

**ACRSD Board**  
**Meeting Minutes**  
**November 10, 2022**

**The following persons were present:**

Nate Rumschlag, Secretary  
Jim Franz, Board Member  
John Carroll, Board Member  
Josh Zimmerman, Board Member  
Larry Oberley, Superintendent  
Mark Burry, Attorney  
Brooke Hindenlang, Secretary – Paralegal to Mark Burry  
Jane Kaverman, billing and accounting Clerk

**The following persons were absent:**

Shannon Smitley, President  
Dick Lambert, Board Member  
Steve Bailey, Board Member

**APPROVAL OF MINUTES**

MOTION TO APPROVE MADE BY JIM FRANZ AND SECOND BY JOHN CARROLL.  
Approved 6-0.

**ENGINEERING REPORT**

Ben Adams:

- Project 3 - Nothing new.
- Project 4 – sort of slow month, Fleming pulled off to work another job
  - There is a hold up with delivery of control panels.
  - Sunnybrook – continue to bore, out to 200 W, no laterals in the addition.
- Project 5 - submitted some post bid stuff, conversed with Baker & Tilly, easement for big lift station needed.
  - He brought tentative award notices that need approved for Project 5. Get Shannon's signature later. Two have been bugging him if they can order stuff.
  - Jim Franz feels like if they are bugging him, maybe there should be push back since the project in area 4 isn't moving very quickly – is it all due to delays in product?

**MISCELLANEOUS**

- Project 5 rate report presented by Mark Burry; Estimated project funding is 6,740 Million, the grant amount is 3 Million, loan is 3,141 million bond, factor in debt

service and reserves. Page 7 shows existing debt service and the debt service for this project – we have sufficient coverage to hold rates at 93.30. Recommendation is for the rates to stay the same.

MOTION TO ACCEPT AND APPROVE FINAL RATE STUDY FROM BAKER & TILLY, MADE BY JIM FRANZ AND SECOND BY JOHN CARROLL. Approved 4-0.

### **PUBLIC HEARING ON AMENDED RATE ORDINANCE**

- Interim rate reduced to 30.00 per month, Baker, Tilly is recommending that we use that figure.

MOTION TO SUSPEND MEETING AND OPEN TO PUBLIC HEARING ON BY JIM FRANZ AND SECOND BY JOSH ZIMMERMAN. Approved 4-0.

Public hearing opened.

Mark presents proof of publication.

Meeting opened up to public about project 5.

#### **Q - *Darlene Hebble Juengel*:**

- What is the time line for Magley?
  - Ben Adams: After the first of the year, weather dependent.
- When will the interim rate begin?
  - Ben Adams: January or February lasting maybe 10 months
- What is the proposed rate after interim?
  - Ben Adams: \$93.30

#### **Q - *Joyce Fisher* (Magley and Winchester Road):**

- Why do we have to pay the interim rate?
  - B-interest payment is due after we close to pay back on the debt
- Wants to know if the state pays us back.
  - Nate R. – explains about the interest. We are borrowing 3 mil (jim)
  - We have to a rate to cover that interest. (Nate)
- She said they had a new system 10 years ago.
- She wants to know where the water goes.
  - To the St. Mary's River.
  -

#### **Q - *Darlene Hebble Juengel*:**

- Asks about capacity.
  - Ben Adams said it is calculated to cover the amount.

#### **Q - *Eric Mann*:**

- Asks about the interim rate from \$50 to \$30 that was listed in the published Amendatory Rate Ordinance.

- Ben Adams explains that we got more funding so we don't have to pay the interim rate of \$50.

**Q – Joyce Fisher**

- What happens if the pump doesn't work?
  - Lift stations pumps have emergency receptacles; if you lose power at your home, there is some storage capacity. If you have generator, you might need to make sure you have the capacity.
  - Nate Rumschlag: If your grinder has an issue, the district owns this.
- Does everyone get a grinder?
  - Nate Rumschlag: Not everyone depends on location
  - Ben Adams: Joyce will receive one due to her location on Winchester Road. Location can be determined with the homeowner.
- What is the cost to connect
  - Ben Adams: Just cost from house to grinder, cost for power, pump out existing septic; filled in and crushed.

**Q - Darlene Hebble Juengel:**

- How many projects will there be?
  - This is the last on the books.
- Do we have the minutes online?
  - Yes.

MOTION TO CONCLUDE PUBLIC HEARING MADE BY JIM FRAMZ AND SECOND BY JOSH ZIMMERMAN. Approved 4-0.

**APPROVAL OF CLAIMS**

***Claim Vouchers total \$55,173.35 per Jane Kaverman.***

MOTION TO APPROVE CLAIMS MADE BY JIM FRANZ AND SECOND BY JOHN CARROLL. Approved 4-0.

***Payroll total claims \$7,688.49***

MOTION TO APPROVE PAYROLL CLAIMS MADE BY JOHN FRANZ AND SECONDED BY JOSH ZIMMERMAN. Approved 4-0.

***Bank reconciliation***

MOTION TO APPROVE BANK RECONCILLIATION MADE BY JIM FRANZ AND SECOND BY JOHN CARROLL. Approved 4-0.

***USDA statement of budget income for project 1***

MOTION TO APPROVE BUDGET MADE BY JIM FRANZ AND SECOND BY JOSH ZIMMERMAN. Approved 4-0.

## **DISTRICT ATTORNEY REPORT**

Rate ordinance introduced at least meeting, up for consideration for 2<sup>nd</sup> read.

Mark Burry review the Amendatory Rate Ordinance 2022-4

- Full rates must go into effect no later than **1.1.24**.
- Interim rate is implemented after closing, when notice to proceed is issued and construction begins.

MOTION TO APPROVE AMENDATORY RATE ORDINANCE 2022-4 MADE BY JIM FRANZ AND SECONDED BY JOHN CARROLL. Approved 4-0.

Bond Ordinance 2022-5 presented by Mark Burry; not to exceed 7,300 million 3,141 million is what we are borrowing.

MOTION TO APPROVE BOND ORDINANCE 2022-5 MADE BY JIM FRANZ AND SECONDED BY JOSH ZIMMERMAN. Approved 4-0.

MOTION TO APPROVE SECRETARY AND CHAIRMAN TO SIGN CLOSING DOCUMENTS MADE BY JIM FRANZ AND SECONDED BY JOHN CARROLL. Approved 4-0.

## **SUPERINTENDENT REPORT**

Larry Oberley updates the Board:

### ***Project 3:***

- Over 90% connected, some don't have money.
- Preble area - They have reached out to USDA but haven't received a response.
- Approximately 12 haven't hooked up yet.

## **DISTRICT ATTORNEY REPORT**

MOTION MADE BY JOSH ZIMMERMAN AND SECONDED BY JOHN CARROLL TO MAKE THE PROOF OF PUBLICATION OF PUBLIC HEARING PRESENTED. Approved 4-0.

Mark Burry presents the bond counsel engagement fee agreement, legal for bond issue. Their fees are 35K, fee agreement needs signed.

Mark Burry presents the agreement for Baker Tilly; 60K plus 4,500.00 for parity report.

Mark Burry presents the local legal counsel agreement from the end to the beginning for a total of 50K.

All 3 will be paid out of SRF funds.

Ben Adams: We budgeted 175k for these fees.

MOTION TO APPROVE THE FEES/CONTRACTS MADE BY JIM FRANZ AND SECOND BY JOHN CARROLL. Approved 4-0.

MOTION TO APPROVE PROJECT 3 SRF CLAIMS IN THE SUM OF \$3,490.00 MADE BY JIM FRANZ AND SECONDED BY JOSH ZIMMERMAN. Approved 4-0.

MOTION TO APPROVE PROJECT 4 WAF CLAIMS IN THE SUM OF \$113,490.00 MADE BY JIM FRANZ AND SECONDED BY JOHN CARROLL. Approved 4-0.

MOTION TO APPROVE PROJECT 4 SWIF CLAIMS IN THE SUM OF \$258,239.00 MADE BY JIM FRANZ AND SECOND BY JOSH ZIMMERMAN. Approved 4-0.

**PUBLIC COMMENTS**

Q – *Eric Mann*

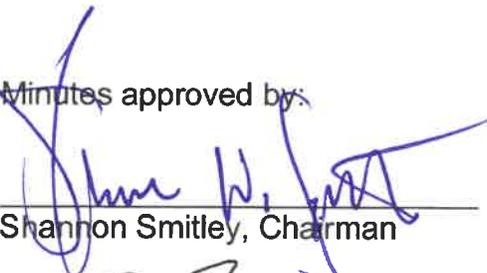
- How many planned connections in Project 5?
  - Ben Adams: 202 planned connections

Q - *Darlene Hebble Juengel:*

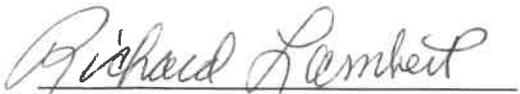
- how are starting stopping points determined.
  - Ben Adams: Where houses begin and end.
  - The District looks at the cost benefit and the health department also helps identify the locations

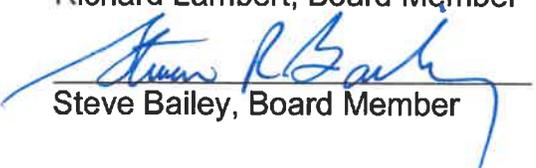
MOTION TO ADJOURN BY JIM FRANZ AND SECONDED BY JOSH ZIMMERMAN. Approved 4-0

Minutes approved by:

  
Shannon Smitley, Chairman

  
Nate Rumschlag, Secretary

  
Richard Lambert, Board Member

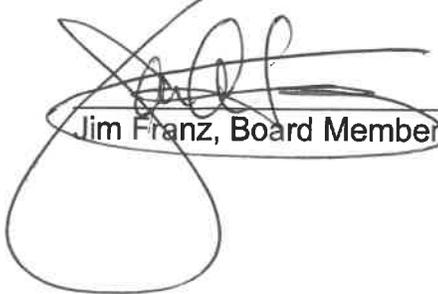
  
Steve Bailey, Board Member

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Josh Zimmerman, Board Member



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Jim Franz, Board Member