

Board Minutes for the Board of Sanitary Commissioners Meeting of June 29, 2022

THE BOARD OF SANITARY COMMISSIONERS conducted a regularly scheduled meeting.

Board members present; Stephen Brand, Board President; Tonya Brothers-Bridge, Vice President; Adam Leach, Secretary; and David Smith, Board Member. Excused absences: none.

**Department managers and staff present;** John Barlow, District Administrator; Mark McKinney, Legal Counsel; Phil Reagon, Sanitation Superintendent; Deana Cox, Financial Manager; Harvey Wright, Sewer Maintenance Superintendent; Tim Stover, IT Administrator; John Anderson, District Engineer; and Maggie Bales, Executive Office Manager.

**Public present:** None.

**Consideration of Minutes:** Mr. Brand entertained a motion to approve the minutes as presented. Mrs. Brothers-Bridge moved to approve the Board Meeting Minutes as submitted for the meeting of June 15, 2022. Mr. Leach seconded the motion. The motion was approved (4-0).

**Consideration of Claims:** Mr. Brand entertained a motion to consider the register of claims totaling \$8,490,368.57. Mrs. Brothers-Bridge stated on page 5 of 14 there was a payment to Topcon Solution Store for software that our surveying group uses for the amount \$14,795. She stated we paid Leap Managed It for services when the Internet and phone went down in the amount of \$5,871.90. Mrs. Brothers-Bridge stated we heard from our IT Department that they were very helpful during the time of the outage. She stated we paid Smith Family Services for the fourth levee mowing in the amount of \$14,900. Mrs. Brothers-Bridge stated on page 10 of 14 we paid Hariba Instruments for analysis equipment for BWQ lab in the amount of \$9,500. She stated Timco Inc. was paid \$354,440 for a new street sweeper. Mrs. Brothers-Bridge stated on page 12 of 14 we paid Baker Tilly \$3,916 for a compliance report that was needed. She stated Greely and Hansen was paid \$41,680.09 for work on the Walnut sewer design project. Mrs. Brothers-Bridge stated HWC Engineering was paid \$38,296.68 for work on Hoyt Ave. She stated HWC Engineering was paid \$6,840 for Riverside stormwater project. Mrs. Brothers-Bridge stated we paid Flatland Resources \$31,441.06 for the second payment of the Greenway Trail. She stated E&B Paving was paid \$15,792 for work at 18<sup>th</sup> St and Mulberry. Mrs. Brothers-Bridge stated on page 13 J&W Construction was paid \$29,000 and then a change order for \$1,600, the change order was approved last meeting. She stated Yardberry Landscaping and Excavating was paid \$119,000 for the Greenbriar stormwater project. Mrs. Brothers-Bridge stated the largest claim was to Bowen Engineering for \$1,864,612 for work they are doing on CSO 13, CSO 23, and CSO 28. She stated we paid United Consulting \$103,147.73 for their oversight and navigating with all our engineering partners. Mrs. Brothers-Bridge stated we paid the following EFT to First Farmers for the amount \$218,529.77 for the semiannual payment for the Build Operate Transfer Agreement. She stated there is an EFT going to Huntington National Bank for a bond payment in the amount \$1,449,559.38. Mrs. Brothers-Bridge stated there is \$987,300 paid for bond payment. She stated there is \$1,238,300 being paid for bond payment. Mrs. Brothers-Bridge stated we paid First Merchants \$773,191.03 for a bond payment. She stated we paid First Merchants \$539,092.54 for a bond payment. Mrs. Brothers-Bridge stated the total claims are for \$8,490,368.57 so she wanted to review the more significant claims. Mr. Leach stated on page 4 we have the Canpack Project where there is a deal with MSD and Canpack to install storm and sewer infrastructure that is rapidly ending. He stated part of the deal is the total cost for installation will be reimbursed to MSD over a series of time based on their usage. Mr. Leach stated the payment was for \$70,068.90. Mr. Brand entertained a motion to approve the register of claims totaling \$8,490,368.57. Mr. Smith moved to approve. Mrs. Brothers-Bridge provided second. The motion was approved (4-0).

**Old Business:**

**1. Sale of 300 E Jackson St. Property – Tonya Brothers-Bridge.** Mrs. Brothers-Bridge wanted to recognize and clarify for the benefit of the Board and public, the sale of the property at 300 E Jackson St. She stated that the sale closed yesterday with net proceeds of \$543,575.61 going back to the district. Mrs. Brothers-Bridge stated we are very happy to have the property off our responsibility list and happy for the Community Foundation to take ownership of the property. Mr. Leach stated we are happy to remove a maintenance liability off the books.

**2. Update from Mr. Smith on Legal Services RFP.** Mr. Smith stated an update on the legal services RFP. He stated we received three packets and each Board member is doing their due diligence in reviewing those packets. Mr. Smith stated we will entertain a public discussion on the packets in a future meeting. Mrs. Brothers-Bridge stated it is important for the public to know that we are reviewing those packets independently as Board members and that each member will be doing their own independent due diligence.

**District Administrator Update – John Barlow.** Mr. Barlow stated regarding the IT issues that the district had a few weeks ago. He stated our IT Administrator, Tim Stover, put together an update list to give everyone an idea of where we are at. Mr. Barlow stated Gibson is our desk phone provider, we have had discussion with them to update and upgrade the system to function when an outage occurs. He stated what we have done currently is that each department has an emergency cell phone to work in place of the desk phones in the event of another outage. Mr. Barlow stated in the case of an outage customers can call to a department like normal and the call will be sent to the emergency cell phone. He stated the customer will not know the difference; the emergency cell phones only ring in the case of an outage. Mr. Barlow stated we have Comcast as a backup provider for Internet. He stated IT ran a test on this yesterday and everything was worked as intended. Mr. Barlow stated we will be refining that as we go. He stated our friends at Leap use a different firewall that we are looking into. Mr. Barlow stated we are still looking into options for our servers. Mrs. Brothers-Bridge asked for clarification on when the emergency cell phones are in use and if they go home with an employee. Mr. Barlow stated right now they are meant for regular business hours of each department and meant for the offices of each department. He stated so in the case that we have an outage customers can still reach each department. Mr. Barlow stated we are working to find a solution for the Sewer Maintenance call center. Mr. Brand clarified that everything is up and running now. Mr. Barlow stated yes. Mr. Brand wanted to notify the public that if they tried to contact the district during the outage and have not gotten a response, now is the time to reach back out. Mr. Barlow stated Jason Donati left an update for the 13<sup>th</sup> Annual Camp Prairie Creek. He stated the registration started yesterday at 8 am and filled up with over 100 campers in about an hour and 30 minutes. Mr. Barlow stated there are about 22 campers on a waiting list for cancellations. He stated the event is from July 25<sup>th</sup> to July 29<sup>th</sup> at Prairie Creek. Mr. Barlow stated the Sanitation Department and Sewer Maintenance have been working in preparation for Fourth of July festivities. He stated that 50 toters have been set out, street sweepers have been sweeping the downtown area, and storm inlet cleaning has been prepared for the public to enjoy the holiday festivities.

**Department Head Update – None.**

**New Business:**

**1. Professional Service Agreement - Greeley and Hansen – Waid Ave Improvement Project.** Mr. Barlow stated this is a professional service agreement with Greeley and Hansen for infrastructure work in Aultshire, around Waid Ave and Cromer, to help with stormwater infrastructure and some water issues. He stated this work will include full road restoration on the work that takes place. Mr. Barlow stated the Agreement is for Greeley and Hansen to start to perform the design process on this. Mr. Leach stated this is primarily for East Waid and Cromer, that the main line drainage. He stated that most will be open

drainage work that is done, and some underground drainage work done. Mr. Leach stated here has been a significant number of calls on the drainage issues in the area. He stated that we are going to try to address all the problems in at least the major roads in the subdivision. Mr. Leach stated the hope in the future would be that sewer maintenance crews can connect to the tie ins so the whole area drains well and keeps the road in better condition. Mr. Barlow stated there is a cost savings involved here because MSD already did self-performed survey work in the area. He stated that is not included in the engineering contract because it has already been done. Mr. Brand stated this authorizes the design only up to 100%. Mr. Barlow stated this authorizes Greely and Hansen to start design work on the project. Mr. Brand entertained a motion to approve the professional service agreement with Greely and Hansen as presented. Mr. Leach moved to approve. Mr. Smith provided second. The motion was approved (4-0).

**2. Resolution 2022-02, a Resolution for Interlocal Agreement with the City of Muncie for Maintenance and Repair of Vehicles.** Mr. Barlow stated this is a resolution for the board to approve that will lead to the approval of an interlocal agreement with the City of Muncie. He stated this formalizes something we have been doing for a while now for the Fire Department. Mr. Barlow stated MSD mechanics have been working on fire equipment and fire vehicles and are just now starting to work on Muncie police Department vehicles. He stated that due to us having a state-of-the-art auto mechanics area out at the MLK facility, we can do the job much more favorably for the Muncie Police Department than what they are currently having it done for independently. Mr. Barlow stated we have put together an interlocal agreement for a rate for all the above to come in and do work. He stated this is something we have done for a while, and this formalizes it. Mr. Barlow stated step one is a resolution to acknowledge that we are going to form an interlocal. Mrs. Brothers-Bridge stated the first resolution states that if we agree to this we can maintain and repair the City's vehicles. Mr. Barlow stated this formalizes it. Mrs. Brothers-Bridge stated this makes it clear to everyone that the Muncie Sanitary District does provide maintenance and repair for City of Muncie vehicles. Mr. Barlow stated, and this allows us to continue to bill the city for the service and labor, and the city would still receive the parts for the same price we do. Mr. Leach stated we are formalizing an existing arrangement in such a way that we set a billing rate that is not unfavorable to MSD. He stated it includes the current rate of the mechanics and their benefits, the rate is sufficiently high to cover that cost. He stated it is favorable to the city because Muncie Police currently pays about \$72 to \$75 an hour for maintenance to Police vehicles. Mr. Leach stated this is a significant cost savings to the city and no real loss to MSD. He stated it is not necessarily a profit center for MSD, but it goes along with everyone playing well in the same sand box. Mr. Leach stated this is a mutually beneficial arrangement all the way around that is fair to MSD and fair to the city. He stated he appreciates it on both sides. Mr. Leach stated MSD is not out any money, the parts costs what the parts cost and time costs what the time costs. He stated it is a little added burden to Phil Reagon to keep everyone working, but he does a good job, so we praise him and give him more. Mr. Smith stated this is a good working relationship between the city and MSD. Mr. Brand stated the resolution 2022-02 is a resolution approving the Muncie Sanitary District to enter an interlocal agreement with the City of Muncie for the maintenance and repair of vehicles. He stated we are only approving the resolution 2022-02. Mr. Brand entertained a motion to approve the resolution as presented. Mrs. Brothers-Bridge moved to approve. Mr. Smith provided second. The motion was passed (4-0).

**3. Interlocal Government Agreement with the City of Muncie.** Mr. Brand stated the second part of this is the actual interlocal agreement as John and Adam explained. He stated this calls out the reimbursement section. Mr. Brand stated the City of Muncie shall reimburse the Muncie Sanitary District for the cost of any materials, parts, labor, etc. He stated the said reimbursement shall include the hourly rate for the district employees who perform the work at the rate of \$42 an hour. Mr. Brand stated any parts or other materials will be reimbursed at the actual price. Mark McKinney stated he made a slight revision to the document before the board. He stated the document before the board has no provision in the document for overtime. Mr. McKinney stated the city requested any overtime be approved in writing by the city before we move forward, so he added that language to the proposed agreement. Mr. Brand stated he does not see

overtime in the document before the board. Mrs. Brothers-Bridge asked for clarification on where the \$42 an hour came about and reassurance that we have enough manpower to take on this work. She stated she wants to ensure we do not need to add any staff because of this agreement and that it is not inconveniencing our mechanics to get our trucks done. Mr. Barlow stated we took an average of the various scales of our current mechanics and added in a percentage for benefit package to come up with the \$42 an hour rate. He stated Mr. Reagon has been in direct contact with Deputy Chief Deegan about availability of manpower and the assurances are there that we do have enough manpower. Mr. Barlow stated another good thing is a lot of their vehicles are CNG makes it seamless for us. He stated we would not have to do anything different regarding modifications because that is what we repair and work on regularly. Mr. Barlow stated we are in training for CNG to work on their vehicles specifically as opposed to our trash trucks. Mr. Reagon confirmed that there is enough manpower to continue to do this. Mrs. Brothers-Bridge stated to clarify that as of today we have capacity on staff to take on this increased capacity to serve the City of Muncie vehicles. Mr. Barlow stated no we do not need to hire anyone due to this interlocal. Mr. Leach stated what we can do as a board at the end of the year we will do a little accounting on this to see what the city spent. He stated at \$42 an hour, even if MSD had to add a mechanic it may cover their salary. Mr. Leach stated on the accounting side we can look at the reimbursements to see exactly how much capacity was taken out of Mr. Reagon's facility. Mr. Leach stated given that we do not have the most updated agreement, if we do make a motion to approve it can we make a motion to approve it as revised with the overtime revision. Mr. Brand stated he will withdrawal his motion to approve the agreement as presented. Mr. Brand asked Mr. McKinney to read the revision into the record. Mrs. Brothers-Bridge stated for the record that this is terrific that the city and the district can work together on this. She stated Mr. Leach's statement of playing well in the same sand box is terrific. Mrs. Brothers-Bridge stated she wanted to make sure we had the capacity to take this on and did not want her questions for concerns to be misunderstood by her colleagues. Mr. McKinney stated the additional languages goes under paragraph four under reimbursement, after the reference of the rate of \$42 an hour. He stated the additional language states, overtime shall be billed at the usually rate of time and a half and at the end of the paragraph MSD shall obtain prior written approval from the city before incurring overtime on city work under this agreement. Mr. Brand stated the statement finishes with any parts or materials will be reimbursed at MSD's actual cost. Mr. McKinney stated that is in between the two. He stated the usual rate of time and a half period, any parts or other material will be reimbursed at MSD's actual cost period, MSD shall obtain prior written approval from the city. Mrs. Brothers-Bridge stated is this cumbersome to get the overtime approval. Mr. Barlow stated overtime work is not very common. He stated we currently have a very good working relationship right now. Mr. Barlow stated we can make sure it is not cumbersome and falls under the language. He stated that all parties can still get work done. Mr. Barlow stated the overtime would fall under an emergency like snow plowing. Mrs. Brothers-Bridge stated the language states written approval where you can document. Mr. Brand entertained a motion to approve the interlocal agreement as presented and with the additional comments that were read into the record by our attorney Mark McKinney. Mrs. Brothers-Bridge moved to approve. Mr. Leach provided second. The motion was passed (4-0).

**Additional Board Topics:** None.

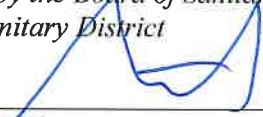
**Public Comments:** None.

**Adjourn:** Mr. Brand stated our next regularly scheduled meeting will be held on Wednesday, July 13, 2022, at 11:30 a.m. here in City Hall Auditorium. Mr. Brand stated he would accept a motion to adjourn. Mr. Leach made a motion to adjourn the meeting for June 29, 2022. Mrs. Brothers-Bridge seconded the motion. The motion was approved (4-0).

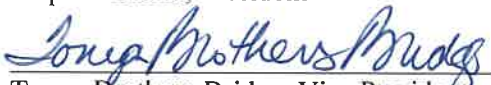
Respectfully Submitted,

Maggie Bales  
Maggie Bales, Executive Office Manager

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

  
Stephen Brand, President

  
Adam Leach, Secretary

  
Tonya Brothers-Bridge, Vice President

  
David Smith, Board Member