. Smith said if we do not get the Levee certified then hundreds of homes would have to purchase flood insurance. Mr. Cline said the biggest chunk of these claims is going out to Bowen Engineering for the Long Term Control Plan and other projects, as well as one time a year we pay \$300,000 to the City of Muncie for a PILOT (Payment in Lieu of Taxes). Mr. Cline said there is a lot of history that needs to be discussed regarding the Long Term Control Plan, but this may not be the venue to do so. Mr. Brand said he appreciates the explanation and he agrees they need to sit down and go over the history in greater detail. Mr. Smith says he thinks that having 5 members is going to be a great thing for the Muncie Sanitary District going forward and he agrees we need to have further detailed meetings to bring the new members up to speed on current and past projects. He said he wants to make sure that each Board member is up to date and feels informed before each meeting. He asked if there were any further claim questions at this time as well. Mr. Stephens-Hotopp said 6.4 million is a huge number so he wanted to ask a few questions in case the public is interested. He said it looks like 4.7 million of that total claim amount is for Bond payments, is that right? Mr. Cline said that is correct including Bond Anticipation Notes that are interest only. Mr.

Stephens-Hotopp said the MSD pays for 50% of the salt for the roads used within the City, so that is about \$5,000 and he appreciates that financial help on the Street Department side. Mr. Stephens-Hotopp said in the 275 account for Sanitation there are several payments of \$320,000 to Randolph Farms/East Central Recycling and asked if that is for trash disposal. Mr. Smith said yes, that is correct. Mr. Stephens-Hotopp asked if those were monthly payments. Mr. Smith said we pay by the ton, so it depends on the load being hauled. Mr. Stephens-Hotopp asked about an invoice for Blackhawk Securities and said he remembers there being discussion about a contract with them, but that it was tabled. Mr. Smith said there was going to be a contract signed with the new Downtown building, but since we decided not to move forward with that so as of right now he is on an hourly rate agreement for the new Sanitation building site. Mr. Stephens-Hotopp said it seems like we should get a contract set up with that person. Mr. Smith said right now there are piles of equipment and supplies outside of the new Sanitation building on MLK so that is what he is securing, but we can further talk about finalizing a contract. Mr. Stephens-Hotopp asked what type of work DLT Solutions handled for the invoice totaling \$11,941. Mr. Smith said Deana is not on this call today, but Mr. Smith could have her answer that before the next meeting. Mr. Hall, Legal Counsel, said with that being in a line item for our IT department, it may have something to do with software updates or licenses being updated, but he is not sure. Mr. Stephens-Hotopp asked what services Schnieder General Contracting would provide. Mr. Cline said on occasion there will be projects put to bid by our Engineering Department for smaller flooding problems in neighborhoods and this would be a bid payment for a specific contract they were awarded recently. Mr. Stephens-Hotopp asked if that \$11,475 is just paying off that. Mr. Cline said yes, it is payment to the contractors. Mr. Stephens-Hotopp asked about the Water Pollution Control Facility being reimbursed by MSD for fuel and was not sure what that meant. Mr. Smith said he does not have an exact answer, but it is not unlikely for a department to charge to another department for a service or fuel that they have received. Mr. Cline said when we built the Greenline (CNG) station other departments jumped in for vehicle conversions which was about 3 million dollars and then we added another 1 million dollars for the Blower project at the Plant where we save about \$180,000 in electric payments. The Plant sends payments each year to help pay back that Bond for their Blower project. Mr. Smith said we will get you answers to these questions in advanced in the future. Mr. Stephens-Hotopp asked about an invoice/contract for Hill Lawncare. He thought he remembered seeing a bid opening by Harvey for the levee mowing, is that what this is in reference to. Mr. Smith said that is correct. He said as well as we own a handful of properties that were purchased for projects a couple years ago which we recently turned over to DAC, but in the agreement we said we will continue mowing them, so that could be that this is in referencing. Mr. Stephens-Hotopp said this amount is \$21,000, so is this a normal monthly charge? Mr. Smith said he is not entirely sure, but he is sure that is not just for one month and he will locate the answer. Mr. Smith said we did recently buy two riding lawnmowers this past month and it could very well be that charge. Mr. Stephens-Hotopp said there are two other legal firms we have invoices paid to in addition to our legal counsel, McKinney & Malapit, could those be explained. He said the firms are Bose, McKinney and Evans and Frost, Brown and Todd. Mr. Cline said Bose, McKinney and Evans is our legal counsel for Bond work, but he is not sure for Frost, Brown and Todd. Mr. Hall thought it may have something to do with mediation and litigation for Liberty Regional Waste District. Mr. Cline said they started their lawsuit against MSD in March of 2012. Mr. Stephens-Hotopp asked if he could get a brief overview on some of the consulting fees for the Levee totaling roughly \$31,000. Mr. Cline said Wessler is designing a new phosphorus removal

facility at the Plant and Christopher Burke working on reinforcing the Levee at the Walnut street bridge and Elm Street bridge. Mr. Stephens-Hotopp asked if Flatland Resources has \$3,000. Mr. Evans said that is for the Elm Street Levee to build a trail area that will flow into Downtown. Mr. Stephens-Hotopp said the description mentions stormwater cut off. Mr. Cline said that is the area behind the Flea Market on Jackson Street near the Kitselman area. He said they are looking at adjusting an existing trail. Mr. Stephens-Hotopp asked about a charge of \$5,000 under the CNG fueling station. He asked if this was a random cost and profit center that got assigned under stormwater. Mr. Cline said when it was created it was under advisement of a financial advisor to tag it under stormwater rather than revenue or taxes. Mr. Stephens-Hotopp said it sounds like something that should fall under a more general category since it is not really part of stormwater. Mr. Cline said we could switch that over easy enough. Mr. Stephens-Hotopp asked about the approximate \$427,000 paid to Bowen Engineering. Mr. Cline said that is part Bond and stormwater. He said we did a project at Elgin Street as well as draining issues at Elgin & McGalliard that was charged to the BAN. Mr. Stephens-Hotopp said that there was another charge referencing the 2019 BAN at \$325,514 invoice from Bowen. Mr. Cline said that would be for the new Sanitation building on MLK. Mr. Stephens-Hotopp asked if that would be the 16.9-million-dollar Bond that was started last year. Mr. Cline said it is a Bond Anticipation Note, but yes. Mr. Stephens-Hotopp said the ETF payments all look like they were Bond payments except one for \$36,168 for the Bank of New York Trust. Mr. Cline said it could be a Trash Truck payment, but he is not sure and will have to follow up with the Financial Manager. Mr. Stephens-Hotopp said he feels uncomfortable approving claims for something there is not a contract for regarding the security invoice. Mr. Smith said we will work on an agreement for an hourly basis with a not to exceed amount. Mr. Stephens-Hotopp asked if we could postpone the payment for this invoice until a contract was signed. He said he wants him to be paid for the work he has done, but he also feels like there needs to be contract. Mr. Hall said legally we can approve this because there is a contract in place, but it is up to the Board to decide how they want to vote. Mr. Stephens-Hotopp said it sounds like your saying this is a contract in place. Mr. Hall said yes. Mr. Evans verified that we have a contract. Mr. Hall said yes. He said it is based on hours of service for the security. Mr. Evans asked if the invoice was submitted for a dollar amount. Mr. Halls said yes. Mr. Stephens-Hotopp asked if we pay the ETF payment for the Bond are paid in January and July. Mr. Cline said yes, the claims in July are always highest. Mr. Stephens-Hotopp said it looks like we have paid some invoices last week which means they have already been paid before we are approving them as a Board, is there any way around this? He said he would hope we would have the chance to approve claims prior paying them. Mr. Smith said the Controller's Office cuts off payment dates and then we hold it for the following two weeks however if the Board wants to see all invoices, he can make sure to get the members copies in advance. Mr. Brand said there should be an aging report that is accessible from the Controller's office. He said it seems like what Mr. Stephesn-Hotopp is asking is more the fact that some invoices have already been paid prior to us approving them today. Mr. Evans seconded the motion. The motion was approved (4-0). Mr. Brand abstained from the vote.

### **Old Business:**

None.

## **New Business:**

**1. Resolution 2020-07, a Memorandum of Understanding between the City of Muncie and Muncie Sanitary District regarding Trash Dumpsters.** Mr. Smith said our Sanitation Superintendent is out today, so he will give some information regarding this Resolution on his behalf. He said various locations throughout downtown set out several totes, almost 16 in some alleys, daily which is becoming an eyesore in addition to not even being able to sufficiently handle the amount of trash that is being collected. Mr. Smith said we are going to be switching to a much larger trash 'container' for these downtown locations and just one of these 'containers' will eliminate about 16 of the current sized totes. He said we have a construction crew within our Sewer Maintenance Department that will do about 90% of the work needed to get these 'containers' installed. Mr. Smith said the City has agreed to this project as well. He asked if there were any questions. Mr. Stephens-Hotopp said this agreement was taken to the Board of Works this morning and was approved. He said it looks like these containers will be placed between Mulberry and Jackson on the northwest corner as well as the east side of High Street south of Jackson where there are City owned parcels. Mr. Stephens-Hotopp said this agreement is with the City to make sure we are allocating the use so MSD has access to use the parcel, as well preventing the City from incurring the trash collection costs, or that if redevelopment were to come along the City would not be prohibited to sell said parcels. Mr. Smith said this project was not initiated by the MSD, this was initiated from trash complaints from downtown residents and business owners. Mr. Smith said if the City does ever need the properties back for any reason, we would just go back to the overflowing totes, but he doubts that will happen. He said he feels the Board should approve this Resolution because it will greatly improve the trash problems, they are having downtown. Mr. Smith asked if there were any other questions or comments. Mr. Stephens-Hotopp moved to approve Resolution 2020-07, a Memorandum of Understanding between the City of Muncie and Muncie Sanitary District regarding Trash Dumpsters. Mr. Cline seconded the motion. The motion was approved (5-0).

Mr. Stephens-Hotopp asked if it could be discussed to begin having the meetings in the Auditorium again so that the public could attend. Mr. Smith said we have gone overboard to be safe by still taking temperatures, moving telephones/desks as well as socially distancing in our internal departments which is why we have decided to continue with virtual meetings so long. Mr. Smith said he has no problem with moving back to the Auditorium and keeping the distancing in that meeting. Mr. Brand said he was for moving back to the auditorium. Mr. Stephens-Hotopp said he was for it as well. He said several other boards within the City are finding ways to have public meetings while keeping safe guidelines. Mr. Cline said he is okay with moving back. Mr. Evans said he was all for returning to normal if attendees stay distanced, wear masks and we limit the amount allowed in the Auditorium. Mr. Smith said since all members are on board with the move, we will hold the following Board meeting in the City Hall Auditorium on July 15, 2020 with the guidelines of wearing masks and stay distanced. Mr. Hall said he will research the guidelines that are acceptable for the meetings and will get them to the Board to share with the public. Mr. Evans recommended sharing that information with the public in advance of the meeting. Mr. Smith said we will make sure that information gets out to public. Mr. Brand asked if the regular in person meetings are also on Facebook Live. Mr. Hall said they are broadcast, but he was not sure if it was via Facebook. Mr. Smith said whatever we can do to let the public know what we are doing we can do. He said we at one time gave anyone

who wanted to speak at a public meeting, five minutes to do so and we had been doing that for 20 years. He said we are proud of what we are doing and want to share the information with the public, so we are ready to get back to normal meetings.


**Adjourn:** Mr. Evans moved to close the Board of Sanitary Commissioner's meeting dated for July 1, 2020. Mr. Cline seconded the motion. The motion was approved (5-0).


**Public Comments.**

Respectfully Submitted,

  
Megan Huff, Sewer Maintenance Secretary

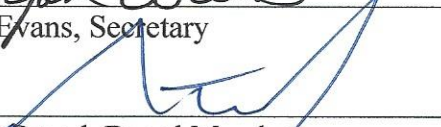
*Approved by the Board of Sanitary Commissioners  
Muncie Sanitary District*

  
William Smith, President

  
Michael Cline, P.E., Vice President

  
Joseph Evans, Secretary

 7/29/2020  
Brian Stephens-Hotopp, Board Member

  
Stephen Brand, Board Member