

Board Minutes for the Board of Sanitary Commissioners Meeting of May 3, 2023

THE BOARD OF SANITARY COMMISSIONERS conducted a regularly scheduled meeting.

Board members present; Stephen Brand, President; Adam Leach, Vice President; Michael Wolfe, Board Secretary; David Smith, Board Member; and Tim Overton, Board Member.

Department managers and staff present; John Barlow, District Administrator; Mark McKinney, Legal Counsel; Ingram, WPCF Superintendent; Deana Cox, Financial Manager; Thom Noble, Director of Engineering; Tim Stover, IT Administrator; John Anderson, District Engineer; Rick Conrad, Director of Bureau of Water Quality; Jason Ingram, Water Pollution Control Superintendent; Harvey Wright, Sewer Maintenance Superintendent; and Maggie Bales, Executive Office Manager.

Public present: None.

Consideration of Minutes: Mr. Brand entertained a motion to approve the minutes as presented. Mr. Leach moved to approve the Board Meeting Minutes as submitted for the meeting of April 19, 2023. Mr. Overton seconded the motion. The motion was passed (4-0).

Consideration of Claims: Mr. Brand entertained a motion to consider the register of claims totaling \$659,538.24. Mr. Brand stated a claim on page five of fifteen for the purchase of Cartegraph Systems for asset management software of \$33,840.00. He stated a claim on page eight of fifteen for remediation work ongoing at the wastewater treatment plant for \$6,477.50. Mr. Brand stated Coops did the first mowing and spring clean-up for a combined total of \$29,500.00. He stated raw pump A Rotork, equipment, was programmed at the wastewater treatment plant for \$59,989.00. Mr. Brand stated this was planned for and in the budget. Mr. Smith moved to approve the consideration of claims. Mr. Leach provided second. Motion passed (4-0).

District Administrator Update – John Barlow. Mr. Barlow stated the Engineering Department received praise from a gentleman who owns a business at the corner of Cromer and MLK. He stated our Stormwater crew was out doing some work. Mr. Barlow stated the gentleman was on the crew about when the work would be done and how it might affect the gentleman's business. He stated the construction crew worked with him so the gentleman could continue business. Mr. Barlow stated the first decking panels are being installed as he speaks at the Cardinal Greenway bridge at the Elm Street trailhead. He stated this is just the start of the decking process that will go a long way to get the new bridge completed. Mr. Barlow stated we are continuing with various easement and right-of-way acquisitions for numerous projects, it seems to be what takes the most time. He stated if easements and right-of-way are not established, we must get those. Mr. Barlow stated we will have another progress meeting tomorrow with the group regarding levee construction and levee design on the southeast side near 32 East.

Old Business:

1. Legal Services – David Smith. Mr. Smith stated about a year ago we sent out requests for proposals for legal services. He stated we received three responses from three local companies: McKinney and Company, DeFur Voran, and Dennis, Winger and Abel. Mr. Smith stated all three are fantastic at what they do, and we do appreciate the service we have received. He stated we took an initial vote last fall and now that we have a full board this is something to take action on. Mr. Smith stated his recommendation out of the three for the services going forward would be DeFur Voran. He stated they meet our requirements and our specifications we requested in the requests for proposals. Mr. Smith stated they have extensive experience with government regulations, municipalities, district regulations and

operations, deep experience with environmental regulations, and the opportunity to bring our Human Resources under one local firm. He stated we would have available to us up to 30 attorneys. Mr. Smith stated all we in line as far as expenses. He made a motion for DeFur Voran. Mr. Leach provided second. Mr. Leach stated we looked at each company on an equal basis. He stated he likes that DeFur Voran offers a depth of services and the Human Resource aspect in one firm. Mr. Leach stated all three are great firms. Mr. Wolfe stated being a new member he is aware of the expenses for HR and what we spend on that today. He stated he is interested in seeing the HR piece move to a local firm. Mr. Wolfe stated our current services are very good and very much in line with cost with what he would expect. Mr. Overton stated there are good arguments on both sides, his preference would be for the larger firm. Mr. Brand stated he does not see any gap in services with McKinney and Company. He stated they have knowledge with IURC, Stormwater, the build operate transfer, the bonds, labor relations, wastewater utility experience, IDEM, EPA, DNR, and right-of-way. Mr. Brand stated he would like the rate payers and taxpayers to understand that any switch in legal services, including nominating McKinney and Company, would raise the cost of legal services. He stated his view of one of the Board's functions is to anticipate and mitigate risk, every change has an unintended consequence. Mr. Brand stated he does not see the value of switching that off sets any risk with any large handoff. He stated he is not in favor of switching. Mr. Wolfe voted nay. Mr. Overton voted aye. Mr. Brand voted nay. Mr. Smith voted aye. Mr. Leach voted aye. Motion passed (3-2). Mr. Overton commented that there are two republicans and two democrats. He stated we have one republican and one democrat voting for and one republican and one democrat voting against and the Engineer voting in the affirmative. Mr. Overton stated this is not a parted line vote. Mr. Brand stated he agrees. He stated that in the transition there are certain things in process today that McKinney and Company be allowed to finish. Mr. Brand asked Mr. Smith to lead the transition and see that it is a smooth transition.

2. Mr. Brand commented at the last meeting that Mr. Barlow mentioned the long-term agreement with the Delaware Regional Wastewater District. He stated that we thought we would have a proposal to review, but we do not.

New Business:

1. **Professional Service Contract Northview Storm Sewer – John Barlow.** Mr. Barlow stated the process has been started for a stormwater project in the Northview Neighborhood, north of McGalliard and east of Wheeling. He stated it is a comprehensive project and there is one area that we want to try to get started on first. Mr. Barlow stated it would convey a trunk line for the rest of the neighborhood to flow to and it is also a part of a paving plan for later this year. He stated this is part of the design task that Greeley and Hansen will do for us. Mr. Barlow stated this is a task for professional services for the Northview design. He stated it is a not to exceed of \$117,400 for Greeley and Hansen to perform these services. Mr. Leach stated the Public Works Department publishes a list of paving plans about a year in advance. He stated Glenwood is on that list. Mr. Leach stated part of the work authorized last year with the Northview master plan was to look at the entire neighborhood and trying to come up with some solutions to the unique drainage problems. He stated throughout the analysis it was understood that things were undersized throughout the area. Mr. Leach stated the way to increase capacity is to put in a larger pipe. He stated Glenwood would be the first and would hope to help with the drainage issues. Mr. Brand entertained a motion to approve the professional service contract for the Northview storm sewer as presented. Mr. Smith moved to approve. Mr. Leach provided second. Motion passed (4-0).

Additional Board Topics:

1. Mr. Leach stated his appreciation to Harvey and his crews with all the wet weather we have had. He stated they have been busy and getting good comments about the guys getting out there to use the Vac Trucks to keep the system working.

2. Mr. Smith stated his appreciation to Harvey for doing a walk through on potentially replacing some fencing around the grounds. He stated this is security and safety related replacements.

Public Comments:

1. Mark McKinney, McKinney and Company 201 N. High Street, stated that we started working for the district in the fall of 2014. He stated in that time the work we have done for the district has been about as diverse as any client a law firm could ever have. Mr. McKinney listed the work: drafting resolutions and amendments, to policies, reviewing and approving multimillion-dollar bond issues, from property damage, personal injury claims, to environmental permitting issues, from property acquisitions and disposal to the Indiana Utility Regulatory Commission, the Indiana Corp of Appeals for territory rate and service issues. He stated we have enjoyed the people that we have worked with along the way. Mr. McKinney stated on behalf of McKinney and Company he thanked the district for the last eight and a half years. He wished the district good luck with the new firm. Mr. McKinney stated there aren't any attorneys in East Central Indiana that have the knowledge and experience that we have when it comes to the unique entity that is a municipal sanitary district. He stated that he is sure DeFur Voran will do a good job and he is sure that McKinney and Company will do everything they can to make the transition go as smooth as possible.

Adjourn: Mr. Brand stated our next regularly scheduled meeting will be held on Wednesday, May 17, 2023, at 11:30 a.m. in the City Hall Auditorium. Mr. Brand stated he would accept a motion to adjourn. Mr. Leach made a motion to adjourn the meeting for May 3, 2023. Mr. Smith seconded the motion. The motion was approved (4-0).

Respectfully Submitted,



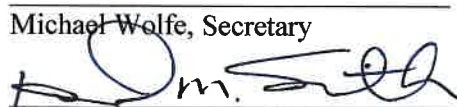
Maggie Bales, Executive Office Manager

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



Stephen Brand, President

Adam Leach, Vice President

Tim Overton, Board Member

Michael Wolfe, Secretary

David Smith, Board Member