

## Board Minutes for the Board of Sanitary Commissioners Meeting of June 16, 2021

THE BOARD OF SANITARY COMMISSIONERS conducted a regularly scheduled meeting.

Board members present; Stephen Brand, Board President; Brian Stephens-Hotopp, Board Vice-President; Joseph Evans, Board Secretary; Tonya Brothers-Bridge, Board Member and David Smith, Board Member.

Department managers and staff present; Mark McKinney, Legal Counsel; Drew Hall, Legal Counsel; Phil Reagon, Sanitation Superintendent; Jason Donati, Recycling/Stormwater Educator Deana Cox, Financial Manager; Jason Ingram, WPCF Superintendent; John Anderson, District Engineer and Megan Huff, Executive Office Manager.

Public present: No members from the public signed the attendance sheet.

**Consideration of Minutes:** Mr. Stephens-Hotopp moved to approve the Board Minutes as submitted for the June 2, 2021 meeting. Mrs. Brothers-Bridge seconded the motion. The motion was approved (5-0).

**Consideration of Claims:** Mrs. Brothers-Bridge said there were a few items on the claims that she would like to clarify for the public. She said on page 1, there is an item for Infousa Marketing for a City Directory, and it is a directory that Sanitation uses to find or locate customer addresses. Mrs. Brothers-Bridge said on page 5, there is a \$41,548.79 claim for Indiana Michigan Power which is very high, yet normal for us that is why she is excited to move forward with our Solar Power Project. Mrs. Brothers-Bridge said on page 14, there is a \$300,000.00 payment to the City of Muncie and that is a payment in lieu of taxes that we pay for our office spaces, etc. Mr. Stephens-Hotopp said on page 2, there is a claim under disposal services that leaves a remaining balance of just under \$600.00 for a budgeted annual amount of \$131,800.00 and we need to look at that internally. Mr. Stephens-Hotopp said there were some utility bills for the new Sanitation building that are being paid under the 690 BAN account, but those will eventually transfer over to the 275 Sanitation account. Mrs. Brothers-Bridge moved to approve the total claim amount of \$787,259.21. Mr. Evans seconded the motion. The motion was approved (5-0).

### Old Business:

**1. Resolution 2021-08, A Resolution Pledging a Payment Source to BOT Lease Payments and Taking Certain Other Related Actions. – Brian Stephens-Hotopp, Board Vice-President. – Tabled again.** Mr. Stephens-Hotopp said we are tabling this item again, but there is an item later in the agenda that discusses a Declaratory Resolution for this project. Mr. Stephens-Hotopp made a motion to table Resolution 2021-08, a Resolution Pledging a Payment Source to BOT Lease Payments and Taking Certain Other Related Actions. Mr. Smith seconded the motion. The motion was approved (5-0).

**Department Head Update – John Anderson, District Engineer.** Mr. Anderson said he would be covering a few items for John Barlow since he is on vacation this week. He said in the CSO 28 Project area, Bowen Engineering has begun preliminary construction tasks to prepare for the next phase of construction. Mr. Anderson said there was a walk thru at the Sanitation Building last week to discuss the Punch List. He said next week Mr. Barlow, himself and members of the Street Department will have a meeting to coordinate infrastructure repairs in thoroughfare areas being paid with ARP funds. Mr. Anderson said he will now move on to Engineering department topics. He said the flooding portal on the website has been getting a lot of traffic, but most of the reports have been deemed maintenance issues that need cleaned. Mr. Anderson said there is a concern on Heron Pointe Parkway where there will be a repair needed. There are two other concerning issues in the Drumm addition and the Westbridge addition. Mr. Anderson said we are moving forward with the design plans for issues near New Horizon Church of the

Nazarene on 20<sup>th</sup> Street. He said hopefully we will get those plans out to contractors early next month. Mr. Anderson said there is another drainage issue to the northeast of Union Chapel Church on Broadway Avenue that we are looking into as well. Mr. Anderson said we are doing some drainage improvements at Sharon Drive and Meeker Avenue set to begin construction early next week. Mr. Anderson said about a month ago we requested on-call paving bids, but we did not award that project due to some inconsistencies with our internal estimates and the bid. He said we are currently reworking the quantities to put that back out to bid. This will more than likely take place at the first meeting in July. Mrs. Brothers-Bridge asked if Mr. Anderson knew how many customers have submitted drainage concerns on the website. Mr. Anderson said around a dozen have been reported on the website. Mrs. Brothers-Bridge asked how many we are aware of at this time. Mr. Anderson said there are quite a few and we are probably getting just as many phone calls as what is being reported on the web portal. He said many of them end up being just maintenance issues though. Mrs. Brothers-Bridge asked how we let people know the status of their issues or requests. Mr. Anderson said if they call in to our office it is usually a return phone call once we know the status, but we are still working the kinks out the web portal for follow-up. He said Mr. Donati has been helping with the portal so he will get with him when he returns from vacation. Mrs. Brothers-Bridge thanked Mr. Anderson for the information and said he and his team do a great job. Mr. Stephens-Hotopp thanked Mr. Anderson for the update and said he wants to make sure Mr. Anderson feels he has the support of the Board. He said if there is a project that we do not have the capacity to handle in-house either on the design or construction side, please let the Board know so we can assist you with those resources. Mr. Stephens-Hotopp asked Mr. Anderson if he had any idea of when the final Punch List items will be completed for the Sanitation Building. Mr. Anderson said he was not given that information. Mr. Reagon said they are shooting for June 25<sup>th</sup> to have the Punch List items completed. Mr. Smith thanked Mr. Anderson for following up on the 20<sup>th</sup> Street church property and the drainage issues they are experiencing. Mr. Brand asked if we enter phone inquiries or concerns on the web portal if they are made via the phone. Mr. Anderson said we have not been doing that yet, but that is something we will begin doing. Mr. Brand thanked him for the department update.

#### **New Business:**

- 1. 2021 Bid Opening for Aluminum Sulfate at the WPCF. – Jason Ingram, WPCF Superintendent.** Mr. Ingram said a few weeks ago there was a bid packet advertised for Chemical Aluminum Sulfate. He said we use this chemical in our Phosphorus Removal Facility per an IDEM mandate. The first bid opened was from Chem Trade for \$27,755.04 and that is an annual cost. The second bid was from USA LCO for \$29,947.95 and that is also an annual cost. Mrs. Brothers-Bridge asked if the quantities are the same for what both packets quoted. Mr. Ingram said yes. Mr. Stephens-Hotopp said since this is an annual cost we will only purchase as we use, buy, and ship the chemical, correct. Mr. Ingram said yes so, the amount per month will be lower. Mr. Stephens-Hotopp asked if we used either of the bidding vendor as a current supplier. Mr. Ingram said no, but he believes one of them is based in Delaware County. Mr. Evans asked if this was a liquid product. Mr. Ingram said yes. Mr. Brand said since Chem Trade was the lowest bid, we would make a motion to approve their bid pending legal review. Mrs. Brothers-Bridge made a motion to approve Chem Trade's bid pending legal review. Mr. Evans seconded the motion. The motion was approved (5-0).
- 2. Quote Opening for Mt. Pleasant Blvd. Sanitary Sewer. – John Anderson, District Engineer.** Mr. Anderson said there is a small trucking company on Mt. Pleasant Blvd, in the Industrial Center, that is looking to build a small hub and currently there are no sanitary sewers there. He said this quote is to extend 260 feet of pipe and a total of 3 manholes in that area. Mr. Anderson said we have one quote to open from GJ Case Construction. The quote amount was for \$64,974.00. Mrs. Brothers-Bridge asked if the dollar amount was in line with what was expected by the department. Mr. Anderson said it is a little higher, but material prices are higher right now, so he does not believe it is out of line. Mr. Stephens-Hotopp asked if there was an engineering estimate done. Mr. Anderson said we were

lower than that figure, but we were also using last year's numbers. Mr. Stephens-Hotopp said there are several others listed on the quote tabulation, so were plans sent out to all the vendors. Mr. Anderson said they were informed that plans were available to be picked up for a quote. Mr. Evans asked if this would only take the pipe to the property. Mr. Anderson said yes. Mr. Stephens-Hotopp asked if this included any road restoration or any public infrastructure repairs. Mr. Anderson said this project be only in the grass except for crossing one driveway which would be repaired. Mr. Brand said Mr. Case is in attendance today and he met him before the meeting. He said he appreciates the attendance of the vendor and asked if there were any questions from the Board to Mr. Case. There were no questions. Mrs. Brothers-Bridge moved to approve the Quote as Submitted for the Mt. Pleasant Blvd Sanitary Sewer Extension for \$64,974.00. Mr. Stephens-Hotopp seconded the motion. The motion was approved (5-0).

3. **Resolution 2021-09, a Resolution Regarding a Transfer of Funds. – Deana Cox, Financial Manager.** Mrs. Cox asked that the Board approve Resolution 2021-09, a Resolution Regarding a Transfer of Funds. She said this transfer is regarding an appropriation from cash to put towards the Stormwater Bond Principal for \$1,200,000.00 and this will pay the Bond Payments in 2021. Mrs. Brothers-Bridge clarified that this is cash we have on hand and we are just moving it to a different fund. Mr. Stephens-Hotopp said this is in response to the recent refunding we did and asked if in the future we could anticipate for the Bond Payments to be included in the annual Budget. Mrs. Cox said yes. Mr. Evans moved to approve Resolution 2021-09, a Resolution Regarding a Transfer of Funds. Mr. Smith seconded the motion. The motion was approved (5-0).
4. **MOU Between MSD and City of Muncie for City Engineering Services. – Stephen Brand, Board President.** Mr. Brand said the purpose of this MOU is to help attract a local Civil City Engineer due to Brian relocating later this year. He said we are looking to help the City as well as receive benefit from the future Engineer providing additional services and advice to the District above and beyond the general duties of a normal Board member. Mr. Brand said this will also allow the District to avoid hiring various outside Consultants. He said this is a great way to help keep some of our dollars spent local. Mrs. Brothers-Bridge said Brian has been invaluable to the City as well as the Sanitary District and his expertise has been commendable. She said she is in favor of the \$20,000 and if it were to require more of a contribution from MSD to help attract someone with Brian's caliber, she would be in support of that as well. Mr. Stephens-Hotopp said he tried to help put this MOU together so as the City moves forward, we can find the right person to be the City Engineer as well as an additional resource for technical expertise for the Sanitary District. Mrs. Brothers-Bridge moved to approve the MOU Between MSD and the City of Muncie for City Engineering Services. Mr. Stephens-Hotopp seconded the motion. The motion was approved (5-0).
5. **Interlocal Agreement Between MSD and Delaware County to Maintain the Levee Under County Bridges within the City Limits. – Stephen Brand, Board President.** Mr. Brand said we have an interesting situation with the Levee whereas the property is owned by the City, but the District is responsible for maintaining the Levee. He said along the Levee there are bridges that are either owned by the County or the Railroad and proper maintenance of the bridges as well as the area underneath them is important for our ability to certify the Levee. Mr. Brand said the purpose of this MOU is to have the District take over the maintenance responsibilities of the County owned bridges, but only the bridges along the Levee. He said he believes this is good show of communication and ongoing collaboration between the City, the County, and the District. Mr. Stephens-Hotopp said he would like to add that the District has already been in the process of getting permits approved to do log-jam removals and excavation under the bridges, so getting something like this in writing is a great step forward. Mr. Evans moved to approve the Interlocal Agreement Between the MSD and Delaware County to Maintain the Levee Under County Bridges within the City Limits. Mr. Stephens-Hotopp seconded the motion. The motion was approved (5-0).

6. **Land Transfer from Delaware County to MSD from Delaware County to MSD of the Parcel East of WPCF. – Brian Stephens-Hotopp.** Mr. Stephens-Hotopp said the Delaware County Commissioners have already approved this land transfer that we have in front of us. He said as we all know there are several solar energy projects being considered by the District and the largest of which is set to be located at the WPCF. Mr. Stephens-Hotopp said as part of that project there has been a lot of due-diligence trying to locate any environmental concerns or any existing infrastructure improvements to make sure the proposed solar improvements do not interfere with either of those situations. He said one of the options that came up is directly adjacent to an MSD owned property is a County owned parcel just east of where our overflow lagoon is located. Mr. Stephens-Hotopp said that parcel is being transferred to MSD for use of the proposed solar energy project, so we do not have to take the risk of getting into environmental or infrastructure issues with other land. He said there is not a formal document required from the Board since this is a County transfer and a verbal approval from MSD accepting the parcel from the County Commissioners would be acceptable. Mrs. Brothers-Bridge said she did attend the County Commissioners Meeting on the Board’s behalf to thank them for this transfer. She said she thinks this is a good move on the County’s behalf as well as the District to show how as municipalities we are working together for the betterment of all. Mr. Stephens-Hotopp said there is a Phase 1 Environmental that is being done soon. He said he would suggest making a motion to Accept the Land Transfer Pending the Review of the Phase 1 Environmental. Mr. Evans moved to approve the motion. The motion was approved (5-0).
7. **Resolution 2021-10, a Resolution Amending Resolution 2015-11 Regarding Fund 420. – Mark McKinney, McKinney & Malapit, PC.** Mr. McKinney said Fund 420 which was part of Resolution 2015-11 created in 2015 as an Emergency Fund. He said there was 1.5 million dollars moved over to it from Stormwater for operating funds in the creation of that account. Mr. McKinney said in the Board’s ongoing efforts to clean-up unused or dormant accounts, we are addressing Fund 420 in this Amendment and moving towards the Rainy-Day Fund that you will be looking at shortly. He said the Amendment just removes the minimum balance in that account as we move the funds into the Rainy-Day Fund as a source of back up funds. Mr. Stephens-Hotopp said so to clarify, this is amending the prior Resolution and removing the minimum spent so if the Board choose, we could spend that down in the future or replenish as we deem necessary. Mr. McKinney said that was correct. He said previously there was a minimum balance of 1 million dollars that had to be maintained in that account, but there does not seem to be a reason to retain that considering the new Rainy-Day Fund. Mr. Stephens-Hotopp moved to approve Resolution 2021-10, a Resolution Amending Resolution 2015-11 Regarding Fund 420. Mr. Smith seconded the motion. The motion was approved (5-0).
8. **Resolution 2021-12, a Resolution Establishing an MSD Rainy Day Fund. – Drew Hall, McKinney & Malapit, PC.** – Mr. Hall said this Resolution is going towards the Board’s ongoing efforts to clean up funds that as they sat. He said in 2005, Resolution 2005-03 was passed creating a Rainy-Day Fund which is a creature of statute that was defined by the Indiana Legislature including what the fund is, what it is used for and who can use them. Mr. Hall said this Resolution does not contain a lot of specifications that is required by the new updated statute and the purpose of the fund has become obsolete. He said this Amendment will reclarify what the Rainy-Day Fund is to be used for, the purpose of the fund, the sources of funding that can be used for the fund and what transfers can be made within the fund. Mr. Hall said he did discuss this language and Resolution with an officer of the State Board of Accounts, and he was given guidance as well as the go ahead. Mrs. Brothers-Bridge said she is happy as a Board Member that we are getting these Funds cleaned up to go along with our efforts in transparency. Mr. Stephens-Hotopp asked if Mr. Hall would clarify the correction on paragraph 5. Mr. Hall said yes, it says “whereas any unobligated cash balances ‘form’” – it should be ‘from’, so on the official copy he will make sure that is corrected. Mr. Stephens-Hotopp asked how the Board would go about appropriating an item as an emergency so these funds

can be used. Mr. Hall said his understanding is that this Fund allows more leniency, and it would be subject to the same appropriation as the Funds that receive tax money. He said if a transfer is to be made it would need to be clear in the Resolution what the purpose is for the use and that it complies to the statute. Mr. Hall said it would also need to take place in a Board meeting. Mr. Stephens-Hotopp said if an emergency were to arise, and we needed the funds we would meet as a Board and say we were going to expend an amount for a specific need and move forward. Mr. Hall said yes, that is his understanding. Mrs. Brothers-Bridge moved to approve Resolution 2012-12, a Resolution Establishing an MSD Rainy-Day Fund with the corrections noted. Mr. Stephens-Hotopp seconded the motion. The motion was approved (5-0). Mr. Hall also wanted to clarify that on MSD Board item #5, the Bridge Maintenance Interlocal Agreement was reviewed and approved by the County Commissioners and their Attorney.

9. **MOU Between MSD and the City of Muncie for Infrastructure Improvements with ARP Funds on Riverside Avenue. – Brian Stephens-Hotopp.** Mr. Stephens-Hotopp said the City of Muncie received 31.7 million dollars in ARP Funds to be distributed over the course of 2 years. He said nearly 7 million dollars was identified for infrastructure projects that will address drainage issues and road restoration works associated with those types of projects. He said in coordination with the City there has been several drainage projects identified along Riverside Avenue and they were not able to be addressed when the Riverside Trail Project was originally completed, so this MOU is being amended. Mr. Stephens-Hotopp said this is trying to make sure we are comprehensively addressing all the drainage projects along that stretch of Riverside where the trail is being built as well as building a more comprehensive road restoration throughout that section as well. He said in essence this MOU says the District would be the owner and sponsor of the project as it is occurring, and we would expect reimbursement from the City when the funds become available in 2022. Mrs. Brothers-Bridge asked if this was being done so the project along quicker. Mr. Stephens-Hotopp said yes, and the concerns have been there for years, so the purpose of this is to incorporate the improvements at the same time as when the trail is being constructed instead of doing the work separately. Mrs. Brothers-Bridge made a motion to approve the MOU Between MSD and the City of Muncie for the Infrastructure Improvements with ARP Funds on Riverside Avenue. Mr. Stephens-Hotopp seconded the motion. The motion was approved (5-0).
10. **Resolution, 2021-11, a Declaratory Resolution for BOT Project. – Brian Stephens-Hotopp, Board Vice-President.** Mr. Stephens-Hotopp said the BOT stands for Build, Operate and Transfer. He said the District has already entered into a BOT Agreement with GM Development for our Solar Energy Improvements. Mr. Stephens-Hotopp said part of this procedure requires some financing for the upfront infrastructure costs that is estimated as a not to exceed 4.7 million dollars. He said anytime that a financing for infrastructure financing occurs within the MSD we need to have a Declaratory Resolution and a Public Hearing that follows at least 10 days later, so at our June 30<sup>th</sup> meeting at 11:30 a.m. we will hold the Public Hearing that expenditure. Mr. Stephens-Hotopp said we will then address any public comment at that time. He said today is the first step going through the proper process to notify the public of financing for infrastructure projects. Mr. Brand said in addition to the Public Meeting this must be posted in the newspaper also, correct. Mr. Stephens-Hotopp said yes, that ad will go out tomorrow. Mrs. Brothers-Bridge made a motion to approve Resolution 2021-11, a Declaratory Resolution for BOT Project. Mr. Stephens-Hotopp seconded the motion. The motion was approved (5-0).
11. **\* Added Board Item \* Support for Vacation of Macedonia Ave. – Brian Stephens-Hotopp, Board Vice-President.** Mr. Stephens-Hotopp said the City has been working on an Ordinance to prepare for a portion of Macedonia Avenue to be vacated. He said this involves several different property owners including the Cardinal Greenway, Shields Corporation and the Sanitary District who are all adjacent property owners of Macedonia Avenue. Mr. Stephens-Hotopp said we are wanting to

vacate the road so we can move forward with a project regarding a Cut Off Levee Alternative that is currently under design. He said the proposed Ordinance is already being drafted by the City Attorney so the Sanitary District would just be voicing their support. Mr. Stephens-Hotopp asked if the Board would have a motion to support the upcoming Ordinance being presented to the City Council. Mr. Brand said this Cut Off Levee will save the District a significant amount of money as opposed to the alternative. Mr. Stephens-Hotopp said yes, the alternative is a structural levee that would run parallel to the river whereas the cut off levee essentially ties into higher ground and allows an undeveloped open space to not be protected by the levee system. Mr. Brand asked if Mr. Stephens-Hotopp would like to make a motion. Mr. Evans made a motion that the Board provides support for the Ordinance being presented to City Council to Vacate a Portion of Macedonia Ave. Mrs. Brothers-Bridge seconded the motion. The motion was approved (5-0).

**Additional Board Topics:** There were none.

**Public Comments:** There were none.

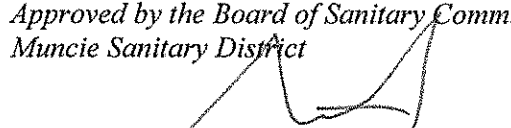

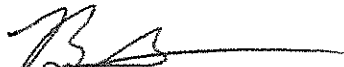
**Adjourn:** Mr. Brand said the next Board meeting will take place on June 30, 2021. Mr. Stephens-Hotopp moved to adjourn the meeting. Mr. Evans seconded the motion. The motion was approved (5-0).

Respectfully Submitted,



Megan Huff, Executive Office Manager

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

  
Stephen Brand, President  
Joseph Evans, Secretary  
Tonya Brothers-Bridge, Board Member  
Brian Stephens-Hotopp, Vice President  
David Smith, Board Member