

Board Minutes for the Board of Sanitary Commissioners Meeting of July 13, 2022

THE BOARD OF SANITARY COMMISSIONERS conducted a regularly scheduled meeting.

Board members present; Stephen Brand, Board President; Tonya Brothers-Bridge, Vice President; Adam Leach, Secretary; and David Smith, Board Member. Excused absences: none.

Department managers and staff present; Mark McKinney, Legal Counsel; Deana Cox, Financial Manager; Harvey Wright, Sewer Maintenance Superintendent; Jason Donati, Stormwater Educator; John Anderson, District Engineer; Jason Ingram, WPCF Plant Supervisor; Barnell Vance, Sanitation Supervisor; and Maggie Bales, Executive Office Manager.

Public present: None.

Consideration of Minutes: Mr. Brand entertained a motion to approve the minutes as presented. Mrs. Brothers-Bridge moved to approve the Board Meeting Minutes as submitted for the meeting of June 29, 2022. Mr. Smith seconded the motion. The motion was approved (4-0).

Consideration of Claims: Mr. Brand entertained a motion to consider the register of claims totaling \$321,684.33. Mrs. Brothers-Bridge stated on page two of 11, we paid Yardberry Landscape and Excavating \$48,000 for work done on Memorial Drive. She stated on page five of 11, we paid National Glass and Hardware for some new doors out at our sewage water treatment control facility. Mrs. Brothers-Bridge stated one of those doors was \$7,030, and another door was \$6,850. She stated code enforcement, on page nine of 11, purchased a new Chevrolet pickup truck for \$14,000. Mrs. Brothers-Bridge stated we purchased that from Moe's Auto Sales. She stated her understanding that even though it was purchased by code enforcement, those trucks are also used to plow our Muncie fire stations. Mrs. Brothers-Bridge stated on page 10 of 11, we paid Schneider General Contracting \$9,230, and that was for work on MacArthur Lane for pavement and landscaping. Mr. Brand asked for clarification on the page number for the purchase of the pickup truck for \$14,000. Mrs. Brothers-Bridge stated it is on page nine of 11, the last claim on that page. She stated it is the purchase of a 2008 Chevy pickup truck. Mr. Brand entertained a motion to approve the claims totaling \$321,684.33. Mr. Smith moved to approve the register of claims. Mr. Leach provided second. The motion was approved (4-0).

Old Business:

1. Update from Mr. Smith on Legal Services RFP. Mr. Smith stated to follow up from the last Board meeting for the request for proposal for legal services. He stated we received three packets from three very good firms, that are local to Muncie. Mr. Smith stated the three firms are Dennis Wenger & Abrell; McKinney & Company; and DeFur Voran. He asked if fellow Board members were prepared for a public discussion. Mr. Brand stated he is prepared for discussion today. Mrs. Brothers-Bridge stated she is prepared for discussion. Mr. Leach stated he is prepared for discussion. Mr. Smith stated each firm was very good and he appreciates each response from the three firms. He stated that personally he is leaning toward DeFur Voran. Mr. Smith stated Defur Voran meets our specifications, they have many years' experience with governmental regulations, Sanitary District regulations, and environmental regulations. He stated Defur Voran is also equipped to provide 26 attorneys available at any time to the district. Mr. Smith stated the importance of this in the case of any sort of emergency, DeFur Voran can supply a backup. Mr. Leach stated he reviewed each of the three requests for proposals. He stated each firm that submitted on time is a qualified legal firm. Mr. Leach stated the two best qualified firms are McKinney & Company and DeFur Voran. He stated that is just his opinion. Mr. Leach stated he liked Mr. Smith's comments. He stated his appreciation for the depth of services that different firms can offer the district. Mr. Leach stated he is thankful he did not have to live through some of the things that went on in Muncie,

but it seems it has benefited the Board and the City in the form of asking what is legal before doing things. He stated the only differentiator in service is that McKinney & Company has done good service to the district and the city. Mr. Leach stated he appreciates the depth that DeFur Voran would be able to provide to the district. He stated they are both very qualified firms. Mrs. Brothers-Bridge stated she reviewed all three firms, and her opinion is that McKinney & Company and DeFur Voran are the two top firms. She stated that both firms seem to have extensive knowledge in the areas of our work. Mrs. Brothers-Bridge stated she is please that both firms want to do business with us as the district has gone through some very tumultuous times. She stated that at one point, some firms probably would no have wanted to submit an RFP to work with the district, but she thinks this Board has changed that to where firms want to work with the district. Mrs. Brothers-Bridge stated DeFur Voran is no doubt very capable, extremely knowledgeable, especially their lead person that would be assigned to us. She stated as she looks at our legal services, there is a risk for change. Mrs. Brothers-Bridge stated the work we have underway, the depth of knowledge that we need to continue that work, the history, she stated she is not in favor of switching from McKinney & Company. She stated the work provided by Mark McKinney, Drew Hall, and Josh Brown has been terrific and extremely responsive. Mrs. Brothers-Bridge stated at this time, looking at both firms, what is the cost of switching firms. She stated that McKinney & Company has provided great service and DeFur Voran would provide terrific service, but what is the cost to make the switch. Mr. Brand stated he spent a fair amount of time reviewing the RFP, and with each of the three respondents that responded appropriately, he probably spent 10 hours investigating. Mr. Brand stated he interviewed all three firms, he spent time with Mark McKinney, he spent time with Laura Huff, and spent time with those at Dennis Wenger & Abrell. He stated that when he considers the scope of the complexity of the Muncie Sanitary District, as he would with any business decision, he considers a benefit versus risk analysis in everything we do. Mr. Brand stated cost absolutely has something to do with it, and in the case of the three responses cost was pretty much not a factor in his recommendation. He stated that when he looks at the four revenue streams, our MS4, the build operate transfer, the bonds, the labors, the wastewater utilities, IDEM, EPA, DNR, the list goes on. Mr. Brand stated it is not an easy account to take on and there would be a significant number of records to be transferred and gone through. He stated that he would like to inform the Board that after he spoke with each of the three respondents, Dennis Wenger & Abrell offered a supplement. Mr. Brand stated they submitted a supplement after the deadline. He stated that he is not willing to accept it and would like to know if any of the Board members wanted to discuss accepting the supplement for Dennis Wenger & Abrell. Mrs. Brothers-Bridge stated after we spoke with all these firms, they learned more about the work that the Sanitary District does. She stated she is not in favor of accepting a supplement, because they had an opportunity to ask questions prior to the deadline. Mrs. Brothers-Bridge stated anything that came in after that deadline is not to be considered, that is her opinion. Mr. Leach stated he would concur and just out of general fairness to everyone who submitted, we should really consider only what was submitted initially, because the prior knowledge that they would have, after having a conversation with board members can skew that. He stated we want to look at everybody as fair footing as we can, which is basically why we're doing this exercise instead of just plucking someone out of the ether. Mr. Brand clarified that Mr. Leach is not in favor. Mr. Leach stated he is not in favor. Mr. Smith stated the bottom line is that the supplement came in after the deadline. He stated he is against accepting the supplement. Mr. Brand stated we will only consider Dennis winger and April's original submission for the for the purpose of the business going forward. He stated that he learned a lot, even talking to Mark McKinney. Mr. Brand stated he thought that being on the Board for two years and dealing with Mark, Drew, and Josh that he knew a lot about what we do and about what they do. He stated he was surprised to learn some of the things they do that we are probably not in tune with on a daily or weekly basis, and with that he does not see a reason to switch at this time. Mr. Brand stated based on the price and based on the quality of service, he thinks there is too much risk in switching. He stated he is in favor of staying with McKinney & Company. Mr. Smith asked if we were in the place to make an official vote. Mr. Brand asked for any further discussion. Mr. Brand stated anyone wishing to make a recommendation for legal services going forward can do so now. Mr. Smith made a recommendation in support for DeFur Voran. Mr. Leach provided second. Mrs. Brothers-Bridge made the

nomination to stay with McKinney & Company. Mr. Brand provided second. Mr. Brand stated all those in favor of the first nomination for DeFur Voran signify by saying aye. He stated all those opposed. Motion (2-2). Mr. Brand stated all those in favor of the second nomination for staying with McKinney & Company signify by saying aye. He stated all those opposed. Motion (2-2). Mr. Brand stated we will table this and bring in up in old business.

Department Head Update – Harvey Wright, Sewer Maintenance Superintendent, stated a few things going on out at sewer maintenance, we now have our third CNG street sweeper so that makes three out on the streets daily. He stated the backup street sweeper is still a diesel model but look to upgrade later down the road. Mr. Wright stated we only used the back up in the case that one of the three main sweepers is getting maintenance. He stated that the Board looks at the record of maintenance in the claims, and you can see that the upgrade to CNG street sweepers has proven itself. Mr. Wright thanked the Board for their help in getting the three new street sweepers. He stated one of the drivers for Sewer Maintenance has retired, Micky Nelson, and Todd Huxhold has moved up to street sweeper driver. Mr. Wright stated the guys do a good job, proven by the dump bill. He stated with all the construction going on we have been sending them by those areas a little extra to help with the dust and debris for the residents in those construction areas. Mr. Wright pointed out the purchase of the pickup trucks from Moe's Auto Sales. He stated that we give John Barlow an assessment of our vehicles and many of them were in the four and below category. Mr. Wright stated his appreciation to the Board for their help in purchasing the pickup trucks. He stated the construction crews are in line to increase the number of jobs for this year. Mr. Wright stated the construction crews work alongside engineering. He stated the last few days they have been working out on the Riverside project, getting some vacated lines as well as some sewer inlets repaired and rebricked. Mr. Wright stated in his opinion Thom and the construction crew are second to none. He stated we have some new hires out at Sewer Maintenance. Mr. Wright stated those that left either retired, moved up in house, or stayed with MSD with the exception of two who moved on to be firemen. He stated we are team players and anything we can do or if you hear something that needs done, we are just a phone call away. Mrs. Brothers-Bridge stated we are required to sweep each street twice annually, is that correct. Mr. Wright stated that is correct and last year we swept three plus times. Mrs. Brothers-Bridge stated she often sees the street sweepers out, have we reached that requirement of sweeping all streets. Mr. Wright stated yes. Mr. Leach stated good job to Harvey, Thom, and construction crew. He stated he has seen Smith Family staying up on the mowing and look like they are doing a good job and thanked Mr. Wright for walking with them through that journey. Mr. Leach stated for the benefit of the public if they see a sinkhole or any issue, where do they need to report that to. Mr. Wright stated they can call the sewer maintenance office or call on the cell phone. He stated each situation will be dealt with appropriately. Mr. Leach stated he likes to put it out there so people know how to get their problems solved. Mr. Smith stated to eco Mrs. Brothers-Bridge he too sees the street sweepers out frequently and they do a great job. Mr. Brand thanked Mr. Wright for the update and congratulated the retirees, everyone who got a promotion or moved laterally. He stated he heard that Troy Watters also left the Sanitary District. Mr. Wright stated he did and moved out to Beech Grove Cemetery to be their Superintendent. Mr. Brand stated his congratulations to Troy. He stated he thinks that speaks a lot about the quality of the folks we have inside the district to the superintendent. Mr. Brand asked if lack of rain affect the cleanliness of the streets. He stated Mr. Wright mentioned we have swept up and dumped a lot. Mr. Brand stated he would expect that the rain would probably take a lot of that away and in the absence of rain there's a lot more left in the streets. Mr. Wright stated yes, exactly. He stated the debris is one thing, but it's the dust that is going around, and rain when you do have it, it cuts down on the dust. Mr. Wright the weather that affects the sweeping. Mr. Brand asked Mr. Wright for an update on the experimenting with weed spraying simultaneously with street sweeping. Mr. Wright stated we have tried it in several areas. He stated each sweeper is equipped except for the latest one we haven't we haven't put it on there yet but will be taking it off one of the old one to put on the new one. Mr. Wright stated it's not 100%, but I know that the guys are checking the weed killer daily. He stated we must be careful what we use because of the stormwater. Mr. Wright stated he would say personally it makes a big difference with us spraying because

using the weed killer versus not, we get in some places where it is a low traffic area. Mr. Brand stated his final comment is for the overpass that goes between Tillotson and Memorial and see if that has been swept the inside curb and the outside hazard lanes have quite a bit of stuff left in them. He stated thank you for the leadership and for Thom's leadership as well. Mrs. Brothers-Bridge asked if there is a form online for people to report issues and concerns. Mr. Wright stated yes, and it comes right to us. He stated occasionally it gets sent to Jason Donati, but he sends it to us as soon as possible. Mrs. Brothers-Bridge stated it is her understanding that those phone calls and all those inquiries on the website, etc. allows us to track and make sure we know where the issues are coming from and how quickly we get the work done and so forth. Mr. Wright stated yes, Kay'Liegh in the office keeps track of every call that comes to our office along with any other complaint or issue from other offices within the district. Mrs. Brothers-Bridge stated the point she wanted the public to know is once they make a phone call to you or they go to the website and put in their request or tell us about an issue that gets tracked and monitored until completion.

New Business:

1. Interlocal Government Agreement with the City of Muncie and the Muncie Sanitary District.

Mr. Leach stated this is an interlocal agreement with the City of Muncie and the Muncie Sanitary District for the City of Muncie Public Works Department to provide patching and general paving services to Sewer Maintenance department of MSD. He stated as you all know most of the infrastructure for the city was within the right-of-way, the right-of-way is the city's domain and as part of that, occasionally MSD forces will have to cut, damage, tear out, etc. some of that infrastructure for street cuts or any stormwater or sanitary sewer underground repairs. Mr. Leach stated currently MSD tries to bring everything back up to grade with concrete. He stated long term that is not always the best as there is discontinuity in materials so older patches will begin to deteriorate around the concrete. Mr. Leach stated it is better to bring those up just shot surface level and come back and do asphalt patching. He stated that the city now has the equipment to do so, and this agreement creates an opportunity for the City and MSD to continue to work in the relationship that we have. Mr. Leach stated he total amount of the agreement would be for \$150,000. He stated that this is kind of initial trial run, it's being done as lump sum to simplify the accounting since accounting does take up a considerable amount of time, we're trying to basically go through a process like this and the city is not a general contractor. Mr. Leach stated he and Donnie have plenty of work to do currently, as do the secretaries of the Public Works Department. He stated that we will revisit this in the coming years if we find that we're MSD would be overpaying or there might be increase. Mr. Leach stated we have made some pretty large expenditures on equipment to allow the city to perform its own actual paving operations in house as well as its own milling operation in house. He stated extended services could be offered in the future. Mr. Leach stated as part of the interlocal MSD can backout at any time, as can the city if it becomes too much work. He entertained questions. Mr. Leach stated as a note, as he represents the city as well as the Sanitary District Board, he recused his vote. Mrs. Brothers-Bridge stated that we would be paying \$150,000 on an annual basis. Mr. Leach stated yes. Mrs. Brothers-Bridge stated so we would be immediately issuing a check for \$150,000 for calendar year 2022. Mr. Leach stated we can do it with the annual basis to started at its one year or we could prorate this year and then assuming services are adequate we could start on January 1st. Mrs. Brothers-Bridge stated the future invoices we would issue another \$150,000 check and the contract is for three years. Mr. Leach stated yes, the interlocal agreement is for three years. Mr. Brand stated we asked for on call paving contract quotes several times and either did not receive any responses or received responses that were for a lot of money. He stated this is a reaction to the fact that we did not have on call response for paving services. Mr. Leach stated yes, prior to his time with MSD, requests were sent out for on call contracts for patching and paving for MSD. He stated he thought that the lowest bid was in the \$300,000 range. Mr. Leach stated no one really likes to bid this type of work because it is a nebulous quantity. He stated unless you happen to be in the business of patching and paving in the same location every day, companies typically do not want to bid on this kind of work. Mr. Leach stated as an example E&B Paving is one day in Muncie, one day in Anderson and the next day in Indianapolis. He stated in is department has tried to

bid out small patching jobs that were not insignificant, but fairly large projects. Mr. Leach stated one block of University Avenue came back at \$43,000. He stated this work is one of the most expensive things you can do versus the material because of scheduling conflicts, the mobilization. Mr. Leach stated the price of material is what it is, we buy it for \$78 at board rate. He stated having people hanging around waiting for this kind of work is not typical from general contractors, this is the type of work the Street Department is doing every day. Mr. Leach stated he thinks this will fill a need for MSD and will not be a huge deal for the Street Department as this is the work we do everyday and have the equipment. He stated budget wise, \$150,000 is not insubstantial and will not make up a fifth or a tenth of his budget. Mr. Leach stated it may make up a twentieth of his budget, most of the money will go towards materials. Mr. Brand stated on the second page the Resolution number will need to be filled in. Mr. McKinney stated he and Mr. Leach went back and forth on this. He stated that because the city already is doing it in house, we can rely on the equipment they already have and the materials they are purchasing. Mr. McKinney stated there is not a problem with the MOU itself, it satisfied Indiana Code 5-22, the public purchasing law. He stated under 36-1-7-2 allows the Sanitary District to enter into this type of agreement. He stated we talked about what the number should be. Mr. McKinney stated he looked back through emails to try to find previous numbers and found that we did not receive any responsive bids. He stated that we sent it out twice even, so we have satisfied all potential concerns. Mr. Brand asked Mr. Wright seeing as though you are the main benefactor from this, does it benefit you, Thom, and your crews. Mr. Wright stated absolutely, we would not have to wait on a contractor to be put on their schedule. He stated we fill the area with concrete and leave a few inches to be patched with asphalt. Mr. Wright stated the biggest benefit is not having to wait on a contractor and their schedule. Mr. McKinney stated he found the email that talked about the \$300,000 number, it was \$200,000 to \$300,000 engineering estimate. He stated May of 2021 we received a bid for \$2.3 million. Mrs. Brothers-Bridge stated the prorating is only in the event of performance concerns. She stated so today we would receive, if this is approved, an invoice for \$150,000 for the 2022 year. Mr. Leach stated it is a performance concern that we would not be able to do 12 months of service in the 2022 calendar year. He stated that we will prorate the amount in the motion, and it would not be a big concern. Mrs. Brothers-Bridge stated another option is that we just renew in July of each year. Mr. Leach stated it does not affect the city, it just formalizes the agreement for us that MSD is going pay for the material and time for us to provide the service. Mrs. Brother-Bridge stated that would be her recommendation. Mrs. Brothers-Bridge recommends that the Board approves the interlocal agreement between the City of Muncie and MSD with the change that the fiscal years would begin in July. Mr. Smith provided second. Mr. Brand stated what we are voting on is for Mr. Brand to sign this along with the mayor. Motion approved (3-0).

2. Opening of 2022 Aluminum Sulfate Bids – Jason Ingram, WPCF Superintendent, stated we use Aluminum Sulfate to remove phosphorus from our wastewater, this is a IDEM requirement. He stated we only received one bid from USALCO. Mr. Ingram stated the bid is the annual usage of 327,000 pounds at unit price of \$1.274 with the estimated annual cost of \$41,698.02. Mr. Leach asked what the current rate we pay is. Mr. Ingram stated he does not have that number at this time but can get it to Mr. Leach after the meeting. Mr. Leach asked if the bid was from our current supplier. Mr. Ingram stated our current supplier is Chem Trade. He stated we requested two bids but only received one. Mr. Leach stated before we award, he would like to know our current rate and why the current supplier did not bid. Mrs. Brothers-Bridge stated in this meeting set of claims on page 5 of 11 we paid Chem Trade \$3,882.20, that's the monthly amount. Mr. Brand stated at this time we will table this until the next meeting. He asked if we would run out in the meantime. Mr. Ingram stated no, Chem Trade will still supply us.

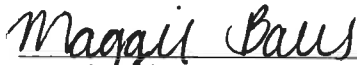
Additional Board Topics: Mrs. Brothers-Bridge stated she was pleased to see the camp that Jason Donati runs. She stated he is currently looking for camp counselors and for the public to see Jason if they are interested in being a camp counselor. Mr. Leach stated the city through the Public Works department with the addition of Police and Fire is looking at doing a Touch-A-Truck event, tentatively on July 29, 2022. He stated he has spoke with Phil Reagon and hopes to get some more of MSD interested. Mr.

Leach stated this event is for City and MSD employees to get out and interact with the community and allow kids to come out and touch neat equipment. He stated this is tentatively planned for July 29th and hoping to have it at the fieldhouse. Mr. Leach stated I should be a good event and are anticipating a food truck. He stated his appreciation for the fine work all our MSD employees do day in and day out, whether it be Deana putting the claims on in a way he can figure out what things are spent on, John Anderson following up on things throughout out the city, Jason Donati with stormwater, Jason Ingram with out Water Pollution Control Facility, and Phil out at Sanitation. Mr. Leach stated everyone is doing great work and we always appreciate what they do. Mr. Smith stated he would like to request an excused absence for the August 10th meeting. Mr. Brand asked if he was willing to disclose the location. Mr. Smith stated Greece. Mr. Brand stated August 10th Mr. Smith will be absent.

Public Comments: None.

Adjourn: Mr. Brand stated our next regularly scheduled meeting will be held on Wednesday, July 27, 2022, at 11:30 a.m. here in City Hall Auditorium. Mr. Brand stated he would accept a motion to adjourn. Mr. Smith made a motion to adjourn the meeting for June 29, 2022. Mr. Leach seconded the motion. The motion was approved (4-0).

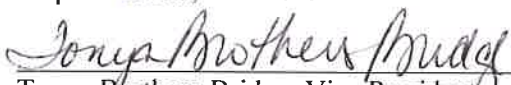
Respectfully Submitted,




Maggie Bales, Executive Office Manager

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


Stephen Brand, President


Tonya Brothers-Bridge, Vice President


Adam Leach, Secretary


David Smith, Board Member