

**ACRSD Board**  
**Meeting Minutes**  
**January 15, 2021**

**The following persons were present:**

Shannon Smitley, Chairman  
Nate Rumschlag, Secretary  
John Carroll, Board Member  
Don Bergdall, Board Member  
Jim Franz, Board Member  
Steve Bailey, Board Member  
Dick Lambert, Board Member  
Barry Scherer, Superintendent  
Mark Burry, Attorney  
Brooke Hindenlang, Paralegal to Mark Burry

**The following persons were absent:**

None

**APPROVAL OF MINUTES**

Minutes from December 11, 2020 meeting presented to the Board.

Jim Franz advises that his name was misspelled in the minutes presented.

MOTION TO APPROVE MINUTES WITH CORRECTION TO JIM'S NAME, MADE BY DON BERGDALL AND SECONDED BY JOHN CARROLL. Approved 7-0.

**APPROVAL OF CLAIMS**

MOTION TO APPROVE CLAIMS IN THE SUM OF \$58,530.47 MADE BY NATE RUMSCHLAG AND SECONDED BY JOHN CARROLL. Approved 7-0.

MOTION TO APPROVE PAYROLL CLAIMS IN THE SUM OF \$3,572.66 MADE BY JIM FRANZ AND SECONDED BY NATE RUMSHLAG. Approved 7-0.

MOTION TO APPROVE SRF CLAIMS IN THE SUM OF \$3,913.00 (PROJECT 2) MADE BY STEVE BAILEY AND SECONDED BY JOHN CARROLL. Approved 7-0.

MOTION TO APPROVE SRF CLAIMS IN THE SUM OF \$353,801.00 (PROJECT 3) MADE BY JIM FRANZ AND SECONDED BY STEVE BAILEY. Approved 7-0.

MOTION TO APPROVE BANK RECONCILIATION IN THE SUM OF MADE BY JOHN CARROLL AND SECONDED BY DON BERGDALL. Approved 7-0.

## **DISTRICT SUPERINTENDENT REPORT**

- Barry advises that he has been contacted about pumps and parts. He agreed to sell a pump to someone that is not in the project but is part of the city. He is asking if he should be doing mark-ups.
  - Discussion held.
  - Per Mark Burry, the price cannot be marked-up because of sales tax issues.
  - Board members discuss this matter further and agree that we are not in the business of competing with private enterprises.
  - Steve Bailey that if the City of Decatur wishes to buy from the District that is okay, but not for private citizens to do so.
- Barry brings up tap fees for Project 3:
  - Barry believes the \$75.00 fee needs to be looked at since the backwater valves will cost almost one of the \$75.00 fee.
  - Board members discuss this further and Shannon Smitley asks if this could be put on the bill from the contractor.
    - Barry states that it could result in various type of valves.
    - Ben Adams states that we could easily change the connection spec to include the valve.
    - Additional discuss held regarding the valve.
- Barry reports that \$9,601.65 was collected from tax liens.
- Barry further reports that nearly all of Project 2 residents have paid for their Inspection Permits.
- Barry also reports that the grinders are running for minimal minutes a day. He is very pleased.

## **ENGINEER'S REPORT**

Ben Adams provides his update:

- Ben explains that the pre-closing took place and that the closing on the funding will be on the 29<sup>th</sup>. Contracts will be signed, notice to proceed issued, ready to go on February 1, 2021. Ben anticipates that both groups will be able to start. Piping has been delivered. The pre-construction meeting is set for the 21<sup>st</sup> at 10:00 a.m.
- Ben also advises that easements are coming in but there are a lot to go. Fleming's will be out on the ground soon.

## **DISTRICT ATTORNEY REPORT**

Mark Burry advises the Board that they need to sign the legal services agreement for Barnes & Thornburg.

MOTION TO EXECUTE LEGAL SERVICES AGREEMENT MADE BY JIM FRANZ AND SECONDED BY STEVE BAILEY. Approved 7-0.

Mark Burry also presents his legal services agreement for approval.

MOTION TO APPROVE MARK BURRY'S LEGAL SERVICE AGREEMENT MADE BY STEVE BAILEY AND SECONDED BY JIM FRANZ. Approved 7-0.

Mark Burry advises the Board that this is the time to reorganize the Board if necessary.

MOTION TO APPROVE EXISTING POSITIONS OF OFFICERS MADE BY DON BERGDALL AND SECONDED BY JOHN CARROLL. Approved 7-0.

### **OTHER MATTERS PRESENTED**

Staffing and Personnel:

- 2 representatives from Wells County Sewer District Board, Leon Berning and LA Brown are introduced by Mark Burry.
  - Mark Burry explains that Wells County will be closing by the end of March.
  - The options available to Adams County and Wells County could include an interlocal agreement or a contractual agreement for Superintendent work. Wells County cannot afford to hire a full-time Superintendent.
  - Wells County doesn't have funding from their County Council like ACRSD does in Adams County.
  - Mark Burry believes that that we might be able to hire a comparable person if we take the total number of users that we expect to have online plus the number of Wells County users, divide out and pro-rate, then we could determine what Wells would pay on a contractual basis – maybe 30-35K per year.
    - The individual would be an ACRSD employee with an interlocal with Wells County.
    - Additional questions and comments addressed by the Board.
  - Barry asks if Wells County has someone to pull pumps.
    - LA Brown responds – yes.
  - Additional comments and questions by the Board, Steve Bailey suggest that the financing subcommittee meet to discuss this further.
- Barry also mentions that if the Board doesn't hire a qualified person, he doesn't think it will be practical to train someone. It would be better to have someone who is already knowledgeable.

- Steve Bailey believes we can cost justify adding a superintendent level person and then we can help Wells County, but if we don't hire the more qualified person, then we can't help Wells. Costs the district less to hire an equal to Barry and share with Wells then if we hire just a laborer. \$126.00 per year per connection vs \$136.00 per year. Using 40K laborer vs 55K superintendent pay.
- Shannon Smitley comments that the only problem is that we don't know if he will come for 55K.
- Dick Lambert reviews the various committees that have been created, finance, policy and new projects, and he feels that the committee needs to recommend to the Board.
- Nate Rumschlag comments that speaking on behalf of Wells County, they need to know ASAP.
- Steve Bailey advises that he will run the numbers.
- Both Steve Bailey and Barry Scherer express that ACRSD needs a list from Wells County as to what they expect the Superintendent to do.
- Dick Lambert reminds the Board that Barry really hasn't had any 5 day work weeks – he has been working 7 days a week. He is worried about being able to share Barry's time with Wells County.
- Jim Franz expresses that he believes we have two separate issues.
  1. Who are we hiring?
  2. Are we doing an interlocal with Wells County

We must have a qualified person.

- Mark Burry comments that the District is a separate entity and is not part of the County in general. It is unique and this needs factored when determining the wages.
- Barry believes the individual will come for 55K.
- Steve Bailey comments that 55K will cost 75k.
- Jim Franz wants to know what we are offering for benefits – 55K, health, phone, PERF?
- LA Brown wants the Board to not assume that Wells County will be doing this.
- Nate Rumschlag also reports that although billing hasn't been decided on, they do have a quote.
- Representatives from Wells County are asking to be provided a job description.
- Jim Franz and Dick Lambert tell Barry to speak to the individual they are considering and give him the offer. If he says no, then we will advertise again, unless he makes a counteroffer.
- John Carroll asks about Project 2 connections and how close the 90 day deadline is. He talked to one contractor that doesn't think he will get it done in the 90 day time frame.

- Barry has told them no later than 3/31, then they will have to pay the 2K.
- Steve Bailey reports that it is a good time to look at how we did in comparison to the budge. Comparing the financial report YTD net income of 99K, the projected was 89K. Steve thinks this is pretty close. He thinks we are doing okay with the budge. He thinks we did really well with the financial report and setting money aside.
- Barry reports that he believes that the costs for maintenance will be increasing but this should come out of the maintenance reserve panel.

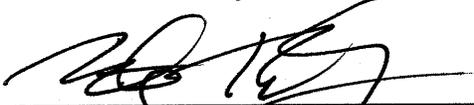
### PUBLIC COMMENTS

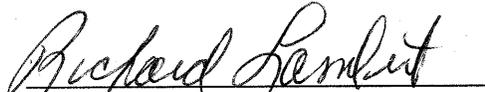
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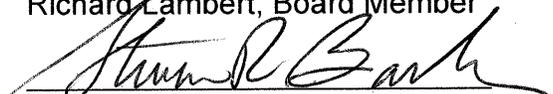
MOTION TO ADJOURN BY STEVE BAILEY AND SECONDED BY JOHN CARROLL.  
APPROVED 7-0.

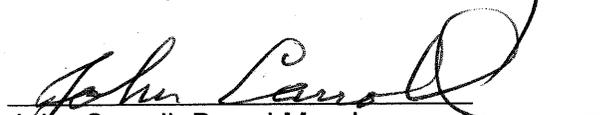
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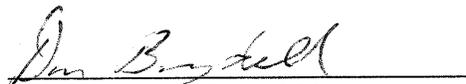
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