

Marshall County Regional Sewer District Board Meeting Minutes

Marshall County Building – 112 W. Jefferson Street, Room 203, Plymouth, IN 46563

The Marshall County Regional Sewer District Board met in a regular session on Wednesday, February 14, 2024, at 6:00 PM at the Marshall County Building located at 112 W. Jefferson Street, Room 203, 2nd Floor, Plymouth, IN 46563.

MEETING ATTENDANCE: The meeting was called to order at 6:00 PM by Thomas McFadden.

1. ROLL CALL:

MCRSD Board: Thomas McFadden, Christopher Spier, Debbie Palmer, Brenda Meyers, Diann Parsons, Jay Stone, and Don Ecker, Jr.

Carson, LLP: Atty. Christopher Nusbaum

JPR: Kenneth K. Jones, Jr., and Diana Campbell

HEALTH DEPARTMENT: Faith Freed

2. PUBLIC COMMENT:

Statement: Anyone wishing to speak needs to state their Name and Address for the record and will have 3 minutes to speak. Your comments will be made as a part of the public meeting.

No Public Comments.

Public Comments closed.

3. MEETING MINUTES:

Minutes from the Board meeting held on January 10, 2024, were presented, and reviewed by the board members. Don Ecker, Jr., noted a correction on page 2, Miller Pond should be Mill Pond. Debbie Palmer made a motion to approve the meeting minutes with the correction of Miller Pond to Mill Pond. Motion seconded by Christopher Spier. All were in favor. The motion was approved unanimously.

4. CLAIM APPROVALS:

Members received the monthly claim approval form from Baker Tilly. Brenda Meyers made a motion to approve the monthly claim report as presented by Baker Tilly as submitted in the amount of \$34,897.80. Motion seconded by Jay Stone. All were in favor. The motion was approved unanimously.

5. LEGAL COUNSEL UPDATE:

a. Electronic Funds Transfer Ordinance

Christopher Nusbaum indicated the Electronics Funds Transfer Ordinance authorizes payment of preapproved claims. Examples noted were invoices for surety bonds, licenses of permits, insurance premiums, utility payments, and maintenance and rental payments when those begin. All these items will be paid before a meeting, but they will still need to be approved at the next meeting through the monthly claim approval form. Mr. Nusbaum noted that to do this needs a resolution to have certain authorization to have preapproved claims approved to have an Ordinance by Electronic Funds Transfer. It was noted that this will be the only time to have a stand-alone Ordinance, in the future it will be included in

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the rate ordinance. Don Ecker, Jr., made a motion to approve Ordinance 2024-02-01. Motion seconded by Brenda Meyers. All were in favor. The motion was approved unanimously.

b. Resolution Pre-Approved Claims

Christopher Nusbaum indicated to authorize payment of preapproved claims, the Board has to give direction to the treasurer to make those payments. Resolution 2024-02-01 allows for the authorization of certain preapproved claims. Don Ecker, Jr., made a motion to approve Resolution 2024-02-01. Motion seconded by Christopher Spier. All were in favor. The motion was approved unanimously.

c. P.E.R. Public Hearing – March 6, 2024

Christopher Nusbaum indicated to continue forward progress on the deadline to ultimately adopt the Preliminary Engineering Report (P.E.R.) at a regularly scheduled meeting, a PER Public hearing is to be held followed by public comment for 5 days before the PER can be adopted by the Board. For the PER to be adopted at the March 13 meeting, the latest the public hearing can be scheduled is March 6. It was noted that only one member of the Board needs to attend the hearing, but obviously, all the Board members are welcome to attend. It is important the hearing be scheduled at an accessible time for the public to attend. It was suggested the hearing begin at 6:00 PM. Thomas McFadden indicated he would represent the Board at the PER Hearing, but the Board members are welcome to attend. Christopher Nusbaum indicated a notice will be published in the Plymouth Pilot, 10 days before the meeting. Diann Parsons made a motion to hold the PER Hearing on March 6 at 6:00 PM at 112 W. Jefferson, Plymouth, IN in Room 203. Motion seconded by Debbie Palmer. All were in favor. The motion was approved unanimously.

6. INSURANCE COMMITTEE UPDATE:

a. Directors and Officers Insurance

Thomas McFadden reported that the Insurance Committee met before the Board meeting. The Insurance Consultant, Nikki Galbraith reviewed the Directors and Officers Liability Insurance proposed terms. The carrier, Philadelphia Indemnity Insurance Company has a good rating but is also familiar with sewer district start-ups and is willing to provide the coverage. The annual premium will be \$3,032.00, which provides an initial \$1M Directors and Officers Liability Coverage. As operations begin the Philadelphia Company will advise on adjusting the limits of liability. The Directors and Officers insurance does cover the cost of defense for all Board members. The Insurance Committee recommended the Board approve the Philadelphia Indemnity Insurance proposal and payment within 30 days. The coverage date will begin March 1, 2024. Brenda Meyers made a motion to accept the Directors and Officers Insurance coverage by the Philadelphia Indemnity Insurance Company. Motion was seconded by Jay Stone. All were in favor. The motion was approved unanimously.

7. BOND/BAN ORDINANCE:

a. BAN Update – proposals due on February 19, 2024

Jeff Rowe, as requested by the Board, provided the information that was sent to Prospective Purchasers of the \$3M BAN. Proposals are to be received by Baker Tilly by

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11:00 AM on February 19. A call to review the proposals is scheduled for February 19 at 1:00 PM.

8. ENGINEERING UPDATE:

a. Project Tracking Tool

Kenneth Jones, Jr., reported the tracking tool is about 50% complete but waiting on a couple of pieces of information from others, once it is complete it will be shared with the Board.

b. City of Plymouth Touch Base

Kenneth Jones, Jr., reported he recently had an overall positive meeting with Mayor Listenberger and Attorney Jeff Houin regarding the project. A follow-up meeting will be scheduled to include Thomas McFadden and present the Interlocal Agreement to present to the City of Plymouth. Carson LLP will put together the Interlocal MOU.

Kenneth Jones, Jr., noted Baker Tilly is the Municipal Advisor for the City of Plymouth and the Marshall County Regional Sewer District and is unsure if this is a conflict. Thomas McFadden stated this is not looked upon as a negotiation but as a calculation.

Kenneth Jones, Jr., indicated at the PER Hearing on March 6 that he will do a brief presentation of the project being looked at right now followed by a question-and-answer session.

Thomas McFadden inquired as to when the aerial photographs will be done. Kenneth Jones, Jr., indicated they will be completed in March.

9. FINANCIAL CONSULTANT UPDATE:

No update

10. ANY OTHER BUSINESS:

No other business.

ADJOURNMENT:

Brenda Meyers made a motion to adjourn the meeting. Motion was seconded by Jay Stone. All were in favor. The meeting adjourned at 6:36 PM.