



Marion Utilities

1540 N Washington St.
Marion, IN 46952
www.marionutilities.com

Service Board

Memo To: All Utility Board Members
From: Bob Logan, Chairman
Date: March 19, 2019
Re: Agenda for March 21, 2019 Utility Board Meeting

Dear Board Member:

This is to inform you of our board meeting to be held Thursday, March 21, 2019 at 5:30 p.m. in the conference room of the Marion Utilities Administration Building at 1540 North Washington Street, Marion, Indiana.

The following will be the agenda:

- I. **ROLL CALL**
- II. **INTRODUCTION OF GUESTS**
- III. **CONSIDERATION OF AGENDA ADDITIONS OR DELETIONS**
- IV. **APPROVAL OF MINUTES**
 - A. Regular meeting of March 7, 2019
- V. **FINANCIALS**
 - A. February, 2019
- VI. **OLD BUSINESS**
 - A. Update on Projects – Pinkerton
 - B. Approval of Training Room Change Order- Shrader





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VII. NEW BUSINESS

- A. Transfers & Pay Requests - Department Managers
- B. 312 East 38th Street Leak Adjustment Request- Binkerd
- C. Resolution 1-2019 Retainer Agreement for MUSB Counsel- Binkerd

VIII. STAFF REPORTS

- A. Assistant Director for Engineering & Solid Waste- P. Pinkerton
- B. Assistant Director for Operations & Maintenance- R. Shrader
- C. Utility Director- C. Binkerd

IX. BOARD MEMBERS' COMMENTS

X. CHAIRMAN'S REMARKS

XI. NEXT MEETING

Thursday, April 4, 2019

Robert Logan, Chairman
Marion Utility Service Board

cc: News Media
City Administration/Council
Department Heads





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Service Board

BOARD MINUTES OF THE MARCH 21, 2019 MEETING

The Marion Utility Service Board held their meeting on Thursday, March 21, at 5:30 p.m. in the board room of the Administration building at Marion Utilities, 1540 N. Washington Street, Marion, Indiana.

Roll was called and those board members present were: Bob Logan, Chairman; Bill Dorsey; Al Green; Von Jackson; and Herschel Lewis. Mr. Barney and Mr. Carl were absent.

Also present at the meeting were: Chuck Binkerd, Director; Pat Pinkerton, Assistant Director for Engineering & Solid Waste; Robin Shrader, Assistant Director for Operations & Maintenance; Mike Conner, Attorney; Shana Martin, Accounting & Billing Coordinator; and Misty Humphries, Board Secretary.

CONSIDERATION OF AGENDA ADDITIONS OR DELETIONS

There were no additions or deletions.

APPROVAL OF MINUTES

Mr. Lewis moved, seconded by Mr. Jackson, to approve the minutes of the regular meeting of March 7, 2019. All board members present vote aye. Motion carried unanimously.

FINANCIALS

Ms. Martin reported that the February financials showed a loss in Storm Water. The loss was due in part to the purchase of a 2019 Mac Roll Off truck. Solid Waste also showed a loss. There were two annual lease payments for equipment made out of the 403 account which led to the loss. Mr. Lewis moved, seconded by Mr. Green, to approve the financials as presented. All board members present vote aye. Motion carried unanimously.

UPDATE ON PROJECTS

Mr. Pinkerton stated that the Phase I of the Home Avenue Separation by Watson Excavating was not completed in the fall. Crews televised the area and there are a few areas that Watson will have to fix as there are some leaks and a lot of ground water coming in. The Marshall & Brinker Heights project by Inland has started but was not finished because of the weather. Mr. Pinkerton explained that the project was a cured-in-place project. During the project, an epoxy impregnated felt liner is pushed through the sewer. The liner is inflated with steam or hot water that will heat the epoxy. The liner then adds



structural integrity and make the sewer like new. This particular sewer has backed up which caused customer complaints. Inland came back out on a Friday afternoon. The only way to fix it was to cut it out. Part of Campbell, which is in Brinker Heights, was shut down due to this. Mr. Pinkerton said a lining job can go wrong. In this case, when the liner was pulled through, something happened and Inland had to stop short. Mr. Pinkerton said that he was upset with them for thinking that this would flow. Mr. Pinkerton stated that there have been some issues with Inland and their schedule. If Inland were low bid again, their scheduling will be taken into consideration.

APPROVAL OF TRAINING ROOM CHANGE ORDER

Mrs. Shrader reminded the Board that after acceptance of the Training Room bids, some issues were found with the drain in the area proposed for the new bathroom. The issue requires the cutting of 10 inches of concrete. Muhlenkamp was awarded the Training Room Bid. They submitted a change order in the amount of \$8,239 for the needed concrete work. Mrs. Shrader said since Muhlenkamp is going to be onsite, it only makes sense for them to do the work. Mr. Lewis moved, seconded by Mr. Jackson, to approve the change order as presented. All board members present vote aye. Motion carried unanimously.

TRANSFERS & PAY REQUESTS

There were no transfers or pay requests.

312 EAST 38TH STREET LEAK ADJUSTMENT REQUEST

Mr. Binkerd explained that a letter was sent to the Board by a customer who has had a couple of leaks at the 312 East 38th Street property. An adjustment was given in November for a leak. The customer now presents a second request for another leak at the property. This adjustment request falls outside of the policy. Mr. Logan assigned the request to the Water Committee for consideration.

RESOLUTION 1-2019 RETAINER AGREEMENT FOR MUSB COUNSEL

Mr. Binkerd explained Mr. Conner has been the Board's counsel for a number of years, and his good service is appreciated. Mr. Binkerd said that the current service contract has expired. However, Mr. Binkerd would like to continue the relationship with Mr. Conner. Mr. Binkerd explained that Mr. Conner was not asking for the fee to be increased. The only item that is not included in the previous agreement is the billing in tenth of an hour increments. Mr. Conner said that he is in complete agreement with doing this. Mr. Conner said that he hopes the Board will interpret the information he provides in the coming years. Historically, a period of time for fees is agreed upon and increases are not requested. Mr. Conner said had Mr. Binkerd not brought up the agreement, it was not on his radar. Mr. Conner said if a retainer flat fee is in place and an hourly accounting is requested, usually the attorney would ask "don't they trust me." Mr. Conner said he does not think that. Mr. Conner said there are pros and cons to retainer agreements. The pros include ease for budgeting purposes. The cons include that there are times when the attorney sees a windfall and there are years when the Board sees a windfall. Mr. Conner said if there is a slow year, the Board may think that it would be beneficial to go to an hourly rate. However, if the year then picks up, it would be to the detriment of the Board. Mr. Conner said he does not know how the next couple of years will pan out. Another pro for retainer without detailed billing, it that the client almost gets more for their money. Mr. Conner has not always written down everything that he has done under the past retainer agreement. Mr. Conner added that when his firm looks at fees, there are several things taken into consideration such as the

work involved, reliability of payments, and the type of entity. Currently, the Board is billed at the second lowest hourly rate Mr. Conner has. He offered this information should the Board ever want to consider a straight hourly rate. He also said that different fee schedules as well as pros and cons for retainer agreements can be found at www.Nothingbuthetruthattorneyatwork.com. Mr. Conner asked if there were any questions from the Board. There were none. Mr. Logan added that as someone who has to keep time records, he understands the additional steps that are required. Mr. Green moved, seconded by Mr. Lewis, to approve Resolution 1-2019 which extends Mr. Conner's services for another two years. All board members present vote aye. Motion carried unanimously.

STAFF REPORTS

P. Pinkerton, Assistant Director for Engineering & Solid Waste

Mr. Pinkerton stated that the change in the weather has allowed the street sweepers to get out and start sweeping. Solid Waste is collecting a volume that is three to four tons higher than last year. Volume also increases in the summer as well. Mr. Dorsey asked about the Solid Waste truck that broke down. Mr. Pinkerton said that the arm on the New Way side loader was down and is still being fixed. The parts are in and the Vehicular Maintenance Coordinator will be working on it tomorrow.

R. Shrader, Assistant Director for Operations & Maintenance

Mrs. Shrader reported that main breaks have slowed, and progress is being made on the training area. The contractors have been on site. The new boiler is going in. Mrs. Shrader said that during her last workday, she got to drive a street sweeper with the maintenance crew. Mr. Jackson asked if the culture of the organization comes together by the Senior Leadership going out on work days. Mr. Binkerd and Mrs. Shrader both said yes. Mr. Jackson asked if the Customer Service group got to go out as well. Mr. Binkerd said that there has been some discussion regarding that and perhaps when the weather gets better there will be more opportunities.

C. Binkerd, Executive Director

Mr. Binkerd reported that last week Circles had their benefit. It was a great experience to connect with the leaders, allies, and coaches. Mr. Binkerd said that he wanted to let the Board know The Walk of Hope with Cancer Services is May 3, 2019. The Board is welcomed to join the Utilities' team and walk with everyone. T-Shirts are being made so Marion Utilities will be represented. Mr. Binkerd asked the Board to please let Mrs. Humphries know if they would like to join the team so she can get them registered and their t-shirt size. Mr. Binkerd said he was at the national AWWA Management Conference when the last meeting took place. Subjects discussed included culture and leadership. Mr. Binkerd thanked the Board for the opportunity to attend the conference.

BOARD MEMBERS' COMMENTS

Mr. Jackson thanked the Leadership Team for all that they do and for providing all of the information in a timely manner.

CHAIRMAN'S REMARKS

Mr. Logan thanked everyone for their attendance. He said without them there would be no quorum. He thanked them for participation.

The next meeting is scheduled for April 4, 2019 at 5:30 p.m. in the Board Room of the Administration Building at Marion Utilities, 1540 N. Washington Street.

There being no further business before the board, Mr. Lewis moved, seconded by Mr. Dorsey, that the meeting be adjourned. All board members present voted aye. Motion carried unanimously.

Meeting adjourned at 6:07 p.m.

Robert Logan, Chairman

Marion Utilities Service Board

ATTEST



Misty Humphries

Its Secretary