



Marion Utilities
1540 N Washington St.
Marion, IN 46952
www.marionutilities.com

Service Board

BOARD MINUTES OF THE AUGUST 19, 2021 MEETING

The Marion Utility Service Board held their meeting on Thursday, August 19, 2021 at 5:30 p.m. in the L.E.A.D. Center, Building 101, at Marion Utilities, 1540 N. Washington Street, Marion, Indiana.

Roll was called and those board members present were: Bob Logan, Chairman; Bill Dorsey; Mia Erickson; Al Green; Von Jackson; and Herschel Lewis. Doug Carl was absent.

Also present at the meeting were: Chuck Binkerd, Director; Pat Pinkerton, Assistant Director for Engineering; Robin Shrader, Assistant Director for Operations and Maintenance; Mike Conner, Attorney; Tiffany Snyder, Accounting/Billing Coordinator; and Misty Humphries, Secretary.

CONSIDERATION OF AGENDA ADDITIONS OR DELETIONS

There were none.

APPROVAL OF MINUTES

Mrs. Erickson moved, seconded by Mr. Lewis, to approve the minutes of the July 15, 2021 regular meeting. All board members in attendance voted aye. Motion carried unanimously.

FINANCIALS

Mrs. Snyder presented the final financials for March and April and reminded the board that the preliminaries were presented at the last meeting. Mrs. Snyder stated that in March the Water Utility was the only Utility to experience a loss. However, the loss was only due to some equipment replacement, a large chemical bill, and the sales tax bill. Mrs. Snyder noted that April's financials show that the sales tax was much closer to zero. The Water Utility still showed a loss due to a large outstanding bill for farm ground rental. Mrs. Snyder stated that she hopes to present the final financials for May and maybe June at the next meeting. Mr. Binkerd added that Mr. Logan, Mr. Carl, Mrs. Snyder, and the Senior Leadership Team met with Jennifer Wilson earlier in the week. The group talked through some of the struggles that had been experienced as well as where things are headed. It was very encouraging. Mr. Logan stated that there are a lot of cogs to get the wheel moving smoothly. It is definitely an involved process. Mr. Lewis moved, seconded by Mr. Green, to approve the finalized March and April financials. All board members in attendance voted aye. Motion carried unanimously.

UPDATE ON PROJECTS

Mr. Pinkerton reported that the cured-in-place projects for the year were completed. Mr. Pinkerton said that the infrastructure underneath the railroad tracks across the city should be good now. Mr. Pinkerton also said he was looking to get some quotes out for a small water project at Valley Avenue and Jackson to close a couple of dead end water mains.



RAILROAD PROPERTY PURCHASE

Mr. Binkerd stated that Mr. Conner has been working to help the Utility acquire property at Lincoln and Home Avenue for several months. Mr. Jackson's property has an agreed upon purchase agreement. The next parcel involves what appears to be railroad property. Mr. Conner stated that the railroad was not interested in selling the property; therefore, the only option left is eminent domain. Mr. Conner stated he is working with Bose McKinney to move forward with an eminent domain claim. Mr. Binkerd stated that he has a proposal from Bose McKinney regarding this claim. The hourly rate was \$450. Mr. Conner said that Bose is very good, but they are very expensive. Mr. Binkerd estimated that the total hours would be between 10-15 hours. The property is an important piece given the other parcels purchased. Mr. Binkerd asked for approval to move forward with Bose McKinney and approve the proposal. Mr. Jackson asked if there should be a maximum or not to exceed figure set. Mr. Conner stated that it was typical in the industry for a maximum be set and if costs approach that for the issue to be revisited. Mr. Binkerd asked that the Board allow for \$7,500 to be spent before the issue had to be revisited. Mrs. Erickson moved, seconded by Mr. Lewis, to approve the terms of the proposal with a not to exceed figure set at \$7,500. All board members in attendance voted aye. Motion carried unanimously.

2621 CHAPEL PIKE

Mr. Pinkerton reminded the Board of the issue presented by Ms. Keefe at 2621 Chapel Pike. Ms. Keefe had a previous verbal agreement with the Utility for a solution. However, she would not sign the written agreement, and the agreement was rescinded. The County has been working with Ms. Keefe. An agreement was being reached between those two parties. The County would like to include the Utilities in the agreement as a partner. The County would like the Utilities to buy the materials to install a 36", the County Highway to install the materials, and then turn it over to the County Drainage Board to maintain it. Ms. Keefe would have to reinstate the swale, maintain the drainage along the north side of her property, and sign a hold harmless agreement. Mr. Conner stated that there were more people involved and drafting an agreement that would be satisfactory for everyone was going to be harder to do. Mr. Pinkerton added that two years ago the neighbors were in agreement to allow the work to be done; however, he was not sure where the neighbors stood currently as that was in the County's court. Mr. Pinkerton said that some of the flooding during downpours could be alleviated by moving some of the water to the west. Mr. Conner interject that it was his legal obligation to tell the board that they do not have to become a party to any agreement. Anything that the Board would agree to would be out of the goodness of their heart. Mr. Binkerd stated that everyone would have to sign the hold harmless. If everyone would do this, he would feel better about the agreement. Mr. Dorsey asked what the material cost was. Mr. Pinkerton said approximately \$25,000. Mr. Binkerd said he would like the board to approve up to a certain level given that all necessary and required parties sign the hold harmless agreement and the other legal documents. Mrs. Erickson moved, seconded by Mr. Jackson, to agree to sign the agreement provided that all parties sign the hold harmless agreement as well and agree to provide the materials up to \$25,000 subject to Mr. Conner's review of the legal documentation and verification that all stipulations have been met. All board members in attendance voted aye. Motion carried unanimously.

TRANSFERS & PAY REQUESTS

Mr. Pinkerton presented the third and final pay request for the Cured-In-Place-Projects to Insight Pipe Contracting in the amount of \$189,242.17 with retainage of \$14,800 to be released at a later date. Mrs. Shrader presented pay request number one for the Long Term Control Plan Project \$95,475.05 for

mobilization and the paperwork on the project thus far. Mr. Lewis moved, seconded by Mr. Dorsey, to approve the pay requests as presented. All board members in attendance voted aye. Motion carried unanimously.

DIGESTER CONCRETE ISSUE

Mrs. Shrader reminded the Board of their approval at a previous meeting to repair the brick on the digesters for \$157,500. As the repairs were being made, the concrete began falling off and exposing rebar. This was not an anticipated find. The quote to repair the concrete was \$118,187 bringing the project total to \$275,687. The amount budgeted was \$430,000. Mrs. Shrader strongly recommended doing the repair now. Mr. Lewis asked how long the digesters had been there. Mr. Binkerd answered 1982. Mrs. Erickson moved, seconded by Mr. Lewis, to approve the quote for the concrete work. All board members in attendance voted aye. Motion carried unanimously.

EXTENSION OF EPSLA (EMERGENCY PAID SICK LEAVE ACT)

Mr. Binkerd said that the EPSLA (Emergency Paid Sick Leave Act) came out of many of the COVID related Executive Orders. The EPSLA allows an employee to be off due to COVID, COVID exposure, or caring for a loved one with COVID. Mr. Binkerd said, "Earlier in the year, the Board had extended the EPSLA to our organization until June 30, 2021." Mr. Binkerd asked the Board to extend the policy from June 30, 2021 until the end of the year. Mr. Binkerd stated that it would provide for 80 hours of leave to be used. However, employees who had exhausted the 80 of approved leave associated with COVID previously would not get a new bank of 80 hours. Mr. Binkerd stated that he would also recommend extending the FMLA to be extended so that employees could care for loved ones without worrying about their job. Mr. Jackson asked if there were affected employees at that time. Mr. Binkerd answered yes. Mrs. Erickson moved, seconded by Mr. Jackson, to approve the extension of the EPSLA and the FMLA. All board members in attendance voted aye. Motion carried unanimously.

APPROVAL OF THE 1400 BUILDING ROOF QUOTE

Mrs. Shrader presented the roof quote for the 1400 building. The roof has been leaking and short term measures were taken to help alleviate some of the damage. Quotes were requested from two contractors to make a long term fix. Only one quote was received. It was from Five Star in the amount of \$64,900. The quote includes a warranty. Mrs. Shrader said basically a membrane would be installed. Mr. Lewis asked where Five Star was located. Mrs. Shrader said Hartford City. Mr. Logan asked if the roof was a flat roof. Mrs. Shrader said that one area did have a slight slope. Mr. Lewis moved, seconded by Mr. Green, to approve the quote submitted by Five Star. All board members in attendance voted aye. Motion carried unanimously.

CANCER SERVICES SPONSORSHIP REQUEST

Mr. Binkerd said that Cancer Services has requested \$500 for sponsorship for their fall Color Me Pink Breast Cancer Run and Silent Auction. The Board would receive signage at the event in return for the sponsorship. The event raises money for free mammograms. Mr. Green moved, seconded by Mr. Lewis, to approve the sponsorship request in the amount of \$500. All board members in attendance voted aye. Motion carried unanimously.

SOLID WASTE TECHNICIAN

Mr. Pinkerton said the Solid Waste Utility currently has two open positions for automated side load arm operators. The positions have been open for a couple of weeks. CDL drivers are getting harder to find. A

former employee, who left six weeks ago as a supervisor, has expressed interest in coming back to fill one of the positions. Mrs. Erickson asked if he retired. Mr. Pinkerton said he left to drive for a competitor. Mr. Pinkerton asked that the former employee be rehired at the same accrual level for annual leave accrual purposes and at a Range 10 Step 8 for pay purposes. Mr. Pinkerton explained that had the former employee stepped down, he would have been at a Range 10 Step 8. Mr. Dorsey asked how long the employee had been gone. Mr. Pinkerton said approximately six weeks. Mr. Conner asked what the best way a person with a CDL would go about applying. Mr. Pinkerton said through Work One or by sending an application to Cindy Hawkins or Mrs. Humphries. Mrs. Shrader added that a request like this had been made and done in the past. Mrs. Erickson moved, seconded by Mr. Dorsey, to approve the rehiring at the same accrual level for annual leave and at a Range 10 Step 8. All board members in attendance voted aye. Motion carried unanimously.

PROPERTY PURCHASE AUTHORIZATION

Mr. Pinkerton said one of the Long Term Control Plan projects at 2nd Street and Nebraska requires two to three million gallons of storage in the area. There is a property owner that is willing to sell two lots now. Mr. Pinkerton said that the price was \$5,000 for both lots. The appraisal was \$3,700. Mr. Pinkerton stated that the lots will absolutely be needed in the future. Mrs. Erickson moved, seconded by Mr. Lewis, to approve the purchase of the two lots for \$5,000. All board members in attendance voted aye. Motion carried unanimously.

SENIOR LEADERSHIP REPORTS

P. Pinkerton, Assistant Director for Engineering

Mr. Pinkerton said that Solid Waste was still breaking records. The limit was 60 tons a day a year ago. Mr. Pinkerton stated that it was a good thing that the limit was increased to 70 tons per day when the permit was renewed. Recycling was at over 45 tons which was more than what was recycled with the blue bag program. Mr. Pinkerton said that recycling was getting bigger just like solid waste collection. Luckily, the recycling is also becoming more valuable. The last recycling load sent out resulted in a \$2,000 check being issued to the Utility. Mr. Logan mentioned that Lori Babb and Blaze Holt at the Transfer station were always helpful and kind. He appreciates their efforts.

R. Shrader, Assistant Director for Operations & Maintenance

Mrs. Shrader presented a picture of the Administration Building parking lot as the first part of the Long Term Control Plan project begins. Mrs. Shrader asked that if someone has to come through the parking lot, to please be careful as the project will result in a change in traffic flow. Mrs. Shrader also reported that 1.1 million gallons of biosolids have been hauled between late July and mid-August. This has made a huge impact on the ability to handle biosolids going into the fall.

C. Binkerd, Utility Director

Mr. Binkerd said that the first check from Atlas Collections was received for the work that they did from May 1-31st. The check was for \$1,042. Mr. Binkerd said that the Personnel Committee will be meeting soon along with Long Term Control Plan Committee, and budget committees. Mr. Binkerd asked if there are days when board members were going to be out of town or unavailable for the board members to please let Mrs. Humphries know.

BOARD MEMBERS' COMMENTS

There were no comments at this time.

CHAIRMAN'S REMARKS

Mr. Logan thanked everyone for their attendance and involvement in the meeting. He also expressed appreciate for the work on the financials.

The next meeting was scheduled for Thursday, September 16, 2021.

There being no further business before the Board, Mr. Lewis moved, seconded by Mr. Dorsey, to adjourn the meeting. All board members in attendance voted aye. Motion carried unanimously.

Meeting adjourned at 6:23 p.m.

Robert Logan, Chairman
Marion Utilities Service Board

ATTEST

A handwritten signature in cursive script that reads "Misty D. Humphries". The signature is written in black ink on a light-colored background.

Misty Humphries
Its Secretary