

**ACRSD Board**  
**Meeting Minutes**  
**December 8, 2022**

**The following persons were present:**

Shannon Smitley, President  
Dick Lambert, Board Member  
Steve Bailey, Board Member  
Nate Rumschlag, Secretary  
Jim Franz, Board Member  
Larry Oberley, Superintendent  
Nathan Scherer, Assistant District Superintendent  
Mark Burry, Attorney  
Brooke Hindenlang, Secretary – Paralegal to Mark Burry  
Jane Kaverman, billing and accounting Clerk

**The following persons were absent:**

John Carroll, Board Member  
Josh Zimmerman, Board Member

**APPROVAL OF MINUTES**

MOTION TO APPROVE MINUTES MADE BY JIM FRANZ AND SECOND BY STEVE BAILEY. Approved 5-0.

**PROJECT CUSTOMER QUESTIONS**

***Bobby Freeman, III*** 6261 N 600 West

- Why is he being denied an exemption since he was allowed to occupy?
  - Mark said it depends on when the house was built and how inspections were done
- It was built in the 70's
  - That is why – Nate Rumschlag answers
- He heard that they will be charged before the sewers are hooked, up is that true?
  - Nate Rumschlag – Yes, it helps pay interest
  - Ben Adams – The District is taking out a 3.1 million loan, they have to pay the first payment on the loan, statute allows the board to charge an interim rate.
  - Nate Rumschlag Rumschlag – it is also part of the financing agreement.
  - Ben Adams – might be January might be February when first bill is issued.
- Amish homes on 224 – how did they get an exemption?
  - Mark Burry – property owners that qualify for an exemption can't have any indoor flush toilets, toilet has to be 20ft away from house, must be sealed

and pumped out. It is up to the health department if they grant the exemption.

- Jim Franz comments that the health department has the right to inspect 1 time per year.
- What happens if you don't comply and pay for bills?
  - Shannon Smitley and Nate Rumschlag respond that the District can file liens; follow the rate ordinance.
- Doesn't think it is constitutional, it's not fair, he doesn't understand why the health department won't come out to inspect and determine that his septic is good. He will fight tooth and nail.
  - Mark Burry asks when he bought the property.
  - Bobby Freeman - 2 years ago.
  - Mark Burry - Just because it was inspected and pumped out at the time of the sale doesn't mean that it was a working system with a permit. All of this is per the law.
- Wants to know what he will have to pay for
  - Mark Burry – \$93.30 per month plus the connection from the grinder to the house and to run power from the house to the panel.
- Is it a for sure thing?
  - Ben Adams– Yes.
- What about restoration?
  - Shannon Smitley – Regarding the trench that the homeowner creates is on the homeowner.
  - Further information presented by Nate Rumschlag and Larry Oberley.
- What about a sump pump?
  - Shannon Smitley – you can tie it into your septic tank.
- He explains the black water is only sewage and the rest goes to his sump.
  - Shannon Smitley - You will have to reconfigure your plumbing.

**Dwight Pierce – 4 building lots Winchester Road Area**

- He has talked to Nathan. Do we see any problems?
  - Ben Adams - Should be okay.
  - Ben Adams – But we won't be setting a grinder on an empty lot.
- Wouldn't it be more marketable to set the grinders?
  - Ben Adams & Nate Rumschlag - Probably but the District would need a more developed plan.
  - Mark Burry – Advises that before he replats it and advertise for sale, he notices them that septic with sewer is available, and they will be required to connect and they will have to buy a grinder according to district specifications.

**Bobby Freeman**

- Will the rate stay?
- Board responds– We hope.

**Dwight Pierce**

- What about shared grinders?
- Ben Adams responds that we have allowed that in the past

**Bobby Freeman**

- Could dogs destroy the cover/panel?
- Unlikely

**Stan Stoppenhagen**

- Has a question about power issues if power is out for several hours?
- Response: Should be okay but if your well is on a generator you would need to have another plan.

**Dwight Pierce**

- What is the time frame?
- Response: January or later - Equipment in February or March.

**APPROVAL OF CLAIMS**

Monthly Claims presented in the total of \$54,677.94 per Jane Kaverman

MOTION TO APPROVE MONTHLY CLAIMS BY STEVE BAILEY AND SECONDED BY NATE RUMSCHLAG. Approved 5-0.

Payroll Claims presented in the total of \$7,713.04 per Jane Kaverman

MOTION TO APPROVE BY PAYROLL CLAIMS NATE RUMSCHLAG AND SECOND BY JIM FRANZ. Approved 5-0.

Bank reconciliation reviewed by the Board (4 accounts – operating, gold, special, bony)

MOTION TO APPROVE BANK RECONCILLATION MADE BY NATE RUMSCHLAG SECOND BY DICK LAMBERT. Approved 5-0.

SRF Claims presented by Brooke Hindenlang

Project 3 Total Claims: \$4,467.00

1,389.00	Insight Public Sector, Inc
1,232.00	AlSCO Industrial Products, Inc.
1,846.00	Commonwealth

MOTION TO APPROVE PROJECT 3 CLAIMS OF \$4,467.00 MADE BY JIM FRANZ AND SECONDED BY STEVE BAILEY. Approved 5-0.

Project 4 SWIF Total Claims: \$379,859.00

57,916.00	Flemings
321,943.00	Miller's

MOTION TO APPROVE BY PROJECT 4 SWIF CLAIMS OF \$379,859.00 MADE BY NATE RUMSCHLAG AND SECONDED BY RICHARD LAMBERT. Approved 5-0.

Project 4 WAF Total Claims: \$36,695.00 (Commonwealth)

MOTION TO APPROVE PROJECT 4 WAF CLAIMS of \$36,695.00 MADE BY STEVE BAILEY AND SECONDED BY NATE RUMSCHLAG. Approved 5-0.

### **SUPERINTENDENT REPORT**

Larry Oberley updates the Board as follows:

- Project 3 (Preble area) – a few more hooked up.
- He attended a wastewater conference at French lick

Jim Franz asks– how many have to hook – up yet

- 3 are set to connect next week
- 1 house is getting sold  
Future owners calling
- Maybe 6 or 7 are left at the most at Preble

Larry and Nate have been asking about tractors and pressure washers for the District.

- Ben Adams - SRF wants a plan.

Need to have a public meeting for Project 5 residents

- Ben Adams - maybe after the first of the year.
  - Preble Fireman's Park for Magley
  - Riverside Center for Winchester/Clem's Lake

### **ENGINEER'S REPORT**

Ben Adams reports to the Board as follows:

Project 4-Sunnyland:

- Moving along.
- Still have a delay in panels for pump stations.

Project 4 – Oakwoods

- Flemings need to make some connections, still waiting on panels, progress meeting set for Tuesday.
- 
- Jim Franz asks if the panels are specific.
  - Ben Adams responds that the panel we use is extremely specific.

Preclosing occurred 11/29; formal closing is the 14<sup>th</sup>.

Ben Adams brought construction contracts, notice of award and notice to proceed.

MOTION TO AUTHORIZE SHANNON SMITLEY TO SIGN CLOSING DOCUMENTS FOR CONTRATORS BY NATE RUMSCHLAG AND SECONDED BY JIM FRANZ. Approved 5-0.

Ben Adams and Mark Burry met with the Decatur Board of Works. An amendment for the treatment agreement with the city has been prepared. (984 homes will be added to the infrastructure to the city of Decatur)

They are required to reserve 11% of the capacity of their treatment plant for ACRSD.

Construction Contract Amendment for Project 5 to continue doing what they have always done presented. Total contract 2022-02 value is \$653,600.00.

**MOTION TO APPROVE CONSTRUCTION CONTRACT AMENDMENT CONTINGENT UPON CLOSING ON THE 14<sup>TH</sup> MADE BY STEVE BAILEY AND SECONDED BY NATE RUMSCHLAG. Approved 5-0.**

### **DISTRICT ATTORNEY REPORT**

- 2022-8 Amending Bond Ordinance introduced. Mark Burry advises that the parity report, had to be changed from the ordinance that was previously approved.

Mark Burry explains that we don't have a full revenue stream from Project 4 and this is part of why this had to be redone.

**MOTION TO ADOPT AMENDING BOND ORDINANCE 2022-8 MADE BY JIM FRANZ AND SECONDED BY DICK LAMBERT. Approved 5-0.**

- Treatment Agreement

**MOTION TO APPROVE AMENDED TREATMENT AGREEMENT FOR CITY OF DECATUR MADE BY JIM FRANZ AND SECOND BY NATE RUMSCHLAG. Approved 5-0.**

### **OTHER MATTERS PRESENTED**

Larry Oberley reports to the Board that a couple of people have asked to join into the system – they are currently not in a project. Who responds to the request?

- Ben Adams responds that the two recent inquiries are currently in areas that are not viable.
- Mark Burry recommends that a standard letter needs to be drafted and that a spreadsheet needs maintained in case those areas might be serviced in the future.

Steve Bailey notifies the Board that he will be replaced effective 1/1/23, since he will become a commissioner at that time.

Board acknowledges Steve's vacancy and thanks him for all of his service to the Board.

### **PUBLIC COMMENTS**

MOTION TO ADJOURN MADE BY JIM FRANZ AND SECONDED BY RICHARD LAMBERT. Approved 5-0

Minutes approved by:



Shannon Smitley, Chairman



Nate Rumschlag, Secretary



Richard Lambert, Board Member

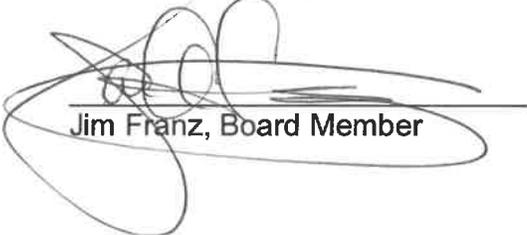


John Summers, Board Member



John Carroll, Board Member

Josh Zimmerman, Board Member



Jim Franz, Board Member