

Board Minutes for the Board of Sanitary Commissioners Meeting of November 17, 2021

THE BOARD OF SANITARY COMMISSIONERS conducted a regularly scheduled meeting.

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

Excused absences:

Department managers and staff present; Mark McKinney, Legal Counsel; John Barlow, District Administrator; Phil Reagon, Sanitation Superintendent; Jason Donati, Recycling/Stormwater Educator; Deana Cox, Financial Manager; Harvey Wright, Sewer Maintenance Superintendent; Tim Stover, IT Administrator; John Anderson, District Engineer; and Megan Huff, Executive Office Manager.

Public present: no one signed in

Consideration of Minutes: Mrs. Brothers-Bridge moved to approve the Board Meeting Minutes as submitted for the meeting of November 3, 2021. Mr. Smith seconded the motion. The motion was approved (3-0).

Consideration of Claims: Mrs. Brothers-Bridge said she would highlight a few of the proposed claims. She said there are claims to NAPA for \$19,210, \$13,238.56, and \$7,015.80. Mrs. Brothers-Bridge said as you may know the NAPA store is now inside our Sanitation Building making it easier for our employees to gain access to supplies. She said there are claims to our engineering firms such as American Structurepoint for \$17,536.41 and \$22,254.01, as well as to Commonwealth Engineers for \$13,682.89. Mrs. Brothers-Bridge said we paid JG Case a Change Order that was approved on November 3rd in the amount of \$10,011.98. She said we paid Korrtera Inc., a service provider for map routing for our 811 services, a total of \$8,000. Mrs. Brothers-Bridge said we are paying transaction fees for accepting credit and debit cards to make payments on our sewage bills. She said that invoice is \$3,461.50 and there is another one for \$13,911.24. Mrs. Brothers-Bridge said we paid Greely and Hansen a total of \$37,143.78 for stormwater work completed on Walnut Street. She said we paid Schneider General Contractor a total of \$12,100.00 for work completed on Ribble Avenue. Mrs. Brothers-Bridge said we paid Bowen Engineering various claims of \$647,223.50, \$70,542.00, and \$310,147.00. She said Bowen Engineering is one of our major contractors and they are still working to complete the U-Haul Building at our Sanitation campus. Mrs. Brothers-Bridge said we paid United Consulting a total of \$61,238.24 and they are our review consultants for our various contracts. She said those are the claims she wanted to bring to public's attention. Mr. Stephens-Hotopp said a clarification on the claim from Bowen for \$647,233.50 is part of the Long-Term Control Plan projects. He said that is for work they are doing in CSO Basin 28 at this time.

Old Business:

1. Resolution 2021-18, a Resolution Amending Resolution 2021-17. – John Barlow, District Administrator. Mr. Barlow said the original Resolution was introduced and approved by Mr. Smith previously regarding what Board members receive and do not receive in terms of benefits and a couple of errors have been discovered since that approval. Mr. Barlow said the resolution read that a Board member receives health insurance 1 month after the assumption of office, but that takes place 1 day after assumption of the office. He said there were two items removed: one for supplemental insurance and for life insurance. Mr. Barlow said One America let us know that there is a 30 hour per work week minimum, so Board members are not applicable for those benefits. There was no further discussion. Mr. Smith made a motion to approve Resolution 2021-18, a Resolution Amending Resolution 2021-17. Mr. Stephens-Hotopp seconded the motion. The motion was approved (4-0).

New Business:

1. Amendment to the Flatland Resources On-Call Agreement. – John Barlow, District Administrator. Mr. Barlow said we had originally entered into an On-Call Agreement with Flatland Resources for \$75,000 and that was amended once for an additional \$75,000, but we are asking for a second amendment to increase that agreement by an additional \$125,000. He said \$25,000 of that is for construction administration mainly for the Riverside Project that they will be overseeing. Mr. Barlow said this amendment has been reviewed by Mr. Stephens-Hotopp and himself. Mr. Stephens-Hotopp asked if the copy the Board has in their packets has the strikethrough language. Mr. Barlow said it should. Mrs. Brothers-Bridge said it does show the strikethrough. Mr. Barlow said Mr. Stephens-Hotopp made a change to the amendment this morning and Phil Tevis of Flatland Resources agreed to said change. He said if the amendment is approved then Mr. Brand and Mr. Tevis would both initial those strikethroughs to make sure everything is above board. Mr. Stephens-Hotopp said the purpose for the strikethrough was to clarify that it is a single lump sum item and not per month. Mr. Brand said for the benefit of the public this is for the Riverside Trail Project as it relates to Stormwater Improvements, correct. Mr. Barlow said yes, that is correct. Mr. Stephens-Hotopp moved to approve the Amendment to the Flatland Resources On-Call Agreement. Mr. Smith seconded the motion. The motion was approved (4-0).

2. Holiday Schedule for 2022. – John Barlow, District Administrator. Mr. Barlow said we have received the holiday schedule from the City of Muncie and usually MSD mirrors that schedule. He said this has been submitted to the Board for the 2022 Holiday Schedule. Mr. Barlow said there is a net change of +1 holiday for the observance of Juneteenth. Mrs. Brothers-Bridge said our Sanitation workers do work through all holidays except for Christmas Day. Mr. Barlow said that is correct. Mrs. Brothers-Bridge moved to approve the Holiday Schedule for 2022. Mr. Smith seconded the motion. The motion was approved (4-0).

3. Board Meeting Schedule for 2022. – John Barlow, District Administrator. Mr. Barlow said these proposed dates are referencing the Board meetings for 2022. There was no discussion. Mr. Brand said we will more than likely cancel the last Board meeting of 2021 which falls in the week of Christmas. He said it will be discussed again in a Board meeting. Mrs. Brothers-Bridge moved he approve the Board Meeting Schedule for 2022. Mr. Smith seconded the motion. The motion was approved (4-0).

4. Professional Services Contract between MSD and HWC Engineering. – John Barlow, District Administrator. Mr. Barlow said we have discussed some upcoming projects that will be funded through ARP Funds when they become available. He said one of them will be an improvement project from 13th Street south on Hoyt Avenue to just west of Cowan Road to improve drainage with road restoration. Mr. Barlow said this would also assist with an adjacent sewer separation project as part of the LTCP to take drainage from that basin. He said this contract would be with HWC Engineering as our design engineer. Mr. Stephens-Hotopp said this is in efforts to begin the design efforts for the project. He said on page 4 of the document there is a term section reading that this contract is valid through December of 2024. Mr. Stephens-Hotopp said this is a professional services contract that we are using within the District. He said Exhibit A is the scope of services that will be done and the deliverables. Mr. Stephens-Hotopp said part of this project is having them be completed as a time and materials project so looking at Exhibit B, there is a fee table breaking out the deliverables by fee.

5. Resolution 2021-19, Salary Resolution for 2022. – Deana Cox, Financial Manager. Mrs. Cox said she is presenting the 2022 Salary Resolution and would like to point out that the base rates have not changed, and we are not having a rate increase for 2022. She said this is to amend the hourly positions that did not have a rate scale. Every position within the MSD now has a sliding scale when it comes to their payrate. Mrs. Brothers-Bridge said the reason for that scale is so that our managers can use this as a tool to pay for performance. She said Mr. Barlow will be working with the managers to figure out a way to administer that. Mr. Stephens-Hotopp said there is a position in the Engineering Department and within our part-time employment that were adjusted to make more in line with other positions within the District. Mr. Brand said he would like to clarify, there are no raises within 2022, but this gives the ability for those on the hourly side to receive a raise based on their

performance appraisals. There was no further discussion. Mrs. Brothers-Bridge moved to approve Resolution 2021-19, Salary Resolution for 2022. Mr. Smith seconded the motion. The motion was approved (4-0).

6. Revenue Budget for 2022. – Deana Cox, Financial Manager. Mrs. Cox said the Revenue Budget is for \$24,862,923.75. Mrs. Brothers-Bridge said this is less than the Budget that was presented last year. Mrs. Cox said that is correct. Mr. Stephens-Hotopp said this budget is roughly \$600,000 less than last year's budget. He said the budget includes our Bond payments for the CSO projects paid for out of 611 as well as some planned capital improvement costs. Mr. Stephens-Hotopp said costs that were pulled from other funds are now being incorporated into the 611 operating budget as far as equipment replacements at the WPCF that are a little more substantial. Mr. Smith moved to approve the Revenue Budget for 2022. Mr. Stephens-Hotopp seconded the motion. The motion was approved (4-0).

7. Stormwater Budget for 2022. – Deana Cox, Financial Manager. Mrs. Cox said the Stormwater Budget is for \$13,898,173.00 and this is higher than last year's budget, but we are budgeting more for the Stormwater bid work. Mr. Stephens-Hotopp said in comparison to last year's budget that was \$5,105,000 so this is a substantial increase. He said the main reason for this is for the Stormwater bid work line item being increased to \$9,000,000 to allow for projects that are currently under design to go out construction in the 2022 year. Mr. Stephens-Hotopp said we will be operating under a deficit under the Stormwater budget, but this will allow us to spend cash that has accumulated over the last couple years. He said there is certainly still a reserve in the Stormwater fund even with this deficit spending. Mr. Stephens-Hotopp said the Revenue fund for Stormwater is normally \$7,000,000 per year so in the past when we have been budgeting \$5,000,000 the gap has allowed for money to build up over several years. He said this is in effort to get those funds out to address some of the Stormwater issues and drainage infrastructure in the City. Mrs. Brothers-Bridge said so we are confident that the Stormwater projects will be addressed this coming year. Mr. Stephens-Hotopp said yes, 60% plans for all of them have been submitted to the District and are under review by Bowen Engineering and United Consulting. He said there are a few that may require a right of way that could delay progress, but in general we are hoping to receive pricing from Bowen in the next 60 days or so to begin in early 2022. Mrs. Brothers-Bridge moved to approve the Stormwater Budget for 2022. Mr. Smith seconded the motion. The motion was approved (4-0).

8. Stormwater Budget for 2022. – Deana Cox, Financial Manager. Mrs. Cox said she is asking for approval for the Budget for the CNG Station for 2022. She said the budget totals at \$580,000 and this is more than we budgeted for last year, but we are trying to do some upgrades to the station and building. Mr. Stephens-Hotopp said this fund originally had been under Stormwater, but we broke it out into its own fund to track the revenue and expenses associated with it. He said over time there has been cash that has accrued to allow us to reinvest in the fuel station with modernized equipment. Mr. Stephens-Hotopp said the budget is higher than the anticipated revenue, but there are cash reserves to justify the additional expenses. Mr. Stephens-Hotopp made a motion to approve the Stormwater Budget for 2022. Mr. Smith seconded the motion. The motion was approved (4-0).

9. Bid Opening for Fuson Road Sanitary Sewer Extension Project. – John Anderson, District Engineer. Mr. Anderson said the CanPack Facility that is being built on Fuson/Cowan Road has justified the District to extend the sewer. He said we received three bids for this work. Mr. Anderson said the first bid is from Watson Excavating Inc. and totals \$687,650.00. Mr. Anderson said the second bid is from JG Case Construction and totals \$529,689.00. Mr. Anderson said the third and final bid is from Crider & Crider and totals \$932,800.00. He asked that the Board take the bids under review. Mrs. Brothers-Bridge said because of the large variance between these bids how do we put the compare apples to apples. Mr. Anderson said with supply chain issues that could be part of the difference. Mr. Stephens-Hotopp asked if this is the project that was looked at as far as the installation methods. Mr. Anderson said yes, that is correct. Mr. Stephens-Hotopp asked if there as an alternate for installation or was this HDD or open cut. Mr. Anderson said the plans were to be HDD (horizontal directional drill) but we did said that open cut or jack and bore could be an installation method on the early part of the project. Mr. Stephens-Hotopp said the is reflecting HDD installation, not open cut. Mr. Anderson said yes for the run between the first and second manholes and the rest would be open cut. Mr. Stephens-Hotopp

asked if there was an engineer's estimate prepared for this. Mr. Anderson said our last estimate was early this year and we were around \$400,000, but with supply chain costs it has increased. Mr. Stephens-Hotopp said this may be a question for Mr. Brand or Mr. McKinney, but will this cost be on MSD alone or is this rolled into the CanPack agreement. Mr. Brand said he was going to ask that question as well. He said there was a revenue credit agreement signed with CanPack where we estimated \$400,000 with a 30% credit on their monthly bill towards the costs of construction, so that will need to be reviewed. Mr. Stephens-Hotopp said he would recommend would be to approve pending legal review once we have vetted all the questions. Mr. Smith moved to approve the Bid for Fuson Road and Sanitary Sewer Extension Project to the Lowest Responsive and Responsible Bidder Pending Legal Review. Mr. Stephens-Hotopp seconded the motion. The motion was approved (4-0). Mr. Brand said to be clear we are recommending JG Case for \$529,689.00 assuming they are the Lowest Responsive and Responsible Bidder Pending Legal Review.

10. Change Order 1 for Project 83ST-21, Willard Street. – John Anderson, District Engineer. Mr. Anderson said there are repairs being done here on several inlets. He said when construction began an additional inlet was exposed and it was determined that it could be replaced. Mr. Anderson said JG Case gave us an estimate of \$2,400 to add it into the project. Mr. Brand asked if the work was done yet. Mr. Anderson said yes, the work is done. Mrs. Brothers-Bridge moved to approve Change Order 1 for Project 83ST-21, Willard Street. Mr. Smith seconded the motion. The motion was approved (4-0).

11. Riverside Construction Project Contract with E & B Paving. – Brian Stephens-Hotopp, Board Vice-President. Mr. Stephens-Hotopp said this is a contract to award the bid to E & B Paving for the Riverside Drainage Improvements Project. He said this was part of the amendment to the Flatland Resources Agreement to provide construction administration and inspection services. Mr. Stephens-Hotopp said this is approving the base bid of \$1,2048,836.25 and this is a unit price contract. He said there is a table within the document that provides the unit quantities that were included in the plans as well as the unit price per item. Mr. Stephens-Hotopp said there will be a change order at the end of the project to rectify any discrepancies whether high or low. Mrs. Brothers-Bridge said so there may be an adjustment. Mr. Stephens-Hotopp said typically there is a quantity change order so if the contract goes under or over will be adjusted. He said we will only pay the contractor for what they installed as they will keep tickets over the course of the construction period. Mrs. Brothers-Bridge said on Section 3.4 under 'Additional Costs', it says the contractor will be responsible for excess costs if the cost of the bid subcontract work exceeds the negotiated price. Mr. Stephens-Hotopp said because this is not a lump sum project, the contract is getting paid per the actual installed unit costs. He said he thinks what Mrs. Brothers-Bridge is referring to is only for the subcontractors' costs. She said so if the subcontractor costs more that is on our contractor, but if the unit pricing is more or less, we will settle at the end. Mr. Stephens-Hotopp said the unit pricing is what is being set in stone. Mrs. Brothers-Bridge said so then the quantities of the units used is what we will settle on at the end of the project. Mr. Stephens-Hotopp said yes. He said it is likely that this will not begin construction until the 2022 season so by the time we get our first payment application it may line up with when we are getting ARP Funds from the City. Mr. Smith moved to approve the Riverside Construction Project Contract with E & B Paving. Mrs. Brothers-Bridge seconded the motion. The motion was approved (4-0).

Additional Board Topics:

None.

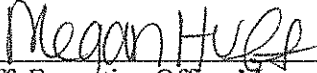
Public Comments:

Mr. Donati, Recycling/Stormwater Educator, said our truck naming contest results are in and he would like to announce the winning name. He said the winning name is 'Bin Diesel'. Mr. Donati said 'Haul and Totes' was in second place and 'Truck Norris' was in third place. He said the fourth places was tied for 'Big Phil' and 'Junk in the Trunk'. Mr. Donati said we are going to get the truck named officially and get with the winner who

submitted the name, Shelly Bragg. Mr. Brand said he voted for 'Truck Norris' and congratulated Shelly on submitting the winning name. Mrs. Brothers-Bridge said she was partial to 'Big Phil' and 'Haul and Totes'.


Adjourn: Mr. Brand said the next Board meeting will take place on December 1, 2021. Mrs. Brothers-Bridge moved to adjourn the meeting. Mr. Smith seconded the motion. The motion was approved (4-0).

Respectfully Submitted,



Megan Huff, Executive Office Manager

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



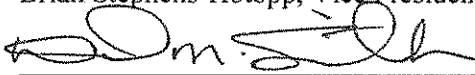
Stephen Brand, President



Brian Stephens-Hotopp, Vice President



Tonya Brothers-Bridge, Secretary



David Smith, Board Member