

Board Minutes for the Board of Sanitary Commissioners Meeting of May 31, 2023

THE BOARD OF SANITARY COMMISSIONERS conducted a regularly scheduled meeting.

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

Department managers and staff present; John Barlow, District Administrator; Deana Cox, Financial Manager; Thom Noble, Director of Engineering; John Anderson, District Engineer; Harvey Wright, Sewer Maintenance Superintendent; Jason Donati, Sustainability Coordinator; Phil Reagon, Sanitation Superintendent; Jason Ingram, WPCF Superintendent; and Maggie Bales, Executive Office Manager.

Public present: Rick Yencer.

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 May 17, 2023. Mr. Overton seconded the motion. The motion was passed (5-0).

Consideration of Claims: Mr. Brand entertained a motion to consider the register of claims totaling \$2,094,787.48. Mr. Leach stated a claim on page nine to Coop's for the third mow of the 2023 season totaling \$14,500.00. He stated that levee mowing is required by the Corps of Engineers which is why we try to keep the levee looking nice. Mr. Leach stated a claim for tree removal on Bill Martin Street to run new fiber. He stated that this is the area between the IT building and the Wastewater Treatment Plant. Mr. Leach stated prior to running the fiber we had to remove the trees down Bill Martin to eliminate a maintenance problem and give us somewhere to put it other than the road. He stated that work totaled \$30,010.00 where MSD was able to use an existing contract with the city for unit pricing for all the trees. Mr. Leach stated a claim on page twelve there is a \$75,931.24 for the Cardinal Greenway Trail at McCulloch Park for the greenway bridge re-decking and eventual demolition being done by Flatland Resources. He stated a claim on page thirteen for a log jam removal at McKinley Park done by Flatland Resources totaling \$5,025.00. Mr. Leach stated a claim for \$32,44.03 for on-call stormwater projects. He stated this is design fees associated with the Lynn Mar and Indian Village stormwater project that are being handled by Bowen with our stormwater bond. Mr. Leach stated a claim on page fourteen totaling \$30,738.60 from Christopher B. Burke Engineering for the tie back levee design. He stated this is the levee design previously discussed located near Low Bob's and State Road 32. Mr. Leach stated a claim for payment number ten of bid work for stormwater projects including Indian Village, Lynn Mar, and the Greenway Depot drainage. He stated the claim totals \$353,602.80 for Bowen to do the work. Mr. Leach stated a claim on page fourteen totaling \$522,023.67 for payment 23 of sewer projects. Mr. Smith moved to approve the consideration of claims. Mr. Leach provided second. Motion passed (5-0).

District Administrator Update – John Barlow. Mr. Barlow stated the levee project on the southeast side, this is an Army Corps of Engineers requirement for most towns that have a Corps of Engineers levee to have the levees certified to their standards. He stated the first phase of that tie back levee on the southeast side of town. Mr. Barlow stated this is getting close to having a notice to proceed. He stated this is located near the 32 East Phillips quarry area at the end of Washington Cardinal Greenway. Mr. Barlow stated this is unfunded by the Army Corps of Engineers but is previously funded by MSD. He stated there was a preconstruction meeting at Amazing Joe's property with the management team from Amazing Joe's, representatives from Bowen Engineering, MSD, and City of Muncie to go over everything that prior to the construction that will be taking place in that area. Mr. Barlow stated the purpose of the meeting was to make sure their needs and requests are met as best as possible. He stated there was good dialogue and we feel that we will be able to do everything to help them maintain business during construction. Mr. Barlow stated he sent a letter to IDEM asking for an extension to submit our long-term

control plan. He stated this is due to some changes that we discovered regarding some of the CSO basins where the previously planned options cannot be carried out. Mr. Barlow stated he asked for an extension to the end of September. He stated the changes are due to some environmental changes that will cause us to switch gears on a particular basin. Mr. Barlow stated we have reached the 2,000 sign-up mark for the new recycling program. He stated Jason Donati will be mailing direct mailers to residents. Mr. Barlow stated with the anticipation of receiving the trucks, we are looking at an August 7th start date. Mr. Wolfe stated that the mention of the Amazing Joe's construction, it looks like Wheeling will be closed. Mr. Barlow stated Wheeling will be closed on June 5th for at least four weeks or more. He stated that will be for the first phase of the project to go from the outfall at the river across Wheeling, then after that the project will move to the parking lot of Amazing Joe's.

Department Head Update – Phil Reagon, Sanitation Superintendent. Mr. Reagon stated the first recycling trucks will be built and done on the 19th of June and the second one about two weeks after that. He stated the August 7th start date is looking promising. Mr. Reagon stated we have over 2,000 sign-ups as of this morning. He stated the mailer is about to go out. Mr. Reagon stated updates for Greenline. He stated the Police Department usage is down a little bit, but the retail usage is up. Mr. Reagon stated the contracts, and the city departments are running on average. He stated we had spring neighborhood clean-ups, twelve neighborhoods participated. Mr. Reagon stated a total of 50.7 tons was picked up on the three Saturday mornings. He stated he knows the winning neighborhood but was asked not to share. Mr. Reagon stated it will be announced at the Idea Conference. Mr. Reagon stated the Napa IBS program, we are just starting in the third year of the contract. He stated for those who may not know, we have a contract with Napa where any part we buy we get their cost with a flat 10% markup. Mr. Reagon stated the regular markup price is anywhere from 20 to 32 percent for government parts. He stated we get in stock parts, and they have vendors to get us parts at the best price. Mr. Reagon stated there is slightly over \$200,000 worth of inventory in our facility and we do not pay for it until it is taken off the shelf. He stated we have access to hundreds of thousands more that is available in 24 hours either located in other stores, warehouse, or supply chain. Mr. Reagon stated the savings so far on parts has been \$41,475.00 since 2022. He stated we are saving about \$75.00 per tire. Mr. Reagon stated that the fire Department has started buying their tires from Napa. He stated the biggest savings for us are that our mechanics are not chasing parts, they are turning wrenches. Mr. Reagon stated the contract will be coming up for discussion on whether to carry on or try something different. He stated it is working for us and great. Mr. Reagon stated June 17th is National Trashman's Day. He stated on June 14th immediately following the board meeting we will have our annual picnic and truck rodeo. Mr. Reagon stated our guys are very competitive in the rodeo. He stated the food will start at about 12:00 pm and the rodeo will follow at about 1:00 pm. Mr. Brand stated this was a great update as always. Mr. Wolfe thanked Mr. Reagon for the update. Mr. Overton stated his appreciation for what Mr. Reagon does and his tight operation, what you have done, what you do, and will do. He stated it is impressive all the way around and what Mr. Reagon has done with the new building is phenomenal. Mr. Leach stated his appreciation to Mr. Reagon for what he and his people do. Mr. Smith asked when the contract will come up. Mr. Reagon stated in about the months, we just started the third year.

Old Business: None.

New Business:

1. Wastewater Treatment Service Contract Delaware Regional Wastewater District. Mr. Barlow stated that we have been in negotiation for about a year with Delaware Regional Wastewater District as their 20-year contract was going to end in September of this year. He stated that there were varying meetings that Mr. Barlow, Mr. Brand, Dean Rodgers from Baker Tilly, and Josh Brown with McKinney and Company have met with the board, accountants, attorneys, and managers of Delaware Regional over the last 12 months at least. Mr. Barlow stated that a contract has been finalized, using a neutral mediator.

He stated the terms have been finalized for another long-term 20-year contract between Delaware Regional and MSD for them to be a wholesale customer. Mr. Barlow is requesting the board to consider ratification of the new contract between the Muncie Sanitary District and Delaware Regional Wastewater District. Mr. Wolfe stated his appreciation to Mr. Brand, Mr. Barlow, and Mr. Brown. He thinks this was a very fair and equitable outcome for both parties, and the work put in and the time put in to get to this point is appreciated. Mr. Overton expressed his gratitude for all the hard work. He stated for the benefit of the public that this is moving a mountain. Mr. Overton appreciates Mr. Barlow, Mr. Brand and all the others, it has been a good process, a lot of work, and it is a good result. Mr. Brand stated a special thanks to Josh Brown and Dean Rodgers, they had our best interest in mind for the rate payers and taxpayers. He stated it was never about the rate, it was about the process. Mr. Brand stated that in the documents there are calculations that keep it unemotional. He stated that if there needs to be a rate adjustment in the future there is already a process, we agree on where the numbers come from, and numbers just have to be plugged in. Mr. Brand stated that going through this in the future should be a lot easier and he is glad to continue the partnership with Delaware Regional. He understands that Delaware Regional will review this at their next board meeting so if we approve this today, Delaware Regional will review this at their next meeting. Mr. Barlow stated that if the board approves, Mr. Brand and Mr. Brown would sign off on it and Mr. Brown would carry it to Delaware Regional where their attorneys and board president would do the same. He stated for clarification that the contract before the board, both parties came to agreement on the 14th of April. Mr. Barlow stated that the current contract would end retroactively on May the 4th and the current contract would start retroactively on May 5th. Mr. Brand made a motion to approve the Delaware Regional Wastewater District contract. Mr. Wolfe provided second. Motion passed (5-0).

2. Letter of Engagement from DeFur Voran. Mr. Smith stated that about a year ago we sent out requests for proposals for legal services. He stated through the process we did select DeFur Voran to carry legal services for the Muncie Sanitary District. Mr. Smith stated that the letter of engagement spells out the costs and services the firm will provide. He made a motion to submit this letter of engagement and activate it. Mr. Leach seconded the motion. Motion passed (5-0).

3. Muncie Delaware County, Indiana Economic Development Alliance Vision 2027. Mr. Brand stated this is for the Vision 2027 campaign. He stated that he is on the board of the Chamber of Commerce. Mr. Brand stated the Chamber of Commerce conducts economic development, they brought us Canpack which will become our single largest customer when they get up and running. He stated Elizabeth Rowray is the president of that group and is here today. Mr. Brand stated that his proposal would be that we match out of the promotion of business funds that we have, what we do with the downtown (DWNTWN Group), which is \$15,000 a year. He stated it is a five year ask so it would be \$15,000 per year for five years. Mr. Brand entertained a motion to approve the proposal of \$15,000 a year. Mr. Smith moved to approve. Mr. Wolfe seconded the motion. Motion passed (5-0).

Additional Board Topics:

1. Mr. Overton invited Dustin Clark from Prairie Creek Reservoir to speak about an educational project that he would like to partner with MSD. Mr. Clark stated that Prairie Creek has had a rare opportunity to gain some good footing as of late, going through a transition phase and doing some significant upgrades. He stated one of the things we have never had in the past is an education center. Mr. Clark stated over about two years the idea has been developing and working with a couple other groups and finally got to the point where we were able to acquire a building and then set forth an idea to make a free education center for the public. He stated that this would span the scope of K through 12 but primarily for middle school students. Mr. Clark stated that it has long been custom to have kids do field trips and school groups. He stated that those have gone away in the past because there is not a close opportunity for those; people have to travel too far, gas is too expensive, etc. Mr. Clark stated that Prairie Creek is creating an education center that services both home school and local students from the city and surrounding areas.

He stated that this is a huge endeavor where the project has been started but will take quite a way to finish. Mr. Clark stated one of the things that we are missing is one of the key focal points, a live turtle display. He stated that part of that is to explain the ecosystem and to explain how water travels to our reservoir and how it affects Muncie residents and surrounding areas. Mr. Clark stated that there is also a large portion that we will not be able to get to for some time that deals with stormwater management education and native plant education. He stated that through a couple of informal talks we have had an opportunity to see what we want to eventually accomplish, lines up with some of the things that Jason Donati and some of your other educational programs already do. Mr. Clark stated that we would like to see if there is an opportunity to merge those two. He stated there is an outline of what those this would be, basically a ten foot by twelve-foot MSD educational display, inside the key focal point of the entire education center would be the MSD live turtle display and it would have other items to show the whole ecosystem. Mr. Clark stated that we are completed for July, but that does not complete the whole education center. He stated that this is where we look to partner for a one-time investment and then would be free to the public from that point forward. Mr. Wolfe stated that it is a great idea, and he is anxious to hear what John and Jason have to say after they take a look. Mr. Overton thanked Mr. Clark for his hard work. He stated that just to be clear MSD would get some signage on those. Mr. Clark stated yes. He stated that Camp Prairie Creek has long had a partnership and we would like to continue that and cement it. Mr. Clark stated that as the new building takes shape the primary focus would be the MSD display on the right and the focal point of the live display that most kids do not get the opportunity to engage and understand how the environment, the water system, stormwater, and erosion. He stated that kids understand turtles, and this will give them the opportunity to see a solid example. Mr. Clark explained that other educational tools will be available. Mr. Overton stated for clarification that Jason would have access to the education center for perpetuity. Mr. Clark stated he would welcome his involvement. Mr. Brand asked the amount. Mr. Clark stated the total request is \$18,140.00. He stated the primary focus of that money would be for the MSD display, the stormwater education, the live turtle display, and the indoor/outdoor interactive display. Mr. Brand stated pending Mr. Barlow, Mr. Donati, and Mr. Smith visiting, we will review it. He stated that if we decided to move forward, we would require an interlocal agreement to allow oversight from the Sanitary District.

2. Mr. Leach stated as a reminder we will be doing our Touch A Truck event on June the 9th from 10:30 am to 1:30 pm. He stated that it is a free event and there will be swag from various departments that will be there, including Muncie Police, Muncie Fire, Muncie Public Works, and Muncie Sanitary District. Mr. Leach stated there will be free food and is open to whoever wants to come. He stated it should be pretty good, last year had a great draw, we would like to make this year even bigger. Mr. Leach stated that there will be free ice cream. He stated that we will be closing Wheeling on June the 5th for about 30 days, give or take. Mr. Leach stated his appreciation for Deana Cox and the Sewage Utility office. He stated Deana has been integral to everything, but beyond that record keeping, keeping State Board of Accounts modified, etc. Mr. Leach stated we lean on her to keep us in the black and operate correctly, they have a big job and are our public face. He stated his thanks to Deana and her people. Mr. Brand asked the location of Touch A Truck. Mr. Leach stated next door, 301 North High Street.

3. Mr. Brand asked Thom Noble to approach the podium. Mr. Brand asked Mr. Noble to briefly discuss the general process for someone to do work in a Muncie Sanitary District right-of-way. Mr. Noble stated that first they need to call the Engineering Department. He stated maintenance of the lateral to the main is the homeowner's responsibility, examples include general clog, grease, roots, etc. Mr. Noble stated that when it comes to easements and right-of-ways the homeowner is responsible structurally for everything on the property. He stated that when it comes to a right-of-way or easement MSD takes responsibility structural in that easement. Mr. Noble stated that in the easement we take responsibility structurally for the lateral. He stated the homeowner has every right to replace the lateral from the main to the house, but they must come to the Engineering Department for proper permitting and inspection. Mr. Noble stated the contractor has to have the permit with them and paid for when they show up to excavate. He stated if not

the work will be shut down. Mr. Brand asked the consequences for not following that as far as damage to their own property or damage to the Sanitary District infrastructure. Mr. Noble explained that if MSD does not know about the work and there becomes a problem by policy, we are structurally responsible for that in the right-of-way where it could need to be executed again, there would be extra costs to us, and safety issues would be present. He explained that an inspection and pictures would document the work. Mr. Noble stated the homeowner would have a hard time trying to go back on a contractor after the fact. Mr. Wolfe stated his takeaways from that is that the process is in place to help the homeowner and protect them from the work that is being done by the contractor. Mr. Noble stated that is correct. He explained that anything up on the property does not require a permit. He stated once they start replacing the lateral and get to the property line, we want to see that.

Public Comments:

1. Rick Yencer stated he loves it when the government talks about protocol, they do not talk about the cost to the taxpayers and utility customers. He stated on this deal between the city and the county on a new rate and cost for treating county sewage, hopefully county sewer customers are not going to be clubbed for an increase in cost. Mr. Yencer stated that we were a couple years ago over a borrowing issue during the pandemic. He stated that our rates went up 40%. He stated the county should have put a tax base on that years ago, but they still tend to borrow but hopefully this is not going to increase utility customer costs either to the city or county. Mr. Yencer stated that he did not get a delineation of what sanitary sewer work was being done with Bowen Engineering for half a million dollars. He recalls that last year the city government gave seven million dollars in American rescue funds which was ridiculous because again you have your own tax base and your own utility and other means. Mr. Yencer stated you do not need to use money that should have gone to the people to build infrastructures but that is a lost cause in this government. He stated on the Amazing Joe's project we have been trying to figure out who said what to who. Mr. Yencer stated that he got information from a council member that confirmed what the Amazing Joe's owner told me, that they were never contacted about this project until someone spoke up. He stated that caused a series of events that caused the council attorney to resign, accusations of conflict. Mr. Yencer stated that you need to do more than just post on Facebook that you are going to close a major road for more than a month because a lot of people are still asking. He stated you need to do a little more outreach because there are thousands of people who use that route every day and that is going to be a major project through summer for the rest of motoring traffic.


Adjourn: Mr. Brand stated our next regularly scheduled meeting will be held on Wednesday, June 14, 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 31, 2023. Mr. Smith seconded the motion. The motion was approved (5-0).

Respectfully Submitted,



Maggie Bales, Executive Office Manager

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



Stephen Brand, President



Adam Leach, Vice President



Michael Wolfe, Secretary



David Smith, Board Member

Tim Overton, Board Member