

BOARD MEETING

Pursuant to notice by publication, the Board Meeting of the Ben Davis Conservancy District ("District") was held on Thursday, February 10, 2022, at the District Maintenance Office, located at 629 S. Tibbs Avenue, Indianapolis, Indiana. Those in attendance: Fred Buckingham, Chairman; Beverly Matthews, Vice Chair; Jeff Wood, Director; Angela Wirth, Secretary Finance Officer; Jennifer Hess, Counsel for the District; Micah Sarabyn, Project Coordinator; John Thurman and Corey Foster, Maintenance Supervisors; Adam Simpson, Maintenance; Jim Frazell and Dee Revnyak of Triad Associates, Inc. Also in attendance, Chrissy Hayes, freeholder and Virgil Tharp, Lynhurst Baptist Church. Not in attendance, Mr. Steve Brock, Therber Brock Associates, LLC.

The meeting was called to order at 9:10 o'clock a.m. by Fred Buckingham, Chairman, who asked Mr. Corey Foster, Maintenance Staff to update the January 2022 Maintenance Report. Mr. Foster stated that he and Adam Simpson, Maintenance Staff had worked on grease traps, checking manholes, conducting 811 locates, and placing infrastructure attributes in Silversmith, the District's Asset Management program. Mr. Foster stated that Mr. Simpson, took and passed his CDL Permit test and will carry it for one year. Mr. Foster discussed the Granite Inliner work completed in February for Taft, Armentrout, Wilkins, Denison, Henry, Somerset and Exeter Streets at a cost of \$121,000.00. The work for this large-scale televising and lining project, included an area on Henry where it was discovered that a 12" pipe discharged to an 8" line which then discharged to a 12" sewer. Granite Inliner had to re-evaluate how to proceed with the lining between the connections. Ms. Revnyak and Mr. Frazell, stated this area needed further review and study. Micah Sarabyn, stated this change saved the District over \$11,000.00 on this project.

Mr. Jeff Wood, Board Director, introduced Mr. Virgil Tharp, Lynhurst Baptist Church member and Circle City Village "Tiny Homes" project representative. Mr. Tharp thanked the board for allowing him to speak about the Circle City Village project and the reason he was attending the Board meeting. Mr. Tharp was seeking to obtain the next, necessary steps for the project to move forward from the District. Mr. Tharp stated a land survey was being conducted and a Civil Engineer was being assigned to get the Christian based organization up and running. Mr. Tharp went into great detail about the involvement of the community and the various organizations wishing to be a part of this project and assisting with overseeing in order to assure its success. Mr. Tharp mentioned that the District needed to issue a sewer connection permit in

order for the project to obtain an Improvement Location Permit (ILP). He also provided detail about the timeframe, site plan and objectives of this project.

Ms. Jen Hess, Counsel for the District inquired about whether ongoing funding to sustain utilities exists in terms of the ability of the church and/or the prospective residents to be able to pay the monthly sewer user fee. It was asked if there were endowments or reserve funds in place for the on-going utility expenses of this project. Mr. Tharp noted that there was not. Mr. Tharp mentioned visiting sites in Racine, WI, and discussed other projects from Seattle, WA to Portland, OR and Detroit, MI. It was stated this project is being brought to the City of Indianapolis by Circle City Village, which is an out of state entity.

Many concerns were addressed by the Board regarding the “Tiny Homes” project. Ms. Revnyak noted that she had previously sent Mr. Tharp a preliminary list of what would be needed in order for the District to review the project prior to approving a connection. She agreed to provide Mr. Tharp with current requirements for moving forward and noted that she needed a site plan from a civil engineer to review before any determination could be made. She also informed Mr. Tharp that while the District pays for the review of these plans, the person or entity requesting review is ultimately responsible for the cost of the review and Mr. Tharp said that he understood. Ms. Hess also noted that as the landowner, Lynhurst Baptist Church would ultimately be responsible for the payment of user fees if the Circle City Village Board (who is proposing to lease the land from the Lynhurst Baptist Church) failed to pay these utility expenses.

At 10:00 a.m., Dee Revnyak, Triad discussed the WWTP updates and where the District was with regard to the bid opening which is scheduled for March 10, 2022. Prior to putting the project out to bid, Triad secured quotes for all of the major equipment. Mr. Lou Savka and Mr. Jim Frazell, Triad, were instrumental in locking in and securing the pricing for the larger equipment that was needed. The bid from contractors would then include a price for installation of these pieces and the equipment would be purchased by the District directly. This will save the District both time and money. Mr. Frazell stated that there were other cost savings associated with using “Open Market” funding especially with regards to Labor Standards and other Federal Labor Restraints including not being governed by the Davis-Bacon Act. It was also noted that the drainage permit had been obtained.

Ms. Revnyak discussed the upcoming Zoom Meeting for the Zoning Permit that is

however, upon further review, it was determined that this had not been completed. Therefore, this most recent audit found the District to be non-compliant and thus, the need for Ms. Hess to create the Ordinance for the Internal Control Standards. Ms. Hess noted that although the District did not have the formal Ordinance for the Internal Controls Standard in place, the District was compliant with performing the trainings required by the Internal Controls Standard Ordinance. Upon review of the proposed Ordinance, motion and unanimous approval, the Board adopted Ordinance 2022-1 Internal Controls Standard Ordinance and executed the same.

ADOPTED this 10th day of February 2022 was Ordinance 2022-01 Internal Controls Standard Ordinance, An Ordinance implementing internal control standards in accordance with I.C. 5-11-1-27, "Minimum acceptable level of internal control standards and procedures; report of variances, losses, shortages, or thefts."

Ms. Hess stated that she would work with Ms. Revnyak and Ms. Sarabyn regarding setting up laptops and linking the Board Room tv monitor with the Zoom meeting to take place on Saturday, February 12, 2022 at 10:00 a.m. Ms. Hess wanted to assure the WINC group that the District was providing a safe and modern WWTP so we could possibly get their support in the rezoning hearing. Board and Staff were encouraged to tell residents who are in favor of the project to send letters of support for the to the office of Mr. Keith Holdsworth, the City Planner.

Ms. Wirth presented the December 29, 2021 Annual Board Meeting Minutes for review and signature in addition to the "Special Meeting Minutes" held on Thursday, January 27, 2021 to discuss the zoning continuance and upcoming zoning hearing for the WWTF at 900 S. Tibbs Avenue.

Ms. Wirth also stated to the Board that Steve Brock was not present to go over the Financials and due to a year end roll over glitch with Boyce Keystone Fund, she was not able to present the December 2021 financials since they were not complete or available from the Annual Board Meeting. Ms. Wirth will present the January and February financials at the March 2022 Board Meeting.

Ms. Sarabyn provided an update of the Contract & Exceptions Benefit Updates 2021. The Total collected for December and January of 2022 was \$26,862.40. Granite Inliner completed a large project scheduled for year-end 21 but which had not begun until January of 2022. The 2022 Preventative Maintenance Project Lists have been created and Ms. Sarabyn sent out RFQ's for bids. There are (9) to be reviewed and approved. A contract was signed for

Ampstun. Next Bill Pay is next to review. Training will begin in April of 2022 and the initial interview and data pulls will begin in February of 2022. Ms. Sarabyn has begun to work with Ms. Revnyak on the Airport properties and is seeking clarification on some stating exempt status and others that show a small payment. Drew Carlson has been attempting to assist Ms. Wirth and Ms. Sarabyn Micah in understanding the process of evaluating parcels. Ms. Gaspar, Ms. Sarabyn, and the maintenance staff mailed closed nearly 800 pre-lien letters giving residents a 10-15 day window to pay. The response has been overwhelming in excess of 105 persons reaching out to pay or get caught up. Ms. Gaspar continues to engage with our Hispanic community and is doing great at collecting and processing payments, accurately providing the monthly income sheet for Paygov, remote deposits and cash transactions at month end as well as keeping up with voicemails, emails and responses to title companies for monies owed.

It was also asked of Ms. Hess from Ms. Sarabyn and Ms. Wirth about the feasibility to collect past due monies for the District from those who moved without an outstanding balance prior to a lien being perfected. The filing fees, time involved, and expenses to cover legal fees outweigh the benefit to the District at this time, however, this may be reevaluated in the future.

Ms. Wirth mentioned from comments of the representative of the SBOA regarding the recent Audit. It was noted that the District was to vote and approve and document via the minutes the passages of any resolutions, ordinances, or any matter relating to changes within financial policies of the District. An example is when Late Fees were stopped as a courtesy due to the Covid 19 Pandemic, this should have been done by resolution. Another example was when the District began filing and implementing the "Lien" process. It was also noted that when Ms. Ashley Goldsberry worked for the District as a billing clerk, she erroneously allowed customers to make payment plans that did not reduce their principal balances but prevented a lien from being placed on the property. This payment plan process did not get customers current on their bills. It was determined that new procedures are needed to address past due accounts and the application of late fees to customers with past due accounts as well as the applicability of the lien process.

Mrs. Matthews, Vice-Chair made a motion to reassess and reinstitute late fees retroactive to January 2022 at the rate of ten percent (10%) monthly on each past due amount. Mr. Wood, Director, Seconded the Motion. Mr. Buckingham, Chair, was also in favor. Motion passed.

RESOLVED, retroactive to January 1, 2022, customers in the District who are delinquent in their monthly user fees shall be required to pay a ten percent (10%) late fee on all unpaid balances. The District shall not compound balances and reassess late fees. Late fees will be charged one time only on the original late balance.

Mrs. Matthews, Vice-Chair, made a second motion to permit the District to set up a new lien avoidance process whereby a customer can avoid a lien being placed on their property if, upon issuance of a pre-lien letter by the District, the user pays one-third (1/3) of the past due balance and remains current on their ongoing monthly user fees. Should the customer fail to pay future user fees and accrue an unpaid balance equal to three months of user fees (for example, in 2022, the User fee per EDU is \$32 per month, so \$96 in 2022) then the customer shall be subject to a lien without further notice. Mr. Wood, Director, Seconded the Motion. Mr. Buckingham, Chair, was also in favor. Motion passed.

RESOLVED, once a customer receives a pre-lien letter, in order to prevent a lien from being placed on the customer's property, the customer must pay one-third (1/3) of the balance due plus their current user fees to avoid the District placing a lien on the property. Should the customer then become delinquent in an amount equal to three months of user fees for the property in question (for example, a user with 1 EDU would pay \$32 per month in 2022, so three months in 2022 would equal \$96), the customer shall be subject to lien without further notice. Liens may be filed by the District with the Marion County Recorder's Office on a monthly basis.

Mrs. Matthews, Vice-Chair, made a third motion to allow the District to set up a payment plan to assist with the financial needs and or burdens of customers within the District. So long as a customer continues to make payments in accordance with the agreed upon payment plan, the customer will not receive a pre-lien letter and a lien will not be placed on the customer's property. The payment plan shall require the customer to pay their current monthly user fee plus 15% of any unpaid balance. Mr. Wood, Director, Seconded the Motion. Mr. Buckingham, Chair, was also in favor. Motion passed.

RESOLVED, prior to the issuance of a pre-lien letter by the District, a customer may enter into a payment agreement with the District regardless of a residential or commercial customers need, and prior delinquencies. The payment plan shall require payment of the current monthly user fee plus 15% of the past due balance on a monthly

basis. So long as the customer remains current with this plan, the customer shall not receive a pre-lien letter and the lien shall not be placed on the customer's property.

Ms. Wirth updated the Board on the Insurance of the District. She was able to get the District Commercial Umbrella Policy closed with Selective Insurance and complete the second workers' compensation audit and has obtained two (2) refunds in the amounts of \$16,000 & \$1643 respectively from prior insurance carriers.

Ms. Wirth worked through year end with Boyce (billing and accounting software). Employee and Board W-2's were completed given or mailed to each person before January 10, 2022. The W-3, 1099's, 1096 and 941 and Work Force Development information was completed and submitted by Certified Mail before January 31, 2022. Ms. Wirth had Speedway Pest come and complete the annual termite inspection and none were found. Ms. Wirth contacted Allied Safety for the annual Fire Extinguisher inspection. An extinguisher in John Thurman's Truck was damaged and needed to be replaced (and was replaced). All others passed inspection.

Ms. Wirth and Mr. Buckingham attended the "entrance" meeting via webinar with the State Auditor Mr. Ron Kiger and Kim Wesley. The audit for the years of 2018, 2019, 2020 is scheduled to begin January 19, 2022 and be completed by February 15, 2022.

Ms. Wirth sorted and began using Indygov/maps to look up returned mail and residence ownership of parcels in or out of the District.

Ms. Sarabyn had passed out a document from Next Bill Pay that had not been signed by Ms. Wirth. Ms. Wirth stated she wanted to review the contract with Ms. Hess before signing this contract. Next Bill Pay works alongside Ampstun and will need to be signed prior to the conversion process from Utility and the District begins.

Minutes from the December 29, 2021 Annual Meeting and the January 27, 2022 Executive meeting were distributed.

Mrs. Matthews, Vice Chair, made a motion to approve the Board Minutes from the December 29, 2021 Annual Meeting and the January 27, 2022 Executive Meeting. Mr. Wood, Director, seconded the motion and Mr. Buckingham also approved. Motion Passed.

RESOLVED, the Board Minutes from the December 29, 2021 Annual Meeting and the January 27, 2022 Executive Meeting are hereby APPROVED.

scheduled to be held on Saturday with the West Indianapolis Neighborhood Congress (WINC) so the District could explain the purpose of the project and answer any questions they may have. Some of the concerns voiced so far related to the odor from CEG's Belmont and Southport plants and this needed to be discussed because the plant proposed for the District is not like those plants and operates differently and has a much lower capacity than Belmont. The Board expressed the desire to be a good neighbor to those within and outside the District and believes that the proposed treatment facility will be an asset to the neighborhood and will be a vast improvement from the scrap metal yard previously occupying the 900 S. Tibbs Avenue property.

Ms. Revnyak also spoke about the easements that needed to be acquired for the project. She also updated the Board on the status of the Airport Properties being investigated by Ms. Sarabyn and Ms. Revnyak to begin billing the Airport the appropriate amounts in Ad Valorem taxes and user fees for the associated properties in the 930 taxing District. The assessor's office needs to reassess the parcels that are currently listed as a "zero" value and or that have been consolidated. There are approximately 20 parcels that are in question, however, Ms. Sarabyn has pulled up a total of 55 parcels. The parcels in question are mostly vacant land plots with no improvements. When the new airport was constructed, some of the airport's new improvements were connected to the city sewer system without the District's approval or knowledge.

Ms. Revnyak, discussed the Railroad Permits and the need to bore under the tracks as part of the plant project. The incoming forced main will need to be bored under track on the east side of Tibbs Avenue and the outgoing effluent line will need to be bored under the track on the west side of Tibbs Avenue. Contract documents were provided along with the required invoice for fees from CSX Transportation, Inc., The agreements need to be signed by the Board after they are reviewed and approved by Ms. Hess. Ms. Revnyak stated that CSX is placing forced insurance into the contracts for the amounts of \$1,875.00 each. These charges can be removed if our current carrier, Cincinnati, through McGowan, can list CSX Transportation, Inc., as additional insured.

Mrs. Matthews, Vice Chairman, made a motion that pending review of the documents and insurance policies by Ms. Hess, Counsel for the District, that the District approve payment of the railroad fees, approve the contract with CSX, and add CSX as an additional insured on the District insurance and provide a copy of the endorsement as requested. Mr. Wood, Director,

seconded the motion and Mr. Buckingham, Chairman, also approved the motion. Motion passed with no opposition.

RESOLVED, the District approves payment of the railroad fees to CSX, adding CSX as an additional insured to any insurance maintained by the District, providing a copy to CSX as requested, and the District approves the proposed Contract with CSX pending approval from Counsel for the District.

Ms. Revnyak, mentioned that the District had received Tax Exempt Status from Marion County for the 900 S. Tibbs Property. She also noted that a letter had been prepared and sent to Mayor Hogsett regarding a request to obtain grant funds from the American Recovery Funds that were received by Marion County. Ms. Wirth confirmed the letter went out certified. The amounts requested for the District were \$5 million and \$1 million respectively, which would result in the District borrowing less money for the WWTF in bonds which would be a benefit to all those within the District and those who the District serves as it would reduce monthly user fees.

Ms. Hess, counsel for the District, inquired about the insurance for the property at 900 S. Tibbs Avenue. Ms. Wirth will be looking into this with the new carrier Cincinnati Insurance and broker, McGowan Insurance. Mr. Denny's company needs to be listed as Additional Insured for this property and the District needs to be listed as Additional Insured on Mr. Denny's company's policy.

Ms. Hess, provided a letter for the District records regarding a recent audit that had been requested from the SBOA and the District Financial Officer, to allow Ms. Wirth to respond to any litigation, claims and or assessments for the years in question of the 2022 Audit. Those years are 2018, 2019, and 2020 respectively. This letter was completed on February 7, 2022, and submitted by Ms. Hess to Mr. Ron Kiger of the SBOA, field examiner for the Audit in question. Ms. Hess provided a proposed Internal Controls Standard Ordinance in accordance with I.C. 5-11-1-27, "Minimum acceptable level of internal control standards and procedures; report of variances, losses, shortages, or thefts." During a previous Audit conducted by the State Board of Accounts and Mr. West, for the years of 2013, 2014, 2015, 2016 and 2017 respectively, the District was found in violation of not having an Internal Controls Standard Ordinance in place and had been asked to put one in place following the above-mentioned audit. It was believed that this had been completed by Ms. MaryAnn Willoughby, former Secretary of the District,

Ms. Wirth asked Ms. Hayes if she had any questions, concerns or comments about anything from the Board meeting. Ms. Hayes stated that she did not. This concluded the regular monthly Board Meeting of the Ben Davis Conservancy District. The financials were listed as follows:

YEAR END 2021 FINANCIALS


Beginning Savings balance 12/01/2021	\$1,000,206.51
Beginning Checking balance 12/31/2021	\$ 749,859.57
Income 12/01/2021 to 12/31/2021	\$ 466,306.64
Claims 12/11//2021 to 12/31/2021	\$ 89,367.41
Outstanding Claims thru 12/31/2021	\$ 38,503.18
Ending Checking & Savings 12/31/2021	\$2,136,319.28

JANUARY 2022 FINANCIALS

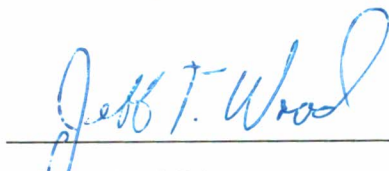
Beginning Savings balance 01/01/2022	\$1,000,248.68
Beginning Checking balance 01/01/2022	\$1,136,070.60
Income 01/01/2022 to 01/31/2022	\$ 224,510.14
Claims 01/01//2022 to 01/31/2022	\$ 1,541,624.11
Outstanding Claims thru 01/31/2022	\$ 21,128.88
Ending Checking & Savings 01/31/2022	\$1,979,106.76

The next board meeting was scheduled for March 11, 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 11:45 a.m. Meeting Adjourned at 12:15 p.m. An Executive Session followed.

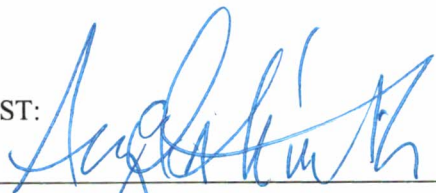
At this hour of 12:30p.m., the Chairman Mr. Fred Buckingham, declared the Board Meeting closed.


Fred F. Buckingham, Chairman


Beverly A. Matthews, Vice Chairman


Jeff T. Wood, Director

ATTEST:


Angela Wirth, Secretary

