

BOARD MEETING

Pursuant to notice by publication, the Board Meeting of the Ben Davis Conservancy District ("District") was held on Thursday, March 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., Steve Brock, Therber Brock Associates, LLC. Also in attendance, Chrissy Hayes, freeholder.

The meeting was called to order at 9:15 o'clock a.m. by Fred Buckingham, Chairman, who asked Mr. Corey Foster, Maintenance Staff to update the February 2022 Maintenance Report. Mr. Foster stated that he and Adam Simpson, Maintenance Staff had worked on several stoppages in the District and all maintenance staff went to Sherry Lane MH 1233 to see if the flow was going in the right direction or if a bolted manhole lid would help stop overflows with heavy rain falls. A manhole located on Brandt may be added to future lining, MH 1531. John Thurman stated that Commercial Sewer was to start work on Neeld Ditch this week, however, due to the heavy rains recently experienced, John said the Districts flows have been too high for them to work and he asked Commercial Sewer to wait until next week, March 15, 2022.

At 9:20 a.m., Dee Revnyak, Triad discussed the WWTP bid openings to begin on Thursday, March 17, 2022 at the District office. All bids will need to be stamped received, dated and time stamped for accuracy to be considered for the WWTP. Quotes were received, accepted, and the prices locked in for all major equipment.

Ms. Revnyak reminded the Board of the upcoming Zoning Hearing on Wednesday, March 16, 2022 @ 1:00 p.m., before the Zoning Board. It was mentioned that it would be beneficial if business owners, such as the owners of Tibbs Drive-In, who had voiced their support for the WWTP Project, would attend the meeting in support of the District and the WWTP to note how this project not only benefits the residents and businesses from a cost factor, but provides a Greenway or Greenspace for what has been a junk/scrap yard for heavy industry.

Ms. Revnyak mentioned the Railroad Agreement and asked Jen Hess if she had an opportunity to review or had any objections to the Board Chairman, Fred Buckingham signing the Agreement as is. Ms. Hess had no objections and stated the contract was a typical contract of

adhesion (the terms of which are essentially nonnegotiable) favoring the railroad. However, she advised the District that the contract was acceptable to sign.

Ms. Revnyak also updated the board on the progress of completing the Easements and will obtain a Broker Price Opinion to justify an offer price.

Ms. Revnyak stated that since we have not heard back from Mayor Hogsett's office regarding the ARP funds a second letter may be good to resend to the Mayor's Action Committee and possibly the Districts neighborhood liaison.

Ms. Revnyak briefly discussed annexation of the District offices at 629 and 703 S Tibbs into the District as well as the 900 S. Tibbs Avenue property. Ms. Revnyak will work with Jen Hess to obtain legal descriptions and provide any exhibits needed for Ms. Hess to begin this process in the future once the District receives all approvals for the WWTP. Ms. Hess noted that she is still exploring what all will need to be done to annex these areas.

Ms. Revnyak stated that while there was an overflow matter at Sherry Lane, the District's overall flows have decreased by 25% or more due to the preventative maintenance and work performed on the lines and manholes within the District over the past 20 years. Ms. Revnyak discussed the progress she and Micah Sarabyn are having on locating the airport properties that have been bought and sold since the buyout of homes for the original airport property. She also updated the Board on the status of the Airport Properties being investigated by Ms. Sarabyn. Ms. Revnyak will request that these parcels be reassessed so the District can start to receive the Ad Valorem taxes and user fees for the airport properties in the 930 taxing District. 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 of the District. This matter will also be looked into at a later time.

Mr. Brock, stated he did not have any financial paperwork to pass out and updated the Board on where he was with the construction financing. Mr. Brock stated he has met with the underwriter and is looking at a 25-year Maximum Loan Term for the bond issue. Mr. Brock wants to minimize a rate impact and stated he believes our interest rate will be near a 3% on the bonds. There is a 90-day bid hold on the construction and Mr. Brock intends to close the construction financing in 60 days. Mr. Brock will keep looking for an interest bearing "short term" account to invest the bond proceeds into and will ensure that Arbitration Tax laws are met on the investment of the bond proceeds.

Ms. Hess mentioned that First Internet Bank was providing ½ % interest on short term investments. Mr. Brock stated he would look into that and was familiar with First Internet Bank.

Mr. Brock mentioned he assisted Angela Wirth in the completion of uploading all documents and materials into Gateway for the 2021 Financial Year.

Additional improvements to the WWTP plan were noted after discussions with the City-County Counselors. Mr. Brock also stated he would like to have Triad prepare a new mock-up of the WWTP land rendering based on the previous days meeting with Councilor Jared Evans. Mr. Frazell, stated that the staff has already started revising the land rendering to include a berm with staggered evergreens.

Mr. Wood, Director, made a motion to amend the plans for the WWTP to include a berm, evergreen type trees on top of the berm, scattered visual breaks and decorative fencing plus additional site landscaping. Mrs. Matthews, Vice Chair seconded the motion. Mr. Buckingham, Chair also approved. All the Board members being in favor, the motion passed.

RESOLVED, the WWTP Plan shall be amended to include a berm, evergreen type trees on top of the berm, scattered visual breaks and decorative fencing plus additional site landscaping.

Mr. Brock stated how pleased he was with the outcome of the 2018, 2019 and 2020 Audit. Mr. Brock felt it was a clean audit and that the only mark against the District was the Internal Control Standards which have been corrected and presented to the State Board of Accounts as mentioned below by Ms. Hess.

Ms. Hess discussed the insurance for 900 S. Tibbs and noted that the District was added by Jon Bottorf (Controller for the Denny Companies) as an additional insured and she received confirmation of the same on 2/15/2022. Ms. Hess inquired into the insurance status of 900 S. Tibbs on the District Policy and Ms. Wirth noted that she would provide confirmation of this. Pursuant to the easement agreement with CSX, the District will need to add CSX as an additional insured and increase limits to \$5 Million Dollars from \$3 Million Dollars. Ms. Wirth noted that she is still waiting on a refund from the District's prior insurance company from when the District changed insurance companies.

Ms. Hess noted that the corrective action plans and the response to the audit were filed. Ms. Hess noted that as part of the response, the District provided the 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" which was adopted at the February Board Meeting. 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.

Ms. Hess again touched on the analysis that the District does not actually need zoning approval given that the District is a public utility, but believes that the District is being a good neighbor and the talks that have come from this have been productive. Further, talks with the City-County Counselors for the area and the commitments that have come from these discussions will benefit the community.

Ms. Hess noted the possibility of a Facebook page for the District. Ms. Sarabyn noted that one had been started but had not been completed/utilized. Ms. Hess noted that she will begin working on this as a way to disseminate information to the public. Further, Ms. Hess noted that the District has Google Reviews that are inaccurate. As this was noted by WINC at the prior zoning hearing, it may be beneficial to get these corrected or removed and asked for Board approval to spend up to \$200 to begin this process.

Mr. Wood, Director, made a motion that the District may spend up to \$200 to correct or remove Google Reviews that contain inaccurate information. Mrs. Matthews, Vice-Chair seconded the motion. Mr. Buckingham, Chairman approved.

Ms. Hess noted the possibility of a Ben Davis Conservancy District Trust which would be funded from private donations to beautify the WWTP and the District. Ms. Hess explained that this would be for project for which the Board cannot use tax dollars or user fees. She noted that she would like to see this as a Trust. Mr. Brock noted that this should be a 501(c)(3).

Ms. Sarabyn provided information for the Contract & Exceptions Benefit Updates 2022, Total collected for February of 2022, \$8,003.40. Ms. Sarabyn received the RFQ's for bids. Commercial Sewer won the opportunity to complete our 2022 projects beginning with Neeld Ditch and Biltomore Gardens. Ampstun began the integration process of our Boyce Billing Utility Software. Part 1 of 2 to be completed before training begins in April with all office staff. Ms. Sarabyn continues to work with Ms. Revnyak on the Airport properties and located 72 needing to be assessed. Ms. Sarabyn also reached out to Covington/Aloft apartments to remind them of their balance due the District and that a sewer lien was the next step. Ms. Sarabyn has also been searching companies to purchase, manufacture and or make a mold for the District for Manhole Pick Hole Plugs. Ms. Sarabyn has also been looking into obtaining a quantity to keep

in stock of Bolted Down Manhole Lids. Ms. Sarabyn took 413 Sewer Liens to be filed at the Recorder's Office and they were certified on March 1, 2022

Ms. Wirth discussed time spent dealing with Selective and Assured Partners about the monies still due the District for a refund. The Board and Steve Brock received completed transcripts of the Audit. Ms. Sarabyn and Ms. Wirth went over the Next Bill Pay Contract with Jen and Lauren to clarify any questions or concerns. The contract was signed by Ms. Wirth. Ms. Wirth put all legal documents and banking matters in place for Next Bill Pay to begin transactions and monies coming into our account. Ms. Wirth scheduled the pickup for the Electronics that the District was going to trash and also the Shredding company who certified all documents has been properly shredded on site and disposed of. Ms. Wirth ordered new furniture for Cathy Baker and computer.

Ms. Wirth set up John Thurman to renew his CDL License and Corey Foster to obtain his annual physical. Mr. Brock and Ms. Wirth worked to get the Year End Financials into Indiana Gateway by the February 28, 2022 deadline. Ms. Wirth worked with Ragan to get the December and January Fund reports corrected and closed. Ms. Wirth worked on updating the Title Companies and the letter to be sent to the Title Companies annually reminding them to confirm any monies due the District prior to home sales. Ms. Wirth will also revise the lien letter prior to the next "pre-lien" mailing. Ms. Wirth also working with McGowan Insurance to add CSX as additional insured and the 900 S. Tibbs property. Universal Insurance Forms were also completed by all employees.

Ms. Wirth presented the minutes from the February 10, 2022 Board Meeting, the February 10, 2022 Executive Session, the February 23, 2022 Emergency Executive Meeting. Mr. Wood, Director, made a motion to approve the minutes. Mrs. Matthews, Vice Chair seconded the motion. Mr. Buckingham, Chairman approved the motion.

RESOLVED, the minutes of the February 10, 2022 Board Meeting, the February 10, 2022 Executive Session, the February 23, 2022 Emergency Executive Meeting are hereby APPROVED.


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:

MARCH 2022 FINANCIALS

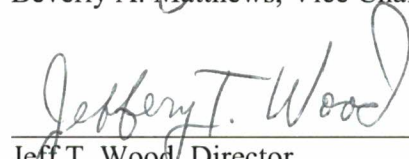
Beginning Savings balance 03/01/2022	\$1,750,376.68
Beginning Checking balance 03/31/2022	\$ 239,494.49
Income 03/01/2022 to 03/31/2022	\$ 424,550.45
Claims 03/01/2022 to 03/31/2022	\$ 1,541,624.11
Outstanding Claims thru 03/31/2022	\$ 33,133.57
Ending Checking & Savings 03/31/2022	\$1,840,279.13

The next board meeting was scheduled for April 14, 2021. There being no further business to come before the Board at this time, Mr. Buckingham, Chairman, made a motion to close the meeting and Mr. Jeff Wood, Director, seconded the motion.

At this hour of 11:45 p.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