

## REGULAR MEETING OF THE BEN DAVIS CONSERVANCY DISTRICT

Pursuant to Notice, Fred Buckingham, Chairman, called the meeting to order at 9:15 a.m. on September 9, 2021. Those in attendance: Fred Buckingham, Chairman; Beverly Matthews, Vice Chair; Jeff Wood, Director; Jennifer Hess of Hess Hess & Donnelson, LLP, Counsel for the District; Dee Revnyak and Jim Frazell of Triad Associates; Steven Brock, CPA/MBA of Therber Brock LLC; John Thurman, and Corey Foster, Maintenance for the Ben Davis Conservancy District ("BDCD"); and Angela Wirth, Finance Secretary for the BDCD. Not in attendance, Micah Sarabyn, Administrative Assistant/Project Coordinator.

Mr. Foster updated the Board with the results of the Silversmith FOG program for the restaurant grease traps. Mr. Foster also stated that the GPS device was not working properly, and Brandon Cook of Silversmith came and exchanged the device. Mr. Cook was going to check into the problems with the Battery not charging. Mr. Foster also reaffirmed that Eco-Infrastructure was contracted to begin work along Exeter, Rochester and Somerset for cleaning and televising. Board Chairman Fred Buckingham made a request that the two maintenance men, Mr. Thurman and Mr. Foster be kept together for the FOG program and with inspecting the restaurants as Mr. Thurman is not comfortable in speaking with the public. Ms. Revnyak, Triad expressed her concerns along with Ms. Wirth, Finance Secretary. After much discussion, it was suggested by Board Director Mr. Jeff Wood, a letter be drawn up for Mr. Thurman to use as a templet for what needs to be presented to the managers or representatives at the time of the grease trap inspection. Ms. Wirth stated she had given that idea some thought and all in attendance felt it would be a good tool to use for both Mr. Thurman and Mr. Foster. Ms. Wirth also mentioned using the Google Translation for assistance with Spanish and Mandarin...Ms. Hess mentioned that her office uses "LUNA", and it is a great program for obtaining a more accurate language translation and offered a variety of lingual abilities.

Ms. Revnyak updated the Board on the WWTP design and Permit progress. Ms. Revnyak stated the first round of questions from IDEM and been received and answered as well as she provided a copy of the responses from Triad to the Board for their review. Ms. Revnyak believes all is moving in a forward motion and that once the Construction Permit is approved, the Railroad Permit and zoning will be the next two major hurdles to overcome. Ms. Revnyak also provided an overall update on all the Permits being sought and preliminary projects for approval regarding the WWTP project. Ms. Revnyak discussed and presented the Drainage Study as required in accordance with the Purchase Agreement for the land located at 900 S Tibbs, and the former Chrysler Foundry properties east and west private retention tanks associated respectively. Ms. Revnyak stated she and Ms. Hess, had worked together for weeks revising and updating the Purchase Agreement based on the requests of the seller and Mr. Zubeck and the various

drafts that have been sent between all parties. The Real Estate Purchase Agreement was presented to the Board for approval and for Board Chairman Fred Buckingham to sign and allow Ms. Hess to move forward with Mr. Zubeck. It was mentioned that there would need to be \$15,000.00 in Earnest Monies made available to Chicago Title upon receipt of the signed purchase agreement and with that said, Ms. Beverly Matthews, Vice Chair made a motion for the Board to approve and sign the purchase agreement and release the earnest money to the title company and Mr. Jeff Wood, Director seconded the motion. Ms. Hess asked if Ms. Revnyak could move forward with reaching out to Chicago Title for the swift process of the transaction. Ms. Matthews made a motion to approve Ms. Wirth executing a check for \$15,000 and depositing the same with the title company and Mr. Wood seconded the motion. It was asked if the initial \$5,000.00 option price and the \$15,000.00 Earnest Money would be deducted from the total purchase price, and it was determined that they would. Chicago Title will notify the District regarding the balance due Tibbs Property Investments II, LLC.

Mr. Steve Brock discussed the Pre-construction bids and that the District is on track for the construction bids to begin in December through Triad. Mr. Brock stated what a huge success it was to move forward on the Anti-Degradation Permit and shared how the first \$1,000,000.00 came through from Baird Financial and HNB on September 1, 2021. Mr. Brock was excited to hear the Purchase Agreement for the property at 900 S. Tibbs Avenue, was going to close this month and he could then begin the process of looking to sell the Bonds for the WWTP. Mr. Brock spoke of Competitive Basis Bonds versus Negotiated Basis and that based on our rating, the District should be in an excellent state to proceed. Mr. Brock mentioned the need for an internal audit of the District financials from 2018 through 2020 to be approved by the Board and for the audit to take place toward the end of the year, not later than January of 2022 in effort to obtain a Standard and Poor's rating for the Bond issuance. Mr. Brock also stressed the need for an Underwriter for the bond...insurance coverage.

Mr. Wood, Director asked Mr. Brock if he was aware of what the current open market interest rate was. Mr. Brock's response was that the current market interest rates for 20-year municipal bonds were between 2 and 3 percent. Mr. Brock said he is using a 3 percent rate for budgeting purposes and he will be running projections for 20 and 25 loan terms and possibly a 30-year loan term for the bonds. Mr. Brock said we will be moving quickly in January and February in order to get the \$19,000,000 bond placed. Mr. Brock discussed needing both a bond rating and possibly bond insurance in order to obtain the lowest interest rates on the bond issue.

Mr. Brock mentioned the need for an audit in order to obtain a more favorable bond rating. Ms. Matthews made a motion to request an audit from the State Board of Account for 2018, 2019, and 2020 by the end of the year. Mr. Wood seconded the motion. It was discussed that the cost of this would most likely be \$5,000 per year audited. It was discussed pursuing the use of part time help to prepare for the



audit, including scanning. Mr. Buckingham made a motion to pay \$10-\$20 per hour for said help depending on the service provided and the duties of the job. Ms. Matthews seconded the motion.

Mr. Brock began a discussion regarding the Airport property and requested an independent appraisal be put into place to assess a fair market value for the airport properties till listed within the 930 tax District boundaries. Ms. Revnyak stated that she and Ms. Sarabyn had begun the legwork into the various parcels and where some of the parcels are discharging, however, it would need to be tabled until a later date. Mr. Brock also mentioned he would like to know how or who determined where to run the line at the new Indianapolis International Airport facility regarding utilizing CEG or BDCD.

Jen Hess, Council, passed out the results of the Compensation Study and told the Board she was pleased with the results however, there were some areas of compensation, insurance, vehicles, and an actual comparison study that could not match up with the maintenance staff. Ms. Hess stated that Ms. Wirth was under the 50% threshold while Ms. Sarabyn and Ms. Goldsmith were slightly above. As talks began to ensue regarding wages, Ms. Wirth excused herself from the meeting and Ms. Hess stated she would call her back in once discussions were complete.

Mr. Buckingham asked Ms. Wirth to return to the table and Mr. Wood updated Ms. Wirth with the Boards decisions on Salaries for the upcoming year. These salaries will be posted with the other resolutions on the District website and will be voted on at the Public Hearing.

Ms. Hess passed out the Salary, Rate and Budget Resolution to be presented and approved at the September 20, 2021, Public Hearing which will need to be updated based on the recommendations of the Board here today.

Ms. Hess also brought to the table a "Ground Lease Agreement" to coincide with the land purchase for the current owner to have access to (2) two acres for the current steel and concrete rubble to be moved to so that the purchased land can begin clean up and preparation for the new WWTP to be built.

Ms. Hess also reminded the Board that when Baird Financial closed on the \$1,000,000.00 bond disbursement on the 1<sup>st</sup> of September, that they inquired about Covid Policies and Procedures. She stated that Ms. Wirth mentioned the office had a Covid-19 policy in place and she was keeping up with Indiana State Board of Health updates and State and Local government guidelines.

Ms. Wirth provided the Board the money collected on behalf of Contract and Exceptional Benefit Customers in Ms. Sarabyns' absence. Ms. Wirth informed the Board that Eco Infrastructure Solutions was to begin Televising and vacuuming the segments set forth by Dee and the maintenance staff predominantly from Zone 6. Ms. Wirth updated the Board on the status of Ms. Sarabyn following her automobile accident.

Ms. Wirth Angela has completed the review and approval for all Insurance Policies including the Pollution which renews 9-1-21 to 9-1-24. The Board will need to approve the new amount at today's meeting to have coverage binded before the deadline of Sept 10, 2021. August 12, 2021 minutes were completed and updated for signature at this meeting. August Board Minutes and the Public Notice for the Indy Star were emailed to Mr. Wood to place on the BDCD website no later than Friday, September 10, 2021. Ms. Wirth mentioned Ms. Goldsberry submitted the public hearing information in her September bills sent to Boyce Keystone. Ms. Wirth and Ms. Hess worked on the updated Public Notice based off Steve Brocks new 2022 Tariff and sent info to Indy Star. Ms. Wirth balanced August financials and completed all deposits in Ms. Sarabyns' absence.

Ms. Wirth discussed an IT meeting to be arranged with Team Logic to come and evaluate the District needs for a server and computer cyber security. The meeting was rescheduled to include Ms. Sarabyn. A quote was also provided by the Districts current computer man Mr. Steve Freeze and Team Logic stated he was not out of the park on server cost and requirements provided. Additional training is going to take place on the Utility Program from Boyce Keystone with Ragan to go over areas of the program that are currently not being used and to see how office to utilize the "Lien" capability with the system and learn to make adjustments correctly. Ms. Wirth shared that she and Ms. Sarabyn met with Ms. Goldsmith to go over cash procedures and put in a 3<sup>rd</sup> step for security with SBOA. This involves any one of the staff accepting cash. A meeting that was scheduled with 811 Kim Anderson had to be rescheduled as 811 wanted Ms. Sarabyn to be included in the process and procedures of locates.

Ms. Wirth passed out a handbook as a "generic" start for the District to have something in place for HR purposes. A copy was passed around for the Board to review and for Ms. Hess to begin working on. It was also mentioned by Ms. Wirth that Beth from Ben Davis Christian Church called regarding an agreement to notify the District in the event one or more of the properties sold, one of the residences would need to disconnect from the shared lateral and reconnect to the system with a dedicated lateral. Ms. Revnyak will review the property and get back with the church or the District.

#### AUGUST 2021 FINANCIALS

Beginning Savings balance 08/01/2021	\$2,447,724.54
Beginning Checking balance 08/01/2021	\$ 145,641.46
Income 08/01/2021 to 08/31/2021	\$ 130,602.44
Claims 08/12/2021 to 09/09/2021	\$ 112,574.38
Outstanding Claims thru 08/31/2021	\$ 7,288.41
Ending Checking & Savings 08/31/2021	\$2,677,750.72

The Board Minutes were reviewed and signed from the September Board Meeting.


The next board meeting was scheduled for October 14, 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 adjourned at 1:15 p.m.

  
Fred F. Buckingham, Chairman

  
Beverly A. Matthews, Vice Chairman

  
Jeff T. Wood, Director

ATTEST:

  
Angela Wirth, Secretary