

ACRSD Board  
Meeting Minutes  
September 10, 2020

**The following persons were present:**

Shannon Smitley, President  
Nathan Rumschlag, Secretary- Absent  
Steve Bailey, Board Member - Absent  
John Carroll, Board Member  
Don Bergdall, Board Member  
Jim Franz, Board Member  
Richard Lambert, Member  
Barry Scherer, Superintendent  
Mark Burry, Attorney  
Brooke Hindenlang, Paralegal to Mark Burry  
Ben Adams, Commonwealth Engineer

**APPROVAL OF MINUTES**

- Board reviews minutes as presented.

MOTION TO APPROVE MINUTES WITH CORRECTION BY JIM FRANZ AND  
SECONDED BY DON BERGDALL. MOTION APPROVED 5-0.

**CUSTOMER QUESTIONS**

- MANDY BRENNER
  - Was a decision made about connecting her property?
  - Barry Scherer – all kinds of problems, next door neighbor built a new house, planning to move in in October, Barry Scherer told him that he would have to pay the 2k fee and buy the grinder. Barry Scherer said it will be totally up to the board. The problem is that they were not notified at the time that they wanted to hook-up. Barry Scherer feels it is up to the Board. Others were made to pay – so are we now going to refund those people? Same situation with a resident on 33. Brent Skramstad is the house currently. Barry Scherer asked Ben Adams what his thoughts were.
  - Ben Adams thinks a committee needs to discuss this. We could probably work through this, we have favorable bids.
  - Barry Scherer can we give money back?
  - Ben Adams said if the district wanted to write a check, but not through the funding for the current project.
  - Jim Franz – wants to know if we currently have 2 homeowners in this situation.

- Barry Scherer: There are 3 residents and he knows he has to pay. He doesn't have a problem paying. It would have to go through a neighbor's property.
- Question asked if homeowner is wanting to connect immediately?
- Barry Scherer responds that he has to.
- Ben Adams remarks that this was brought up at last meeting but there was a lot going on. He doesn't think that the board should make a fast decision.
- Jim Franz suggest that the policy committee could discuss this matter.
- Lew Seffernick comments that Mandy's project is totally different – they are there, they have been there.
- Barry Scherer remarks that this was the same thing on 33.
- Lew Seffernick comments further that he heard we are going forward, not backwards. Precedent was set.
- Barry Scherer's responds that the precedent was set when grinder was bought.
- Dick Lambert states that based on what Jim Franz said, we need to discuss this matter with the policy committee.
- Barry Scherer advises that he can come up with some dollar amounts.
- Johh asks how many are we talking.
- Barry Scherer responds that there are probably 6 or 7, some aren't in but have already bought the grinders.
- Question asked - How many are new construction?
- Mandy – asks if it doesn't get approved and we have to pay, will I have to pay the extra 31.00 for the loans?
- Jim Franz asked her who told her that.
- Mandy responds that she isn't saying.
- Ben Adams comments that it is what is set forth in the rate ordinance.
- Barry Scherer further discusses other expenses that are added in.
- Mark Burry comments that anybody connected, pays the sewer rate – debt service, maintenance, and treatment. It is part of the whole cost of the system.
- Mandy also asks if the neighbors that are close together share a grinder, could we share.
- Barry Scherer responds that we tried.
- Lew comments that the real question is, can these people be added into this project?
- Jim Franz responds that it is the boards call.
- Discussion held about the policy/project committee getting together
- Dan Biberich asked about Teeple lawsuit. What is the status?
  - Mark Burry responds that it is being dismissed.
  - Biberich mentions that Connie is passing out letters.
  - Mark Burry responds that we know she is doing this.

- Dan Biberich asks if it is going to cost the district?
- Mark Burry responds that it is not going to cost the district to sue her.
- Barry Scherer asked what is being passed out.
- Dan Biberich responds that he doesn't know.
- Mark Burry explains what information has been given to his office.
- Jim Franz comments that he worries about people going on hearsay. It bogs us down.
- Barry Scherer also comments that the District has spent money and so has the health department.
- Jim Franz wants to know if insurance would cover this.
- Mark Burry advises that it will not.

### **APPROVAL OF CLAIMS**

- Barry Scherer presents claims in the sum of \$8,027.30 total. This sum is higher than the amount emailed to the board due to late claims submitted. Barry Scherer reviews those amounts with the board.

MOTION TO APPROVE CLAIMS AS PRESENTED BY SHANNON SMITLEY AND SECONDED BY DON BERGDALL. APPROVED 5-0.

- Bank Reconciliation presented.

MOTION TO APPROVE MADE BY JIM FRANZ AND SECONDED BY DON BERGDALL. MOTION APPROVED 5-0.

- Payroll voucher claim presented.

MOTION TO APPROVE PAYROLL VOUCHER JIM FRANZ AND SECONDED BY SHANNON SMITLEY . MOTION APPROVED 5-0.

- SRF Forms
  - Barry Scherer reviews the total claims of \$295,478.00.

MOTION TO SUBMIT TO SRF MADE BY JIM FRANZ AND RICHARD LAMBERT SECONDED. MOTION APPROVED 5-0.

### **DISTRICT SUPERINTENDENT REPORT**

- Barry Scherer asked Ben Adams about public meetings regarding the bids.
  - Ben Adams doesn't think we need to do so but said a post-bid letter might need sent out, similar to what was sent out by Allen County.
  - Mark Burry said we want to do that. Also send out in batches to the project area. In that notice schedule an information meeting. Schedule a week or two after the notice goes out.
  - Jim Franz asks, so we won't let bids or agree to bids until after meeting?
  - Joint responses advising that no we wouldn't wait till then.

- Barry Scherer explains that he told them back at the last lawn chair meeting that we didn't have all the information, future meeting will be set to discuss other things.
- Ben Adams advises that he will send a draft letter to Mark Burry.
- Mark Burry's comments that the only hang-up issue would be if there are any problems with mainline/pump easements. He advises that the board is going to have to schedule a special meeting in September to introduce amendatory rate ordinance, with interim rates. The district will have to have 2 publications for changes to rate ordinance. There is a lot going on in the next few months. Pre-closing will be in November per Ben Adams (hoping).
- Barry Scherer further advises that treatments are still down.
- Barry Scherer reports to the board that he will be out a few days next week since his daughter is getting married.
- Barry Scherer advises that he hoping to release Bobo and 101 and maybe Salem road in a 2 week time frame. He would like to get the Notice to Connect out in increments to get things going.
  - He also asks if the inspection fee is going to remain at \$75.00. If we are going to change, now is the time. The cost is \$30.00 on the grinder backwater valves.
- Ben Adams responds that he thinks the District has to go with the \$75.00 for Bobo. He said that the District can adjust for the rate ordinance.
- Don Bergdall's opinion is to keep it 75.00.
- Ben Adams also comments on the Notice to Connect and when the areas will be released, it is all dependent on the passing of the areas.
- John Carroll comments that he doesn't want to jump the gun until it is ready.
- Jim Franz asks if we have a problem, who will it go through? Referring to what John Carroll mentioned.
- Ben Adams doesn't think it will totally be done by the October meeting, but a part will be done by the end of the month.
- Barry Scherer – wants to start billing pro-rated asap.
- Mark Burry/Ben Adams – maybe anticipate 10/1.
- Barry Scherer updated the board that Steve and Brooke Hindenlang will be meeting next week to go over the budget.
- Barry Scherer presents a notice that Becky Cochran is doubling her monthly rate.
- Ben Adams comments that the new projects will double the customers.
- Barry Scherer – customer rate is staying the same but monthly rate going up \$450.00 per month.
- Jim Franz/John Carroll comment that it is a big jump.
- Barry Scherer remarks that Steve Bailey has some comments, would be best if he was here. Budget it in, vote later.

- Barry Scherer mentions that the City Garage has warning lights on city trucks, ultrabrite easy flash, Barry Scherer would like to add this to his vehicle. The cost is \$179.00.
- Don Bergdall and Jim Franz think it is a good idea.

## ENGINEERS REPORT

- Ben Adams
  - Handed out map. Looking at progress.
  - Talked about October completion date.
  - Things are moving smoothly.
  - 79% of contract amount was previously approved.
  - Handed out monthly status report.
    - Did bid all 3 sections of Project 3.
      - Last bids came in yesterday afternoon.
      - Handed out bid recommendation and bid tabulation.
      - 7 bids on the 1<sup>st</sup> two and 6 on the final job.
    - Grouping of homes on southside of Berne, determined about 12 homes that are in between 150 village way and turn to the old railroad tracks, we had not notified those people, alternate notice added into contract A, mandatory alternate bid. Recommend that we accept that and send notice to those people. If they don't want to connect or some problem they may not be required to connect.
      - Barry Scherer comments that some of those residents came to us and they want to connect.
    - Ben Adams advises that the mainline easements acquisitions is ongoing.
      - Ben Adams also brings up the Holthouse Ditch, the State is pursuing work on this and we may not need the easements but he is not sure yet on this.
    - Ben Adams wants to send out the bid results.
      - Mark Burry advises that a slight modification needs made.
      - Ben Adams responds that it is just a notice that you are the low bidder.
      - Mark Burry comments that the final award is contingent upon our closing/financing.
    - Ben Adams also reports that we received IDEM permits back with technical comments, should have a response on B and C. Still haven't heard anything on A.
      - Ben Adams responds that information was sent based on final bid. Adjusted project size. Not sure about final number. We think the size of the loan could go down if we don't have to give back. We did approximately shave a 1mil off.

- Ben Adams notes that Mark Burry will introduce the Bond Ordinance.
- Ben Adams also indicates that we need to modify the rate ordinance. He owes the finance committee some calculations.
- Ben Adams would like to get going on the grinders. Contract regarding grinders was budgeted and presented to Barry Scherer previously. 261 easements to acquire. Discussing how easements will be gathered. Reviewing Task Order 2020-02.
- Ben Adams reports that Berne looked at treatment agreement and sent back one change to Mark Burry.
  - Barry Scherer asked if Tim Baker got back with Mark Burry.
  - Mark Burry responds, no.
- Jim Franz is asking about the current project and what isn't done yet.
  - Discussion by Barry Scherer and Ben Adams about how more time was added since Salem road was added in.
- Mark Burry is asking for the project 3 budget.
- Mark Burry asked about total estimated users, Ben Adams said 300-400.
- Barry Scherer comments that the district will be borrowing less than first and adding double the people.

MOTION TO APPROVE TASK ORDER 2020-02 BY JIM FRANZ AND SECOND BY JOHN CARROLL. APPROVED 5-0.

**DISTRICT ATTORNEY REPORT**

- Barry Scherer asking about a meeting on the rate ordinance.
  - Mark Burry said schedule 9/25/20 he won't be here but he will have it ready, he will send message to randy and jeff.

MOTION TO TENTATIVELY ACCEPT THE BIDS FOR EACH PROJECT AREA ACCORDING TO THE ENGINEEERS RECOMMENDATION TO THE LOWEST RESPONSIVE RESPONSIBLE BIDDERS CONTINGENT UPON BOND CLOSING FOR FINAL AWARD MADE BY SHANNON SMITLEY AND SECOND BY DON BERGDALL. APPROVED 5-0

- Bond ordinance 2020-2 introduced – Mark Burry reading title.

MOTION TO INTRODUCE BOND ORDINANCE 2020-2 MADE BY JOHN CARROLL SECOND BY DON BERGDALL. ALL IN FAVOR APPROVED 5-0.

MOTION TO TABLE BOND ORIDNANCE 2020-2 MADE BY DICK LAMBERT, AND SECOND BY JIM FRANZ. APPROVED 5-0.

- SRF to approve and then advertise and plan to adopt in October.

- Discussion of mainline easements.
- Discussion of building for Barry Scherer.

**PUBLIC COMMENTS**

- Lew Seffernick again brings up the issue of adding the 2 people.
  - Dick Lambert responds that a policy meeting will be set.
  - Jim Franz asks Lew Seffernick if he is legally representing Mandy Brenner.
  - Lew Seffernick responds no, but continues rehash his viewpoint.
  - Shannon Smitley explains that this is different.

MOTION TO ADJOURN JIM FRANZ AND SECONDED BY JOHN CARROLL.  
MOTION APPROVED 5-0.

Minutes approved by:

  
Shannon Smitley, Chairman

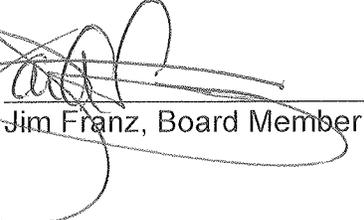
  
Nate Rumschlag, Secretary

  
Richard Lambert, Board Member

  
Steve Bailey, Board Member

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John Carroll, Board Member

  
Don Bergdall, Board Member

  
Jim Franz, Board Member