

## **Board Minutes for the Board of Sanitary Commissioners Meeting of July 15, 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; Mark McKinney, Legal Counsel; Deana Cox, Financial/Billing Manager; Jason Donati, Stormwater/Recycling Educator; Tammy Branson, Sanitation Office Manager; Phil Reagon, Sanitation Superintendent and Tamelia Moore, Working Foreman/Account Specialist.

**Consideration of Minutes:** Mr. Brand moved to approve the minutes as submitted for the July 1, 2020 meeting. Mr. Stephens-Hotopp seconded the motion but asked if there could be a discussion. Mr. Stephens-Hotopp would like to see additional details regarding discussions in the minutes for the July 1, 2020. He also said there was a Resolution passed regarding dumpsters that is not mentioned either. Mr. Smith said there were some events that caused a delay in the department that handles the minutes and he would work to get that revised as soon as the next meeting. Mr. Stephens-Hotopp moved to postpone the approve of the July 1, 2020 meeting minutes until they have been revised. Mr. Brand seconded the motion. The motion was approved (5-0).

**Consideration of Claims:** Mr. Stephens-Hotopp moved to approve the Register of Claims for \$767,998.29. Mr. Cline seconded the motion. Mr. Stephens-Hotopp asked if Deana was in the audience to answer some questions. He asked why there were invoices processed on July 10<sup>th</sup> prior to the meeting today. Mrs. Cox said the invoices dated for July 10<sup>th</sup> may have been processed due to being utility bills or invoices that must be paid so we do not incur late fees. Mr. Stephens-Hotopp said okay, it does look like they are mostly utilities. He asked about the Insurance Concepts from 5/3 Insurance. Mrs. Cox said she does not put that invoice on, the City of Muncie does on our behalf, so it may be something that needs discussed with the Controller's Office. She said it may be some type of liability insurance and believes it comes out of police, fire, and other various departments. Mr. Stephens-Hotopp said if there are utilities or other type of insurance claims those will get paid on off weeks usually. Mrs. Cox said yes. Mr. Stephens-Hotopp said he has some further questions and most of them may be due to getting him up to speed with some of the vendors and payments we process on a regular basis. He asked if the CNG Fuel Station transfer of \$40,000 was basically the Sanitation Department paying back the Stormwater Fund for their CNG Fuel usage. Mrs. Cox said yes. Mr. Stephens-Hotopp asked if the East Central Recycling invoice was for disposal costs. Mrs. Cox said yes. He asked if this would be a reoccurring payment we would be seeing at each meeting. Mr. Evans said yes. Mr. Stephens-Hotopp asked if anything has been done with the Blackhawk Security Contract. Mr. Smith said they are going to finish out this payment cycle and then we are going to discuss it and reevaluate the need. He said they are on an hourly rate at this point of time. Mr. Stephens-Hotopp said it may be a completely necessary service, he just would like to see a contract in place for such work if it is needed. Mr. McKinney said the original contract was set up to include the new Administration offices so when backed off that plan a contract was never

executed because that section was no longer required. Mr. Stephens-Hotopp said the contract that has been signed is for a scope of services, but that is not accurate for what they are currently doing. Mr. McKinney said that is correct because it originally included the new Administration office. Mr. Stephens-Hotopp said it would be nice to get this cleaned up to reflect what services we are currently receiving from this company. He asked what services GJ Case would be providing at such a minor amount. Mrs. Cox said she could supply him with that invoice, but the department head is not here today to answer questions and she is not sure either. Mr. Stephens-Hotopp asked if an invoice for IUPPS was for underground utility locates under the Engineering Fund. Mrs. Cox said yes, and she could get him that invoice as well. Mr. Smith said he wanted to have all department heads here today, but there have been four cases of COVID-19 within the District, so he decided to not require them to be in attendance today. Mr. Stephens-Hotopp asked if the vendor Gripp handled flow monitoring for the Plant. Mr. Evans said yes, that was for the Treatment Plant. Mr. Stephens-Hotopp asked if Williams Creek was handling the design or construction work. Mr. Evans said he does not think it is continuing work, but it is to provide plants on the pond with a year's warranty. Mr. Stephens-Hotopp said that sounds like a type of restoration work after they have completed a project. Mr. Evans said yes and asked how much that invoice was. Mr. Stephens-Hotopp said it was \$2,350. He asked about an invoice for Hill Lawncare that was on this claim date for \$14,000.00 and last week we had paid \$21,000.00. Mr. Stephens-Hotopp asked if there was a standard rate each time the levee is mowed. Mr. Smith said there is a contract that reflects his services on an as needed basis. He said he would give the newest Board members a copy of the Hill Lawncare Contract. Mr. Stephens-Hotopp said there is an East Central Recycling/Randolph Farms invoice under the Sewer Maintenance account and asked if that would be for disposal of debris or vacuumed out inlets. Mr. Smith said yes that is correct it for the street sweeper. Mr. Stephens-Hotopp asked if the Bureau of Water Quality pays for all the lab supplies and equipment. Mrs. Cox said yes. Mr. Stephens-Hotopp said there is a SmithAmundsen under Legal Services for about three months of invoices totaling about \$8,030. Mr. McKinney, Legal Counsel, said there are some instances when the District needs assistance with employment law cases or situations where there may be a conflict of interest with his firm among other scenarios and it is best for us to seek out other legal services. Mr. Stephens-Hotopp asked if this was a Workers Comp type issue. Mr. McKinney said no, this is not a Workers Comp scenario. Mr. Stephens-Hotopp asked if this was a legal service to address a concern to an employee within our Department. Mr. McKinney said yes, that is right. Mr. Stephens-Hotopp asked about Taylor Technologies and an invoice regarding social media. Mrs. Cox said it is an invoice we get every two weeks and they handle the social media for the MSD, like Facebook and Twitter. Mr. Stephens-Hotopp asked about TCF Equipment Finance totaling \$60,919. Mrs. Cox said that it is a sweeper that we pay for once a year and next year will be the last payment for the lease. She said this is one of the only ones that is paid from Stormwater, the rest are paid from Sanitation. Mr. Stephens-Hotopp said there is an invoice under Purchase of Property for \$3,900. He asked if that was a right of way payment or property acquisition. Mrs. Cox asked if he was referencing the Dean Roberts invoice. Mr. Stephens-Hotopp said yes. Mrs. Cox said that is for mowing of various properties we own, and this was payment 4 out of 7 for the year. She said Harvey Wright could probably answer that in more detail, if needed. Mr. Smith said there is a list of properties we owned that have recently been turned over to DAC and in the agreement with them we said we would finish up the mowing for this season and in future DAC would handle the maintenance of the properties. Mr. Stephens-Hotopp asked for some background on the Sondhi Solutions invoice under the IT fund for \$37,900. Mr. Smith said when we lost our IT

Department Head and were updating our system over to the cloud, we decided to sign a contract for Sondhi to walk us through those changes. He said at the time we planned to move several of our offices to the new downtown building and they were going to administer those IT changes. Mr. Smith said if we continue to use them after the 6 months contract expires, the price will lower drastically because we are not transitioning the new building seeing as the project was stopped. Mr. Stephens-Hotopp asked if there was a reason why this payment was coming out of Fund 680 BAN. Mrs. Cox said that falls under the Contingency Account in the BAN and was set up that way when we were going to be moving. Mr. Stephens asked if it was just lumped in with the costs of moving. Mrs. Cox said yes. Mr. Stephens-Hotopp said those are the only questions he has for the claims. Mr. Smith asked if there were any other questions. Mr. Brand said he had a few questions. He said he had a chance to stop by the IT Office and speak with Tim Stover and an employee from Sondhi. Mr. Brand said his only concern is that the outsourced IT company is from a different county and he is a very firm believer in "buy where you live." He said if we were ever to revisit this contract and put it out to bid there are some great local options for consideration within Delaware County. Mr. Smith said he agrees with the premise of what Mr. Brand is saying. Mr. Evans said our last IT outsource firm was local before Sondhi. Mr. Brand asked if they would get a chance to view the Hill Landscape Contract. Mr. Smith said yes, and he will make a note. Mr. Brand said he was given a packet before the meeting with some invoices and contracts that were asked about during the last meeting and he will need to look over those things. Mr. Stephens-Hotopp said it is a packet of invoices and contracts of vendors we had previously discussed. Mr. Brand said he had recently visited with John Barlow at the Plant and John had told him that the Bureau of Water Quality does a lot of testing for his department as well. Mr. Brand said that is just a follow up one of Mr. Stephens-Hotopp had questions regarding lab services provided by Rick Conrad's group at the Bureau. Mr. Brand asked what the invoice for Boyce/Keystone/Computrol entailed. He said as a rate payer of Muncie can it be explained by, we mail our bills to Fort Wayne rather than here in City Hall. Mrs. Cox said Fort Wayne is just the payment center. She said they collect the payments, process the payments, and then send us a file every day. She said we import it into our software at that time and this started in 2014. Mrs. Cox said this invoice specifically was for processing the printing of the bills as well as the postage so you will see this as a monthly bill. She said this is not done in house. Mr. Stephens-Hotopp asked if they do any notification late payments. Mrs. Cox said no, they are only the processing center for the payments that get sent to them, like a lockbox. Mr. Stephens-Hotopp asked if this was a sheer volume issue. Mrs. Cox said in 2014 we switched from quarterly to monthly billing and there was no way with only 5 people we were able to keep up with that volume unless we hired more staff. She said they received stacks of mail which help eliminate that. Mr. Brand asked if they issue the statement and then collect what is sent to them. Mrs. Cox said Keystone will print out the bill and if the resident chose to write a check Fort Wayne is where they would send that to. She said they can pay online which is free to them as well as automatic payments. Mr. Brand asked if we went from quarterly to monthly to improve cash flow. Mr. Smith said yes. Mr. Evans said we changed how everything was billed as well. Mr. Smith said yes, main reason was to improve the cash flow as well as it is more affordable to rate payers to monthly then quarterly when rates were being raised. He said we also catch the delinquent bills quicker monthly than it was quarterly and can take prompt action. Mr. Brand asked if the Sewage Billing office handles the collections or the Fort Wayne office. Mrs. Cox said the MSD Billing office does the collections. Mr. Brand asked about Christopher Burke under the Engineering account and what project that was regarding. Mr.

Evans said Levee work. Mr. Smith said Christopher Burke basically only does Levee work for the MSD. Mr. Brand asked if the report that he was given before the meeting titled Cross Fund Report is an explanation of a General Ledger Accounts and what they are tied to by department. Mrs. Cox said yes that Mike has asked her to give those to the new members. Mr. Brand said thank you because he had asked for that. He said those are all his comments regarding the claims. Mr. Brand said he has visited 4 departments this week and he intends to visit the rest next week. He said he has met a lot of good, dedicated people that love their job and love Muncie. Mr. Brand said he has not met a bad person yet. Mr. Stephens-Hotopp asked if there was an internal guideline for Department heads as far as what they can spend up to without approval. Mrs. Cox said the Department heads approve their own invoices. Mr. Stephens-Hotopp said but is there a cap on that. Mr. Smith said yes, there is a cap. He said if it is a reoccurring invoice that is set in place they will go ahead and pay it, but if it is a onetime charge, it will come to the District Administrator or the Board. Mr. Smith said he believe it is up to \$25,000 that the District Administrator can approve with making the Board aware of said charge. There were no further questions regarding the claims. The motion was approved (5-0).

### **Old Business:**

None.

### **New Business:**

- 1. Resolution 2020-08, an Amendment to the Salary Resolution for 2020. -Deana Cox, Financial Manager.** Mr. Smith said every year we establish the Salary Resolution and if there are any changes during the year, we will amend it with a Resolution. Mrs. Cox said this amendment is regarding changes to the Board Member position and the IT Administrator position. Mr. Smith said our previous Salary Resolution only had a Board President, Board Vice-President, and Board Secretary position, so we had to add a Board Member position to be able to make payment to our two new members. He said we are also establishing a range for the IT Administrator position. Mr. Smith said over time we have been making ranges for various positions that way if we want to give a 2% raise we do not have to go back each time and amend the Resolution because that range will allow for that increase while still meeting their top range. Mr. Stephens-Hotopp asked if there was a longevity clause with positions where people have a built-in annual increase. Mr. Smith said we usually go along with the City with the annual ranges, they may vary slightly from time to time, and for longevity it has nothing to do with ranges it is in reference to have many years of service you have. Mr. Stephens-Hotopp said so if we hire someone at \$2,100 bi-weekly as long as the longevity and raises are within the range, we are fine. Mrs. Cox said annual Salary Resolution will have all of that listed when it is done at the end of the year. Mr. Stephens-Hotopp asked if the range was set up to accommodate the longevity raises that occur for the position. Mrs. Cox said yes. Mr. Stephens-Hotopp said to be clear we do not have an IT Administrator at this time, correct. Mr. Smith said no, we did promote someone. Mr. Stephens-Hotopp said so we have Sondhi on board for IT support, but we also have a local person working for us. Mr. Smith said Sondhi was hired to take us from one phase to another and they had a six-month contract for the new building. He said our policy is that when there is a position open, we post it within the departments and try to hire within before going outside. Mr. Stephens-Hotopp asked if it was accurate that Executive Office Manager position was vacant. Mrs. Cox said there is no one in that position right now. Mr. Stephens-Hotopp said that rates for the Board positions have not changed we are just adding that specific Board Member position. Mr. Brand asked if the IT Administrator position was for Tim. Mr. Smith said yes, that was for Tim.

Mr. Brand asked if the Computer Network Specialist position was for Dustin Jennings. Mr. Smith said yes. Mr. Brand asked if the Computer Operations Specialist was vacant. Mr. Smith said that is correct. Mr. Brand said to be clear for the record he is not taking any payment for his service on the MSD Board. Mr. Cline moved to approve Resolution 2020-08, an Amendment to the Salary Resolution for 2020. Mr. Evans seconded the motion. The motion was approved (5-0).

2. **Interlocal Cooperation Agreement; Agreement between the City of New Castle and the Muncie Sanitary District which MSD would assist New Castle with trash collection due to fire on June 17, 2020- Mark McKinney, Legal Counsel.** Mr. McKinney said we were contacted by the City of New Castle when they had a fire at their Sanitation Department that destroyed all their trash trucks and equipment. He said they needed emergency help with their trash service so we created an outline of how we would handle with assistance while covering our expenses and liability. Mr. McKinney said since it was such an emergency we went ahead and provided the services with the understanding that we would come up with a written agreement to put in the file for later. He got in touch with the New Castle attorney to work on this, so it has been okayed by both parties and will suffice for any possible State Board of Accounts questions later. Mr. Smith said that total for all the services we provided was about \$16,000 and the City of New Castle paid for all costs. Mr. Stephens-Hotopp said he thinks this was great effort to help and made a motion to approve the Interlocal Cooperation Agreement. Mr. Brand seconded the motion and wanted to make a comment. He said he commends Phil Reagon and his team for responding very quickly to help a neighboring community. Mr. Brand said he visited the current Sanitation building today which is almost 100 years old. He said what happened at New Castle could very easily happen at our current facility especially with the CNG vehicles being indoors. Mr. Brand said our current building is probably up to code, but it has some gaps where the new Sanitation building will be much safer for our equipment and personnel. He said our Sanitation department does a phenomenal job and that is why he is seconding this motion. The motion was approved (5-0).
  
3. **Resolution 2020-09, Resolution Amending the Procedure for Public Meeting Considering the Covid-19 Pandemic-Mark McKinney, Legal Counsel.** Mr. McKinney said this is just a Resolution to formalize the process that has been in place now under the Governor's Emergency Order allowing participation for public and electronic meetings. Mr. Smith said we used another attorney's service for the four cases we have with COVID-19, his name is David Swider with Bose McKinney and Evans. He said right before the meeting he was handed a draft for the Board's consideration regarding the guidelines for our employees if they are exposed to COVID-19 or have a positive resolute for COVID-19. Mr. Smith said after the meeting he would make sure the Board receives a copy of the draft to review. He asked if there were any questions regarding Resolution 2020-09. Mr. Stephens-Hotopp asked if we are authorizing the use of the electronic platform for future meetings, such as when Mike Cline is here electronically, or are we authorizing that everything that has occurred since March via Zoom is valid. Mr. McKinney said everything that has happened since March is valid based on the Governor's orders, but we do not know when that is to expire, so this is saying moving forward we can continue to use this format if needed, even if things with the Governor's orders change. Mr. McKinney said MITS has used this policy for some time now and it works especially in the winter when their Board members may have some trouble making it into town for meetings. Mr. Stephens-Hotopp moved to approve Resolution 2020-09, a Resolution Amending the Procedure for Public Meetings Considering the COVID-19 Pandemic. Mr. Brand seconded the motion. The motion was approved (5-0).

**Public Comments:** Mr. Smith said we are having citizens sign in if they would like to speak during our Board meetings and asked Jason Donati, Recycling/Stormwater Educator, to check the paper at this time for participants.

Mr. Donati came up and shared information with Mr. Smith. Mr. Smith said he was just informed that we do not have four employees that have COVID-19. He said we have four employees that may have been in contact with someone that has the virus. Mr. Smith said we have one employee that thought she had it but was given negative results this week. He said no one in MSD has received positive results at this time. Mr. Stephens-Hotopp asked if we could have a clarification of what the policy is for the District if an employee tests positive. Mr. Smith said that is what he had just received prior to the meeting from David Swider. He asked Melanie Lanich, the Health Insurance Administrator, to come up and share this information. Mrs. Lanich gave the Board members a handout. Mr. Brand said with a quick glance this seems to be in line with the policies he has seen in other industries. He said when he was at Sanitation today, he witnessed Phil Reagon taking every temperature prior to clock in, so he knows these protocols are being followed. Mr. Smith asked if Mr. Stephens-Hotopp if he had any questions. Mr. Stephens-Hotopp said could we clarify what happens when someone self isolates. He said he sees they receive five workdays paid and is assuming that does not come from sick leave. Mr. Smith said no. Mr. Stephens-Hotopp said if they test positive the isolation period is 14 days, so what happens after the five days they have already received. Mr. Smith said we will continue to pay them. Mr. Stephens-Hotopp said he realizes the differences between the City of Muncie and Sanitary District are significant, but he would like to see a policy implemented that would be more like the City's policy for COVID-19. Mr. Smith said we probably currently have fifty policies that differ from the City. He said he cannot say if we are right with our version of this policy or the City is right on this policy, but maybe we pass our policy and have the City review it and consider amending their policy. Mr. Brand said this policy does say employees will be paid for no more than five working days, but Mr. Smith said they would continue to be paid even after that five-day period. He said most industries, that he is exposed anyways, offer unemployment if an employee tests positive under the CARES Act where the payment is not a burden to the ratepayers of the District. Mr. McKinney said he would like this policy, whatever it may be, to be edited to match the format of our current handbook. Mr. Smith said in the meantime while changes to this policy are decided we will currently follow what Mr. Swider as provided until something new is passed.

Mr. Smith read a letter he was given from the public. He read the letter aloud: I wish to thank the MSD Board for providing a public forum for the citizens of Muncie while we are all still currently struggling together through our nation's public health challenge. For sake and convenience, I am providing you with a copy of a letter here attached from myself and many of my Whitely neighbors that was sent via registered mail on February 28, 2020. After understandably and patiently waiting over the last few months without a response from MSD, will you please acknowledge receiving our letter and will you please provide us with brief answers to the following questions that we presented to you in the letter. Thank you for your cooperation and we pray that you are safe and healthy. The letter was signed by Mark Ivy. Mr. Smith read the first question aloud: What was the cost of aggressively acquiring Whitely property. Mr. Smith said the MSD has never used eminent domain or threatened anyone's property. He said the auditorium was filled when we started the Whitely project and we were told by an Attorney representing the community that residents did not want to sell their properties. Mr. Smith said at that point in time we backed off the project and that we would keep the property contracts we were already locked into but would not reach out to home asking for them to sell. He said at that point in time they decided to stop the whole project. Mr. Smith read

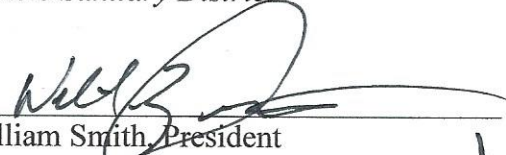
the next question: what has caused MSD to no longer want to acquire Whitely property. He said the biggest problem with the home acquisitions was that we could not pay homeowners enough money for their properties. Mr. Smith said with the homes already being in a flood plain it depresses the area's worth on property and we are required by state statute to not pay over the appraised amount for a property. He said this was unfair to many homeowners and was the main reason they did not want to agree to sell their homes. Mr. Smith said in addition at one time this Auditorium was 80% full of residents saying they did not want to sell their homes, so we went with the consensus and stopped the project. He said he thought it would have been a good project for the community overall, but most residents were not on board. Mr. Smith said as of now we have acquired all the properties we need in the Whitely area. Mr. McKinney said we cannot pay more than the average of two appraisals for a property and that is per state statute. He said in turn unfortunately that amount sometimes does not allow the homeowner to buy a similar house to theirs in another area. Mr. Stephens-Hotopp asked if this project was being done as a stormwater project or a floodwater project. Mr. Cline said both. He said one of the conditions for a Levee to be certified is that when the river is up to flood stage and the flap gates are closed and a ten year flood happens right behind the levee and you have to be able to evacuate the water. Mr. Cline said the only way you can do that is to through a stormwater pumping station like what we have in the McKinley area. Mr. Stephens-Hotopp said if the levee project is completed will the Whitely area be removed from the flood plain. Mr. Cline said yes, they would be. Mr. Stephens-Hotopp asked if the homes we already own in this area have been demolished. Mr. Smith said yes. Mr. Stephens-Hotopp asked what we plan to do with the parcels we own in that community. Mr. Cline said the project still has potential to be implemented with more public acceptance. Mr. Stephens-Hotopp said so this is still a viable project pending public support, but at the moment there is no momentum in purchasing properties unless the residents were to support and understand the cost of the purchases are limited to appraisal. Mr. Cline said yes, you are exactly right. He said if you look across the river at the McKinley pump station it is working properly and the homes around the pond are gradually improving in appearance as well. Mr. Stephens-Hotopp asked if it would be accurate that when the project is completed the flood plain it would have a new boundary and the homes that are currently in the flood plain could have an increased value. Mr. Cline said yes if the levee is certified parts of the neighborhood could move out of the flood plain. Mr. Brand said he wanted to clarify there are two projects in the Whitely area, is that correct? Mr. Smith said yes. Mr. Brand said he drove through the neighborhood yesterday after receiving a package from Mr. Ivy and saw significant amount of activity in the area, but that is a different project from the Levee is that correct. Mr. Smith said yes. Mr. Brand asked Mr. Ivy if the residents of Whitely would like to see the list of remaining properties that the Engineering deemed necessary to complete the Levee project. He asked Mr. Smith if there was a reason, we could not do that. Mr. Smith said we could certainly provide that for the community. Mr. Smith thanked Mr. Ivy for his demeanor and professionalism. He said he is not sure how the Board did not get the letter referenced earlier in public comments that was mailed but asked if he would accept a personal apology. Mr. Stephens-Hotopp asked if there was ever a pursuit to ask FEMA if any sponsored money was available to buy out the properties in the flood plain. Mr. Smith said he believes we looked at every avenue at the time of the project, but he is not 100% sure that was one of them. He said we could take another look into that question to make sure. There were no further comments.

**Adjourn:** Mr. Evans moved to close the Board of Sanitary Commissioner's meeting dated for July 15, 2020. Mr. Stephens-Hotopp seconded the motion. The motion was approved (5-0).

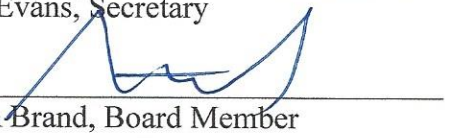
Respectfully Submitted,


  
Megan Huff, Sewer Maintenance Secretary.

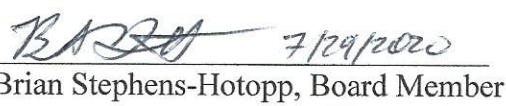
*Approved by the Board of Sanitary Commissioners  
Muncie Sanitary District*

  
William Smith, President

  
Joseph Evans, Secretary

  
Stephen Brand, Board Member

  
Michael Cline, P.E., Vice President

  
Brian Stephens-Hotopp, Board Member