

Board Minutes for the Board of Sanitary Commissioners Meeting of August 7, 2024

THE BOARD OF SANITARY COMMISSIONERS conducted a regularly scheduled meeting.

Board members present; Stephen Brand, President; Adam Leach, Vice President; David Smith, Board Member; and Aaron Clark, Board Member. Excused Absences: Tim Overton, Board Secretary.

Department managers and staff present; Rick Conrad, District Administrator; Joe Rhett, Legal Counsel; Chuck Jones, BWQ Director; Thom Noble, Director of Engineering; John Anderson, District Engineer; Deana Cox, Financial Manager; Jason Ingram, WPCF Superintendent; Tim Stover, IT Administrator; Melanie Lanich, Insurance; and Maggie Bales, Executive Office Manager.

Public present: None.

Consideration of Minutes: Mr. Brand entertained a motion to approve the minutes as presented. Mr. Leach moved to approve the Board Meeting Minutes as submitted for the meeting of July 24, 2024. Mr. Smith seconded the motion. The motion was passed (3-1). One abstention.

Consideration of Claims: Mr. Brand entertained a motion to consider the register of claims totaling \$1,063,623.31. Mr. Leach stated a claim on page ten of eleven to Bowen Engineering for pay application number 34 for stormwater bond projects in the amount of \$181,299.00. He stated a claim to Bowen Engineering for pay application number 25 for on-call stormwater projects in the amount of \$53,188.00. Mr. Leach stated a claim to Bowen Engineering for pay application number 108 for the Hoyt Avenue Improvements project in the amount of \$285,407.00. He stated a claim on page nine of eleven to United Consulting for stormwater bond projects in the amount of \$47,463.07. Mr. Brand stated a claim on page four of eleven for the ninth levee mow in the amount of \$14,416.00. He stated a claim on the same page for sweeper dumping in the amounts \$1,988.68 and \$1,604.01 to East Central Recycling. Mr. Brand stated as part of our MS4 we are required to sweep each lane mile twice per year and the sweepers dump at East Central Recycling. He stated a claim on page six of eleven to Biochem for polymer for belts at the Water Pollution Control Facility in the amount of \$16,596.00. Mr. Brand stated a claim on page seven of eleven to Gripp for the monthly flow study at 350 North in the amount of \$4,900.00. He stated that this was a problem area where sewage and stormwater were overflowing onto the ground, work was done, and the situation is being monitored. Mr. Leach moved to approve the consideration of claims. Mr. Brand provided second. Motion passed (4-0).

District Administrator Update – Mr. Conrad stated that he is happy to report that there are no traffic closures related to the Muncie Sanitary District work. He gave thanks to Jason Ingram for his ability to find a grant through Drive Clean Indiana in the Diesel Remission Reduction act to help offset some of the costs of a new vehicle that was ordered in 2023 and will arrive in 2025. Mr. Conrad stated that the grant amount is \$90,000 and the only requirement is that we destroy the old vehicle. He stated that log jams are being removed throughout the city, each one that was on the list has been addressed. Mr. Conrad stated that the log jams are at least 90% complete with cleanup work left to do with drift at the High Street dam. He stated that all the Muncie Sanitary District Departments have updated their Emergency Action Plans and those have all been posted and implemented. Mr. Conrad stated that MSD deals with a lot of unique hazards and is spread out across the city, so it is important that we keep employees safe. He stated recently optical brightener test confirmed that we have officially closed the combined sewer overflow near Brady Street. Mr. Conrad stated that this makes eight complete separations since 2010 and leaves ten CSO left. He gave a thank you to the Greater Muncie Chamber of Commerce as the Muncie Sanitary District was given the chairman's award this morning. Mr. Conrad stated that we do not have the most glamorous positions and usually only hear from people when we are not doing our job, so it was a nice surprise and recognition to be thanked for the work all of our Department Heads are doing. Mr. Clark

asked how frequently the log jam removals occur each year. Mr. Conrad stated that there is not a schedule. He stated it is typically done once per year in cooperation with the county in late spring or early summer when the removals begin. Mr. Clark stated a thank you to Mr. Ingram for the grant research and writing. Mr. Smith flowed up on the Emergency Action Plan where he asked this to be started in February and completed within a year. He stated that it is great that it is already completed. Mr. Brand asked if we had any open positions with the Sanitary District. Mr. Conrad stated we have a handful of positions open. He stated the Human Resources Director position will be posted tomorrow. Mr. Conrad stated some others are Mechanics and Construction Crew Members; there are about five different open positions. He stated those can be found on munciesanitary.org under the careers tab. Mr. Brand stated that he assumes a few of those require a commercial driver's license. Mr. Conrad stated that is correct. Mr. Brand stated that in certain cases if someone does not have a CDL we will help them get their CDL with the requirement to stay with the Sanitary District for a certain amount of time. Mr. Conrad stated that is correct we do offer training that can happen throughout the year so as long as an individual is eligible for a CDL they can apply. Mr. Brand stated that the grant requires us to destroy the old diesel vehicle. Mr. Conrad stated that is correct. Mr. Brand stated that we have two other trucks for Sanitation that are being delivered this year or early next year partially funded with a grant. Mr. Conrad stated that the hope is to get grant funding for half of the cost of those vehicles, if we do those will arrive February of 2025. He stated that is contingent upon getting a grant. Mr. Brand stated that is approximately \$1 million so we are looking for half a million in the grant. Mr. Conrad stated that is correct.

Department Head Update – None.

Old Business: None.

New Business:

1. Release of Retainage for Flatland Resources. Deana Cox, Financial Manager stated that she is before the board to request the release of retainage to Flatland Resources in the amount of \$2,000.00. She stated that this is for the Cardinal Greenway Trail project. Mr. Brand entertained a motion to approve the release of retainage to Flatland Resources in the amount of \$2,000.00. Mr. Smith moved to approve. Mr. Leach provided second. Motion passed (4-0).

2. Muncie South Levee Tie-Back Design Amendment Number 3 with Christopher B. Burke Engineering. Mr. Conrad stated that this fee for Christopher Burke is in the amount of \$69,700.00. He stated that our levee project has been going on for five years, where this is a section of the levee that would cost an exorbitant amount to raise to Army Corps standards. Mr. Conrad stated instead we have proposed building a tie back levee that will essentially make these insufficient sections of the levee obsolete and save a considerable amount of money. He stated that we have been working with the Corps for a fairly long time and this is a new thing for them to do and approve. Mr. Conrad stated that recently they have told us that we are required to do an environmental assessment of this area, and this fee is specifically to conduct the environmental assessment that is being required by the Corps. so we can continue with the construction with that tie back levee. Mr. Brand asked if we understand exactly what they are looking for in the assessment. Mr. Conrad stated that we are not 100% certain and he is not sure that they are 100% certain what they expect. He stated that we are probably 90% certain and they are working with us as this is a new thing for both of us. Mr. Brand stated that it was stated that we have been working with the Army Corps of Engineers for a while and this is a fairly new requirement that has been unknown or unforeseen and delays our ability to perform this work. Mr. Conrad stated that is correct, we are doing our best to accommodate a project that is dependent upon us completing this at the Kitselman area. He stated that they have some federal money that is lined up for them to do this project and if we do not get this done in a certain amount of time, they are at risk of losing that funding. Mr. Conrad stated that this is a last-second addition to our work and the time crunch will be pretty severe for us. He stated that

right now we think we can meet it, but it will be close. Mr. Brand stated that this is a fairly uncommon thing to be requested. Mr. Leach stated that this is the second to anyone's knowledge that it has been done in the Louisville district of the Corps. Mr. Clark clarified if this follows the proposed tie back levee line or does this encompass the entire area from the current levee to where the tie back levee will be. Mr. Conrad stated that anywhere where we build the new center line for the levee has to have this environmental assessment. He stated that there was one for the Kitselman project, so we have a bit of a head start so some of that information is available. Mr. Conrad stated that it does have to be redone for this new segment. He stated that it is a small segment but unfortunately the length does affect the amount of time and work that is going to go into this. He stated that this addresses just that new segment. Mr. Clark stated that there are eight tasks listed within this, one involves US Fish and Wildlife and INDOT. He stated that are we up against the clock for the Kitselman funding to be approved, does this have to be a complete scope of work done for the funding to be approved. Mr. Clark stated that looking at this and our experience with government agencies it is probably not going to happen within the five-month timeframe. Mr. Conrad stated that we are keeping in communication with the engineers for the Kitselman project to make sure they are comfortable with what we are doing and are reasonably confident that we can get his work done in time. He stated that Christopher Burke has told us that they will have this work done by September 15th, which will give about a month for review. Mr. Conrad stated that the issue is that we cannot guarantee that the Corps will only take 30 days to review. Mr. Clark stated that the scope is soil quality, land use, etc. those pieces of property could be environmentally unfriendly to this study, does that open a can of worms and liability on our part. Mr. Conrad stated that we will not be able to say for sure until it is done, but we do know that there are likely some issues. He stated that even with the known issues the timeframe is still reasonable. Mr. Brand stated that the potential is that the Corps does not review this in time and Kitselman loses their deadline. Mr. Smith asked what the deadline is. Mr. Conrad stated that there is some flexibility, but the date is October 15th is the deadline to have final approval from the Corps. Mr. Brand asked if something is found that is environmentally unfriendly what would be the requirement from the Corps to remediate. Mr. Leach stated that depends on what is found. Mr. Brand entertained a motion of any kind. Mr. Leach moved to approve. Mr. Smith provided second. Motion vote (2-2). This item will be tabled.

Additional Board Topics:

1. Mr. Leach gave a shoutout to Thom Noble and his crews as they have been very busy and they keep doing good work. He stated that we appreciate the ability to do a lot of things in house.
2. Mr. Brand stated that there are no closures. He stated that people will see a gap in work done by the Sanitary District. Mr. Brand stated that the tie-back design amendment discussed previously could or should have been started three or four months ago and then we would have been working right on through meeting our requirements. He stated that we had some compliments on the project on Elsie Avenue. Mr. Brand stated that we had a quick walk through on Luick and another coming up on Hoyt. He stated as a reminder that school is starting, and kids will be out so keep an eye out for the kids on the buses and getting on and off the buses. Mr. Brand stated that we are required to stop when a bus stops and puts an arm out. He stated that the only exception is when there is a divider. Mr. Brand stated to also keep an eye out for our Sanitation workers and the people picking up trash and doing construction. He gave an example from AEP's project on Tillotson and stated that there will now be a full closure of Tillotson between University and Riverside for about four weeks.

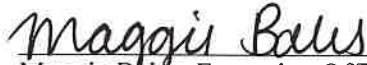
Public Comments:

1. Steve Reedman of Rushville, Indiana, stated that he owns the Cardinal Car Wash and is in the process of selling that, but has run into a snag. He stated that it seems the property is on a private sewer that was installed by Don Marsh over 40 years ago and Mr. marsh filed bankruptcy in 2017. Mr. Reedman stated

that he has been talking to Thom Noble of Engineering and he stated that we do not know who owns the private sewer anymore. He stated that the buyer sent some engineers with a camera down the sewer line and found a hole in the pipe located on Fairfield Inn property. Mr. Reedman stated that he notified the manager where some plumbers said they would fix it but need permission from the owner of the sewer pipe. He stated that no one knows who owns the sewer pipe. Mr. Reedman would like MSD to take over maintenance on the private sewer or to install a new sewer because this is preventing him from selling that property. He stated that there are six of us on the private sewer, he volunteered to put in a manhole so you can jet down to the other manhole, but we still need to clean up the private sewer. Mr. Brand stated that this is located on Bethel with the Cardial Car Wash and the Fairfield Inn is immediately to your east and the others move down to the east. He stated that it is his understanding that there are no easements or rights-of-way for the Muncie Sanitary District right now so work would have to be done for each of those property owners to grant an easement in a right-of-way first before an owner could be established. Mr. Brand stated that while the Sanitary District is not against taking that over, we do not have the authority right now due to the lack of easements and rights-of-way. Mr. Leach stated that MSD does not have a right to private sewer essentially. Mr. Reedman stated that three restaurants have easements in their deed, John Anderson was looking into that. Mr. Brand stated that it is on our radar and will stay in touch. He stated that right now we do not have a right to take it over. Mr. Brand stated that even if three of the six property owners with established easements, there are still three more before we could take it over.

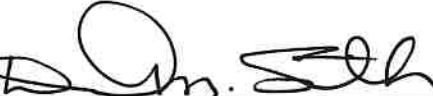
Adjourn: Mr. Brand stated our next regularly scheduled meeting will be held on Wednesday, August 21, 2024, at 11:30 a.m. in the City Hall Auditorium. Mr. Brand stated he would accept a motion to adjourn. Mr. Smith made a motion to adjourn the meeting for August 7, 2024. Mr. Leach seconded the motion. Motion passed (4-0).

Respectfully Submitted,



Maggie Balles, Executive Office Manager

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


Stephen Brand, President
Tim Overton, Secretary
Adam Leach, Vice President
David Smith, Board Member
Aaron Clark, Board Member