

REGULAR MEETING OF THE BEN DAVIS CONSERVANCY DISTRICT

Pursuant to Notice, Fred Buckingham, Chairman, called the meeting to order at 9:20 a.m. on July 8, 2021. Those in attendance: Fred Buckingham, Chairman; Jeff Wood, Director; Micah Pollard, Administrative Assistant; Jennifer Hess of Hess Hess & Donnelson, LLP, Counsel for the District, Ms. Dee Revnyak and Jim Frazell of Triad Associates, Steven Brock, CPA/MBA of Therber Brock LLC, and John Thurman, and Corey Foster, Maintenance for the Ben Davis Conservancy District (“BDCD”). Also present was Greg Broz. Not in attendance, Angela Wirth, Finance Secretary for the BDCD.

Mr. Foster and Mr. Thurman presented the maintenance report for the month of June. Mr. Foster stated that he and Mr. Thurman were nearly finished labeling the sewer segments in Silversmith with approximately ninety percent (90%) completed. They indicated that Derrick Short of Advanced Rehabilitation Technology, Ltd. wishes to present new manhole lining technology to the BDCD and invited the BDCD to participate in a “lunch and learn” demonstration on one of the BDCD’s manholes. It was determined that it is in the best interest of the BDCD for the BDCD to participate to learn about this new lining technology. This will be scheduled for July 14, 2021, and will begin at 11:00 a.m. in the BDCD Board Room and then will continue in the field where the demonstration will take place. The manhole that Mr. Short will demonstrate on is BDCD Manhole 101 located at West Henry Street and Livingston Ave. Mr. Buckingham, Ms. Revnyak, and Mr. Frazell confirmed that they would be in attendance.

Mr. Buckingham asked Mr. Broz if he had any questions or concerns to address that the Board could address. Mr. Broz indicated that he was late to the June 21, 2021, Public Hearing and requested copies of handouts from the meeting. Mr. Broz suggested it would be helpful if the BDCD posted the minutes on the website. The Board agreed that this was a good idea and Mr. Wood indicated that he would assist with this.

Ms. Revnyak of Triad and Associates discussed the timeline and purchase of the proposed Wastewater Treatment Plant (“WWTP”) site. Ms. Revnyak indicated that plans and permit are going to be submitted today for the WWTP. She believes the treatment plan would be operational in June 2023 and plans on getting the construction bids by the end of this year (2021) and start in breaking ground 2022. Ms. Revnyak indicated that she will need the purchase agreement that Ms. Hess is working on behalf of the BDCD. Ms. Revnyak and Ms. Hess discussed the timing of the purchase agreement and the option.

Mr. Brock discussed that the purchase of the WWTP site will require \$1.4 Million in funds and that he that he would like to complete the Bond Anticipation Note (“BAN”). Mr. Buckingham inquired about the interest rate and Mr. Brock assured him that it would be a fixed interest rate and that rates are favorable. Mr. Brock also explained that a BAN can be up to sixty (60) months, but the BDCD is considering an eighteen (18) to twenty-four (24) month BAN. The BAN will most likely be in the amount of \$995,000 with an eighteen (18) month term with the interest due at the end of the term.

Mr. Brock and Ms. Revnyak discussed SWIF applications upon which they have been collaborating. They have on behalf of the BDCD, applied for two applications totaling \$6 million for the first round (\$5 million towards the WWTP and \$1 million for sewer system rehabilitation). The deadline is July 15, 2021, and everything has been submitted. Mr. Frazell indicated a need to check with guidelines for the use of this money and Mr. Brock indicated that the guidelines have not been issued, however, it was determined that it is in the best interest of the BDCD to request this money as this will help keep user rates low and if the BDCD is unable to utilize these funds with the parameters of the guidelines, the BDCD can always reject or return the funds at a later date. Marion County has \$187 Million to distribute. Mr. Brock said he will send Ms. Revnyak a draft letter to send Marion County Officials to request consideration for these funds. The IFA points system was discussed. As it stands currently, the cost of the WWTP is \$18 Million.

The discussion of the meeting turned back to the BAN. Mr. Brock indicated that he could obtain a quote in the next thirty (30) days and could close on the BAN in fifteen (15) to thirty (30) days. Mrs. Matthews made a motion for Mr. Brock to proceed with the BAN Issuance. Mr. Buckingham seconded the motion and Mr. Wood was also in favor. Upon unanimous approval of the Board, Mr. Brock is authorized to proceed with the issuance on the BAN.

Mr. Buckingham then made a motion for the BDCD Board to approve the purchase of the WWTP property. Ms. Matthews seconded the motion and Mr. Wood was also in favor. Upon unanimous approval of the Board, the purchase of the WWTP was approved and Ms. Hess, Ms. Revnyak, Mr. Frazell, and Mr. Brock are authorized to proceed with necessary processes for securing the land for the WWTP.

Ms. Revnyak and Mr. Frazell indicated the need for a drainage study on the underground storm water drainage system with the possibility of elimination of a cistern that is currently owned by Randy Denny in accordance with the Option for the WWTP site. In addition, the plant site has two 24-inch pipes on the property coming from the north and from the south that may be able to be used for drainage on the plant site. Ms. Revnyak would like to do some televising to see the condition of the north pipe, but this is not necessary for the south pipe. Ms. Revnyak will provide Ms. Pollard with the information to request quotes for televising the pipe. Mrs. Matthews made a motion to proceed with televising the storm sewers for the plant site in conjunction with the drainage study for the cistern site. Mr. Buckingham and Mr. Wood were also in favor. Upon unanimous approval of the Board, Triad Associates is authorized to proceed with both the televising and the drainage study.

Ms. Hess discussed the issue with the grease trap agreement with several of the apartment communities and the inability to obtain bonds to secure their obligation to have grease trap cleanings every other month. Ms. Hess asked the Board if they would be agreeable to having these apartment communities pre-pay for six months of service (prepayment to an outside contractor such as Commercial Sewer or any other BDCD approved provider and not the BDCD). The Board indicated that this would be acceptable, and Ms. Hess will contact the apartment communities and offer this as an option instead of the Bond requirement and, if accepted, will memorialize the same in writing.

Ms. Hess suggested that as the annual budget process is beginning that it would be in the best interest of the BDCD to conduct a compensation study to determine if the BDCD is adequately compensating employees. Ms. Hess explained the need to be in-line with other districts so that the BDCD does not lose employees, or if someone retires or does leave, that we have a correct job description for the employee for the hiring process. Ms. Hess indicated that this would most likely cost around \$350 per employee. Mr. Buckingham suggested that the BDCD obtain a compensation study for the position the BDCD will need to hire (sewer plant manager) so that that the District will have an idea of what to pay this person at such time as their hiring becomes necessary. Ms. Matthews motioned to allow Ms. Hess to proceed with the compensation study. Mr. Wood and Mr. Buckingham were also in favor of the motion. Upon unanimous approval of the Board, Ms. Hess is authorized to proceed with the compensation study not to exceed \$400 per job description.

Ms. Hess discussed the submission of an offer of \$25,000 to CSX for the purchase of property near the proposed WWTP site. Jen suggested that if CSX does not agree to sell the property that the BDCD pay \$1000 for a “right of first refusal” to purchase the property at the time that it is sold. The Board agreed that this would be beneficial. Mr. Broz asked how this was going and noted that he was certified with regards to accruing railroad permits, so he could assist if needed.

Ms. Hess also discussed the forgery issue with John Reed and indicated that Ms. Pollard is cooperating with Indiana Attorney General’s Office regarding the forgery of her notary signature. Ms. Pollard was concerned about the continued misuse of her signature given that it is on file with the Marion County Recorder’s Office. Mr. Pollard indicated that she obtained a new stamp. Ms. Hess also suggested that she use an embosser, as should the Marion County Recorder’s Office begin to require original documents once again, it would be more difficult to forge a signature with an embossed stamp.

Ms. Hess mentioned the rate tariff for 2022 and reiterated the Public Notice must be published by September 9, 2021, so long as the proposed hearing remains September 20, 2021, at Fleming Garden Christian Church. Mrs. Matthews noted available funds to help residents who cannot pay their sewer bill (or rent) are available by contacting IERA@ihcda.in.gov. This is a special opportunity for assistance due to hardships caused by the COVID-19 pandemic.

Ms. Pollard reviewed some of the BDCD financials. She noted that property taxes of \$338,047.04 were received by the BDCD along with liens totaling \$70,944.96. With respect to the liens, 188 were paid in full, 8 were partially paid, and there remain 108 unpaid liens. Currently, Ms. Pollard and Ms. Goldsberry (BDCD Billing Clerk) finished matching the lien releases and the liens and they will create the letters and form so Ms. Pollard release these liens at the Marion County Recorder’s office and then they will mail out letter informing resident of the release of their lien.

Ms. Pollard noted that at the June 21, 2021, Public Hearing, Mr. Virgil Clark, on behalf of Lynhurst Baptist Church indicated that he felt that the Church was paying a great deal for service. The BDCD indicated that they would investigate this issue for Mr. Clark. Upon review of the account, inspection of the property, and property records, and applicable Indiana Administrative Code regarding EDU (Equivalent Dwelling Units), it was determined that the Church is currently paying for two (2) EDU’s but should be paying for six (6) EDU’s. It was

determined that a future review of all churches within the BDCD is warranted. However, prior to this, a process must be implemented to check for restroom facilities, daycare facilities, etc.

Ms. Pollard indicate that the BDCD plans to offer ACH payment with Bills.com to contract and exceptional benefits customers in July to December 2021 as a trial to assist with ease of payment.

Ms. Pollard indicated that she has completed her notary continuing education and will receive a new stamp with her married name on the stamp.

Ms. Pollard also indicated that she and Ms. Wirth planned to attend a training conducted by the Alliance of Indiana Rural Water – Leadership Summit in Bloomington, Indiana July 28-29, the cost of which is \$150 per person. The Board believed this to be warranted given the need for the BDCD to remain current on issues impacting conservancy districts and water and sewer utilities.

As Ms. Wirth was absent from the meeting, the June 2021 financials will be presented at the next Board Meeting.

The Board Minutes from the June Board Meeting were circulated and signed. The next board meeting is scheduled for Thursday, August 12, 2021. There being no further business to come before the Board at this time, Mr. Buckingham, Chairman, and Mr. Jeff Wood, Director, motioned to adjourn the meeting. The Board Meeting adjourned at 11:00 a.m.

Fred F. Buckingham, Chairman

Beverly A. Matthews, Vice Chairman

Jeff T. Wood, Director

ATTEST:

Angela Wirth, Secretary