

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, January 10, 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

BakerTilly: Tyler Coffel

JPR: Kenneth K. Jones, Jr., and Jennifer Ransbottom

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 December 13, 2023, were presented, and reviewed by the board members. Brenda Meyers made a motion to approve the meeting minutes. Motion seconded by Jay Stone. All were in favor. The motion was approved unanimously.

Minutes from the Insurance Committee meeting held on December 13, 2023, were presented, and reviewed by the board members. Brenda Meyers made a motion to approve the meeting minutes. Motion seconded by Don Ecker, Jr. All were in favor. The motion was approved unanimously.

4. CLAIM APPROVALS:

Members received copies of the claims from Carson, LLP, the law firm, and Jones Petrie Rafinski, the engineering company. Brenda Meyers made a motion to approve the Carson LLP and the Jones Petrie Rafinski claims as submitted. Motion seconded by Debbie Palmer. All were in favor. The motion was approved unanimously.

5. LEGAL COUNCIL UPDATE:

A letter of Engagement from Ice Miller Legal Counsel was received. Ice Miller is working with Carson, LLP on the Bond Council Ordinance, which will be presented. Don Ecker, Jr., made a motion to accept the Ice Miller Legal Counsel Letter of Engagement. Motion seconded by Christopher Spier. All were in favor. The motion was approved unanimously.

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6. BOND/BAN ORDINANCE:

a. Bond Parameters Letter

Tyler Coffel reviewed the Bond Ordinance Parameters letter from BakerTilly. He reviewed the parameters listed within the letter for that which is incorporated in the BAN Ordinance.

b. Adoption of Ordinance

The Ordinance prepared by Ice Miller is specifically for Latonka Lake, Miller Pond/Kreighbaum Lake, Cook/Holem Lake, Myers Lake, and the Lawrence Lake service areas, which is PSA 1 (Primary Service Area 1). The Ordinance will not only be for an initial \$25M for the project but also for the BAN that will get to the point to bid on the project. The ultimate rate for the project will not be decided until bids are opened. When bids are open, they can be accepted, or they all can be rejected. Rejecting all bids is when they come in too high and that will require rebidding differently to get to an acceptable bid.

The maximum interest rate allowed by the statute is 7%, this is not expected to be the ultimate number. Will be targeting SRF for these financials and should be in the 2's as well as possible grant money from SRF. The BAN which is the temporary financing the permanent financing from SRF would pay off in the 4 range. Approval of the Ordinance, BakerTilly will circulate term sheets for the BAN the week of January 22. Finalize and negotiate the sale of the BAN the week of February 19 and closing would be anticipated by March 7.

Chris Nusbaum pointed out that Section 18 reserves the right to issue additional bonds as long as there is parity, meaning to have 125% Bond coverage for this project and any future projects. The rates will need to support that in the future if additional bonds were to be issued. The first BAN is for \$3.75M

Don Ecker, Jr. made a motion to approve the Bond Ordinance 2024-01-01. Motion seconded by Christopher Spier. All were in favor. The motion was approved unanimously.

7. ENGINEERING UPDATE:

a. Environmental Report Update - SWCA

Ken Jones, Jr., proceeded with SWCA proposal to do archeological, wetland inventory analysis for the area. The Environmental Report will be completed and added to the PER (District Plan) by the Spring of this year. IDEM has asked to populate the preliminary schedule with anticipated construction completion around October/November 2026. This allows JPR to move forward immediately with construction design and opening bids in May 2025, which is when BAN would be paid off and SRF funding would begin. With this the EJCDC Contract, which is a requirement of SRF and USDA was presented to legal counsel for review. This document should be executed shortly after the BAN closing. Jennifer Ransbottom to email a PDF of the document to the members for their information.

8. PRE-DESIGN ACTIVITIES:

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a. General Update

b. Finalize Interlocal Agreement with the City of Plymouth

Don Ecker, Jr., inquired if the District is locked into an interlocal agreement with the City of Plymouth and have others been considered. Kenneth Jones, Jr., indicated an independent treatment facility was an option, but did not feel there was another economically feasible option other than running a transmission line to the city, especially given their available capacity. Kenneth Jones, Jr, suggested a summary of options would be provided at the next meeting.

c. Submit PER for Agency Review

d. Conduct Public Hearing

Chris Nusbaum indicated for submission of the PER; a public meeting will need to be held at the beginning of March. Part of the submission is the presentation from JPR to the Board and the public. He suggested the public meeting be held at 5:00 PM and tentatively have the Board meeting at 6:00 PM. Will want to ensure that the room is available for the public meeting.

e. Receive PER Approval/Letter of Obligation

f. Notice to Customers by District

9. FINANCIAL CONSULTANT UPDATE:

a. Outsourced Financial Management Services Agreement

Tyler Coffel indicated this agreement is for BakerTilly to provide financial management assistance, such as bank reconciliations, and daily postings, basically duties that comply with all State regulations.

Chris Nusbaum clarified the initial engagement agreement ratified on June 21, 2023, but this is the actual engagement letter with 3 scope appendices the financial plan that was attached to the original engagement letter, the outsourcing financials and the work for permanent financing, and bond financing.

Tyler Coffel indicated that Debt Issuance is a requirement since utilizing SRF. Also to be included will be an asset management plan from JPR and a financial plan from BakerTilly. Both will be paid from Bond and BAN proceeds.

Brenda Meyers. made a motion to approve the BakerTilly agreements as presented. Motion seconded by Jay Stone. All were in favor. The motion was approved unanimously.

10. ANY OTHER BUSINESS:

ADJOURNMENT:

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