

Timeline of the Marshall County Regional District Sewer Board

1/17/23-Commissioner's Meeting

JONES PETRIE RAFINSKI

Jones Petrie Rafinski CEO/President Ken Jones explained IDEM has approved Marshall County's petition to Establish a Regional Sewer District. Mr. Jones explained the next step in the process is to establish a board, which needs to be formed within nine months of the Order dated December 12, 2022. The board will have staggered terms with five appointments to be made by the Commissioners, one appointment by the County Council, and one appointment by the City of Plymouth. **Mike Burroughs moved, second by Kevin Overmyer, to open the application process for the formation of the Regional Sewer District Board and to accept applications until February 28, 2023. Motion carried 3-0.**

2/17/23- Commissioner's Meeting

Regional Sewer District: The Commissioners are in the process of accepting, reviewing, and possibly interviewing prospective trustees.

4/3/23- commissioner's meeting

Regional Sewer District: The interviews of seven applicants for the five positions for the Regional Sewer District board have been scheduled for April 17th beginning at 1 p.m.

5/1/23-Commissioner's Meeting

Regional Sewer District: Commissioner Klotz is prepared to announce the appointments to the Regional Sewer District later in the meeting.

COMMISSIONER ITEMS

Regional Sewer District: An executive session was held to meet with the candidates, who were all well informed and of diverse backgrounds. Upon the board members expressing gratitude for those willing to serve, **Kevin Overmyer moved, second by Mike Burroughs, to appoint the following five individuals to the Regional Sewer District: Brenda Meyers to a four year term, Thomas McFadden to a four year term, Diann Parsons, to a three year term, Jay Stone to a three year term, and Debbie Palmer to a two year term. Motion carried 3-0.**

6/19/23 Commissioner's meeting

REGIONAL SEWER DISTRICT

Marshall County Regional Sewer District Chairman Tom McFadden explained the sewer district will retain Ken Jones of Jones Petrie Rafinski, financial advisor Baker Tilly, and Attorney Andy Boxburger to assist. He requested consideration of \$100,000 for startup costs and requested an appropriation. A discussion was held concerning Attorney Clevenger fees incurred since the inception. **Mike Burroughs moved, second by Kevin Overmyer, to recommend an appropriation of \$125,000 and refer to the ARP Committee for consideration. Motion carried 3-0.**

7/3/23- Commissioner's meeting

REGIONAL SEWER DISTRICT

Marshall County Regional Sewer District Chairman Tom McFadden stated that he attended the ARP subcommittee meeting to present a budget from the American Rescue Plan. He explained that he did not expect building sewers to be controversial in Marshall County. He indicated Council members stated objections were that the project was approved by a lame duck Council, no taxes would be used, property values would increase, and many of the people do not live in Marshall County full-time. His concern is that at some point it would harm the health and economy of Marshall County and not be an attractive place to live. Chairman McFadden explained the American Rescue Plan was originally established to assist with sewers and broadband, if property values increase the tax base will then also increase, and non-resident taxpayers pay 40% more in property taxes than residents. President Klotz explained that the ARP recommendation was to loan the district \$100,000. Commissioner Overmyer stated he is inclined to support the ARP funding and not in the form of a loan, as he is not sure the county can loan ARP funds, even without interest charged. Vice President Burroughs stated he voted for and agrees with using ARP funds for the costs. Chairman McFadden explained the costs associated with the first project will benefit subsequent projects all the way through the process. **Kevin Overmyer moved, second by Stan Klotz, to approve the submission of an additional appropriation of \$100,000 from the American Rescue Plan Fund and if the appropriation is not approved, no additional requests will be sent to the ARP Subcommittee for consideration and the remaining unspent funds can be returned. Motion carried 3-0.** President Klotz stated he did not agree with some of the comments but wants to send the appropriation request to Council for a final determination.

8/7/23- Commissioner's meeting

AMERICAN RESCUE PLAN (ARP) SUBCOMMITTEE

Council President Jesse Bohannon and Vice President Tim Harman explained the unappropriated balance of the ARP Fund is \$2,153,552.75 and are recommending appropriations as follows: \$1,386,627.75 to the Highway Department, \$75,000 to United Way for Fund the Essentials 2.0, \$75,000 to the Regional Sewer District for startup costs, \$16,925 to Attorney Clevenger for hours worked on the development of the Regional Sewer District, \$100,000 to be split between Polk Township and Tippecanoe Township for an OCRA Grant Match, and \$500,000 for sewer relief to be administered by the Marshall County Community Foundation. In the event Polk and/or Tippecanoe Township do not receive the OCRA Grant then the remaining funds would revert to the Highway Department.

Marshall County Community Foundation Executive Director Linda Yoder explained the funds would be placed in a non-permanent fund and a separate committee would be set up to determine individual eligibility. The ARP Committee members explained strict parameters would be placed on eligibility and the desire to offer financial relief for individuals connecting to the system.

Marshall County Regional Sewer District Chairman Tom McFadden explained that once the additional appropriation is approved a RSD board meeting will be scheduled.

Mike Burroughs moved, second by Stan Klotz, to approve the ARPA Plan funding requests as presented. Motion carried 2-0.

8/22/23- Marshall County Sewer District Meeting

Bylaws

Attorney Andrew Boxberger reviewed the Bylaws. He indicated there is nothing in these Bylaws that is not in other Sewer District Bylaws. He noted the Bylaws include the formation order as directed by IDEM. He also stated the regional sewer district has no affiliation with the County, it is its own governing board and acts separately from the County.

8. OTHER BUSINESS BROUGHT BEFORE THE BOARD

Attorney Andrew Boxberger stated the State statute allows member compensation of \$150.00 a day and inquired if the members would be seeking compensation. The members indicated they were not expecting compensation and would not be seeking any compensation.

11/20/23- Commissioner's meeting

Regional Sewer District Grant: Discussion was held concerning grant opportunities for the regional sewer district.

12/4/23- Commissioner's meeting

PUBLIC COMMENT

Council President Jesse Bohannon questioned Attorney Clevenger regarding the Regional Sewer District meeting held last week. Attorney Clevenger explained the Regional Sewer District was concerned there was no activity with the ARP funding going to the Community Foundation for a grant process to help citizens connect.

12/13/23- Marshall County Sewer District Meeting

8. FINANCIAL CONSULTANT UPDATE:

Jeff Rowe was unable to attend the meeting. Chris Nusbaum discussed there is no money coming in from the County and they will need a BAN to move forward with paying for the costs of the project. Baker Tilly will provide details in January and the District will need to retain a bond counsel – Ice Miller was mentioned.

1/10/24- Marshall County Sewer District Meeting

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.

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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.

2/14/24- Marshall County Sewer District Meeting

b. City of Plymouth Touch Base

Kenneth Jones, Jr., reported he recently had an overall positive meeting with Mayor Listenberger and Attorney Jeff Houin regarding the project. A follow-up meeting will be scheduled to include Thomas McFadden and present the Interlocal Agreement to present to the City of Plymouth. Carson LLP will put together the Interlocal MOU.

Kenneth Jones, Jr., noted Baker Tilly is the Municipal Advisor for the City of Plymouth and the Marshall County Regional Sewer District and is unsure if this is a conflict. Thomas McFadden stated this is not looked upon as a negotiation but as a calculation.

Kenneth Jones, Jr., indicated at the PER Hearing on March 6 that he will do a brief presentation of the project being looked at right now followed by a question-and-answer session.

Thomas McFadden inquired as to when the aerial photographs will be done. Kenneth Jones, Jr., indicated they will be completed in March.

3/13/24-Marshall County Sewer District Meeting

4. FINANCIAL REPORT and CLAIM APPROVALS:

Jeff Rowe from Baker Tilly was present to present the monthly financials for January and February 2024. Account balance at the end of January was \$44,159.99. Account balance at the end of February was \$44,162.17. This was prior to receiving the BAN Money. A review of the Simplified Cash Journal was presented showing payments. Discussion regarding the budget vs actual balances was explained.

BAN was closed on March 7th and the District now has the funds on hand.

Discussion regarding placing the BAN monies into accounts to get a better interest rate. Jeff Rowe will investigate some information and get back to the board with additional information.

Current Claims were discussed and reviewed in the amount of \$143,497.24. Invoices to be paid are as follows:

JPR (2)

Hylant

Carson LLP (2)

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Ice Miller LLP

Baker Tilly.

Brenda Meyers made a Motion to Approve Financial Reports. Motion seconded by Thomas McFadden. All were in favor. The motion was approved unanimously.

Brenda Meyers made a Motion to Approve Claims in the amount of \$143,497.24. Motion seconded by Jay Stone. All were in favor. The motion was approved unanimously.

4/10/24-Marshall County Sewer District Meeting

4. FINANCIAL REPORT and CLAIM APPROVALS:

Jennifer Ransbottom from JPR presented the monthly financials for March 2024. Account balance at the end of March was \$2,968,298.88 which included the BAN. The BAN closed on March 7th and monies of \$3,075,000 were received. Interest Income of \$4,793 and Miscellaneous income of \$227 for checks. There were disbursements of \$186,724. ARPA Grant balance is \$43,071.

Claims were discussed and reviewed in the amount of \$61,873.33. Invoices to be paid are as follows:

JPR
Carson LLP
Baker Tilly.

Christopher Spier made a Motion to Approve Financial Reports and Claims in the amount of \$61,873.23. Motion seconded by Debbie Palmer. Roll Call Vote as follows: Tom McFadden – yes, Brenda Meyers – yes, Diann Parsons – yes, Debbie Palmer – yes, Jay Stone – yes, and Christopher Spier – yes. All were in favor. The motion was approved unanimously.

5/8/24-Marshall County Sewer District Meeting

4. FINANCIAL REPORT and CLAIM APPROVALS:

Jennifer Ransbottom from JPR presented the monthly financials for May 2024. Account balance at the end of May was \$2,824,542.09 which included the BAN. The BAN closed on March 7th and monies of \$3,075,000 were received. Interest Income of \$11,474.57 and Miscellaneous service fees of \$111.77. There were disbursements of \$104,646.99. ARPA Grant balance is \$43,070.67.

Claims were discussed and reviewed in the amount of \$12,495.19. Invoices to be paid are as follows:

Carson LLP - \$2,812.00
Baker Tilly- \$9,683.19

Christopher Spier made a Motion to Approve Financial Reports and Claims in the amount of \$12,495.19. Motion seconded by Jay Stone. All were in favor. The motion was approved unanimously.

June Meeting Minutes are a duplicate of 5/8/24

7/10/24-Marshall County Sewer District Meeting

4. FINANCIAL REPORT and CLAIM APPROVALS:

Jennifer Ransbottom from JPR presented the monthly financials for June 2024. Account balance at the end of June was \$2,823,243.31 which included the BAN. The BAN closed on March 7th and monies of \$3,075,000 were received. Interest Income of \$11,009.16. There were disbursements of \$12,307.94. ARPA Grant balance is \$43,070.67.

Claims were discussed and reviewed in the amount of \$4,037.50 Invoices to be paid are as follows:

Carson LLP - \$4,037.50

Brenda Meyers made a Motion to Approve Financial Reports and Claims in the amount of \$4,037.50. Motion seconded by Christopher Spier. All were in favor. The motion was approved unanimously.

10. FINANCIAL CONSULTANT UPDATE:

a. Funding Announcements.

Jeff Rowe from Baker Tilly reviewed the PPL scores and ranks and all projects which were submitted for funding. The District scored #22 out of 105+ projects submitted. The top 11 projects will receive funding options. It is possible not all 11 projects will go forward with SRF. SRF is now sending letters to those projects with the notification of funding. Once they get all the feedback, they will then determine who will get funding.

Jeff Rowe indicated that it is not unusual to not get funded the first year. Jeff suspects the District will receive funding next year. Jeff Rowe and JPR will continue to stay connected with SRF and move forward with the project.

Jeff indicated that SRF has a certain point system they rate the projects for scoring. They also have half the funding this year as they did in previous years.

Without funding/grant loans the project estimated \$208/month. Still working to get the monthly invoice around \$100/month.

Jeff Rowe also discussed other funding options like OCRA which would only provide \$700K grant maximum. USDA/RD offers grants based on income/user rates. They just do not have any money currently but might in October/November this year.

Jeff indicated that SRF is the best for funding options. Those that did get funding have to have design/bid/close by March 31, 2025. It is a tight window and will see over next 45 days if any of the top 11 projects fall off the list and the District moves up. Jeff will continue to stay connected with SRF.

Jeff believes it is likely the project will be in the fundable range next year. SRF does not know what funding it will get next year for projects.

8/14/24- Marshall County Sewer District Meeting

4. FINANCIAL REPORT and CLAIM APPROVALS:

Jennifer Ransbottom from JPR presented the monthly financials for July 2024. The account balance at the end of July was \$2,827,774.75, including the BAN. There was one disbursement to Carson LLP. ARPA Grant balance is \$43,070.67. Construction loan balance at \$2,784,703.88. Will be paying funds out of ARPA to reduce to a zero balance and then the rest will come from BAN, this was worked out with Baker Tilley

Claims were discussed and reviewed in the amount of \$154,235.54 Invoices to be paid are as follows:

Baker Tilley – 3,608.75

Carson LLP - \$7,267.50

JPR - \$143,359.29

Brenda Meyers made a motion to approve Financial Reports and Claims in the amount of \$154,235.54. Motion seconded by Don Ecker, Jr. Roll Call was held, and all were in favor. The motion was approved unanimously.

9/11/24 Marshall County Sewer District Meeting

4. FINANCIAL REPORT and CLAIM APPROVALS:

Diana Campbell reported on behalf of Jennifer Ransbottom from JPR the monthly financials for August 2024. The account balance at the end of August was \$2,687,410.45. There was one Claim for \$6,574.00 to be paid to Carson LLP.

Brenda Meyers made a motion to approve the Financial Report for \$2,687,410.45 and the Claim for \$6,574.00. Motion seconded by Diann Parson. All were in favor. The motion was approved unanimously.

10. ANY OTHER BUSINESS:

Thomas McFadden asked if JPR is keeping the Marshall County website updated regarding what is going on with the sewer District. Debbie Palmer asked at what point should the District consider getting their website. Kenny Jones stated sometime between now and the connection period. Andrew Boxberger indicated once the project becomes active the District will want its website to delineate itself from the County.

10/9/24- Marshall County Sewer District Meeting

4. FINANCIAL REPORT and CLAIM APPROVALS:

Jennifer Ransbottom reported Jennifer Ransbottom from JPR the monthly financials for September 2024. The account balance at the end of September was \$2,691,132.79. One check to Carson LLP for \$6,574.00 and interest income of \$10,296.34. There were two Claims one from JPR and one from Baker Tilley for the total amount of claims of \$158,824.52.

Brenda Meyers made a motion to approve the Financial Report for \$2,694,132.79 and the Claims for \$158,824.52. Motion seconded by Diann Parson. Thomas McFadden – yes, Diann Parson – yes, Brenda Meyers– yes, Christopher Spier – yes, and Jay Stone – yes, Don Ecker, Jr. – Yes, and Debbie Palmer - Yes. The motion was approved unanimously.

11/13/24-Marshall County Sewer District Meeting

4. FINANCIAL REPORT and CLAIM APPROVALS:

- a.) Financials – October 2024 – The financials for the month ending October 31, 2024, were not included in the Board packet.
- b.) Brenda Meyers reported there were two additional claims received after the Monthly Claim Approval was distributed. One check from Carson LLP in the amount of \$8,996.50, and one from JPR in the amount of \$28,244.29 for the total amount of claims of \$42,990.29. Debbie Palmer made a motion to approve the revised Monthly Claim Approval form in the amount of \$42,990.29. Motion seconded by Christopher Spier. All were in favor. The motion was approved unanimously.

2/12/25-Marshall County Sewer District Meeting

4. FINANCIAL REPORT and CLAIM APPROVALS:

a. Financials – January, 2025

Brenda Meyers reported the month ending January 31 interest income of \$8,919.53 was received and the end-of-month balance was \$2,479,987.22.

b. Claims – January 2025

Brenda Meyers reported claims received for the month from Baker Tilley, Carson LLP and Jones Petrie Rafinski total \$56,831.04.

Diann Parsons made a motion to approve Monthly Claims in the amount of \$56,831.04. The motion was seconded by Don Ecker, Jr. Roll call vote was taken Christopher Spier – yes, Debbie Palmer – yes, Thomas McFadden – yes, Diann Parsons – yes, Jay Stone – yes, Don Ecker, Jr. – yes. The motion was approved unanimously.

12/11/24-Marshall County Sewer District

4. FINANCIAL REPORT and CLAIM APPROVALS:

a.) Diana Campbell reported the account balance at the end of November was \$2,511,825.16. Diana Campbell reported there were three disbursements amount totaling \$38,610.79. Disbursements were to JPR, Carson, LLP, and Baker Tilley.

b.) Brenda Meyers reported Claims total of \$49,741.63 to JPR, Carson, LLP, Baker Tilley, and Hylant.

Christopher Spier made a motion to approve the Financials and the Monthly Claim Approval form in the amount of \$49,741.63. The motion was seconded by Jay Stone. Roll call vote was taken Christopher Spier – yes, Debbie Palmer – yes, Thomas McFadden – yes, Diann Parsons – yes, Jay Stone – yes, Don Ecker, Jr. – yes. The motion was approved unanimously.

c.) Officers for 2025

Christopher Nusbaum indicated at the first meeting of the new year will need to adopt officers. The current officers are: Thomas McFadden, President; Brenda Meyers, Treasurer; Diann Parson, Secretary; and Jay Stone, Vice President. This slate will be presented at the January 8, 2025

4. Other topics

a. Land Acquisition

i. Olive Trail, North of 11th Road

1. Option #3 – planning to build a house

2. The remaining options are all in the same family

Kenny stated most of the farming property owners prefer not to sell a portion of their land due to farm implements having difficulty negotiating smaller areas and it may be beneficial to purchase up to an acre. The additional land that is purchased could be used for the storage and office building location. Alexandra Nahrwold indicated SRF does not reimburse for land acquisition.

1/8/25-Marshall County Sewer District

4. FINANCIAL REPORT and CLAIM APPROVALS:

- a.) Diana Campbell reported that the account balance at the end of December 31, 2024 was \$2,471,067.69. Interest income of \$98,571.
- b.) Diana Campbell reported no Claims were submitted.

Diann Parsons made a motion to approve the Financials and the Monthly Claim Approval form in the amount of \$2,471,067.69. The motion was seconded by Debbie Palmer. All were in favor. The motion was approved unanimously.

7. ENGINEERING COMMITTEE UPDATE

a.) Land Acquisition and Easement – Continuation/Next Steps

- Ken Jones stated a location for PS #1 may be secured and final negotiations are in the works.
- JPR is working on the Hudson/Saugany Lake project in LaPorte County. When the bids came back JPR was the low bidder. Now this District is looking at options to keep an affordable monthly rate. Ken Jones encouraged the Board members to begin to think and research what they think is an affordable monthly rate. He stated the rate of construction inflation has increased 20% within 2 years.

Ken Jones stated that JPR is reviewing the PER to ensure the most recent assumptions are current and will be working with Baker Tilley to do an updated rate calculation. Debbie Palmer indicated what is of concern is property owners will be asked to go from a zero monthly payment to not be under \$100 a month may not be realistic. Anything is going to be perceived as too much. Andrew Boxberger, Esq. indicated the benefits of the sewer are that it is not going from \$0 to \$100 a month because a septic system is approximately \$25,000, but in addition to the clean water aspect and dramatically increased property values.

Thomas McFadden stated the more difficult point will be when bills are sent and people are not connected, which lasts through construction, about 2 years.

Don Ecker, Jr. inquired what the average financial impact on property values with a sewer? Andrew Boxberger, Esq., indicated he did not have the numbers but knows it dramatically increased for homes on the lake with sewer. Don Ecker, Jr., inquired about the impact on farmers. Andrew Boxberger, Esq., indicated farmers with 10 acres or more are probably exempt.

5. LEGAL COUNSEL UPDATE:

- a.) Christopher Nusbaum reviewed the proposed draft easement packet mailing. He noted the cover letter goes through all the items that are included in the packet. The packet has been developed over many years and projects between JPR and Carson. The packet provides the property owners' most organized and succinct information. The packet consists of the cover letter, project timeline, Information about what is being asked for and what the project is about, a map of the area. the easement agreement, planning for connection, and a property owner questionnaire that helps plan for the

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connection. This packet was reviewed with the Engineering Committee, line by line. Thomas McFadden suggested approval be deferred to the next meeting to allow the members time to review the packet.

Debbie Palmer inquired if the anticipated capacity charge would be known when the packet is sent to the property owners. Christopher Nusbaum indicated this information may not be known at the time of the mailing and if it is not known then that sentence will be removed from the packet. She suggested indicating that there would be a capacity charge and a monthly fee. Another comment was the requirement for a Notary Public to notarize the agreement. She inquired if verbiage could be added as to where notaries are located.

Christopher Nusbaum stated in the past informational sessions have been held Notaries have been available to notarize at these sessions.

Christopher Nusbaum will incorporate these above mentioned suggestions and recirculate the packet.

10. FINANCIAL CONSULTANT UPDATE:

Kimberlee Savick, Baker Tilley presented the rate study. She stated 3 scenarios were put together; alternative 1 – inside user rates without grant monthly rate of \$226.08 with grant \$110.87; alternative 2 – outside user rates with no grant monthly rate of \$229.08 with grant \$113.87 a month and alternative 3 – no grant at wholesale monthly rates of \$221.04 and \$105.83 with a grant. This is based on a grant of \$15M.

Kimberlee Savick reviewed the Operation and Maintenance Costs Inside User Rates, Outside User Rates, and Wholesale Rates. The only item changing is the direct treatment cost based on Plymouth current user rate of \$3.33 per 1,000 gallons.

The estimated project costs the buy-in fee of \$17,150.00 is an amount that is still in discussion. Kimberlee reviewed the calculation of rates and charges with no grant and with a grant. Debbie raised the question if the project would proceed if no grant money was received. Christopher Nusbaum indicated problem would have to phase the project, but this would be a question for the Board to decide. Christopher Nusbaum stated that JPR is working on phasing the project as more contractors are willing to bid on smaller projects. Also, SRF prefers projects broken into more bidding cycles.

Debbie Palmer inquired if the grant money is tied to any of the funding being cut by Washington, DC. Chris Nusbaum indicated yes and no. The Indiana Alliance of Rural Water, a trade association, has been monitoring and initially was put on hold, but then received confirmation that water and wastewater projects would not be put on hold because it is infrastructure.

Thomas McFadden read the following statement:

Last week the Marshall County Post wrote an article reflecting some comments and questions raised by a couple of Marshall County Commissioners. The District certainly respects and is happy to address any concerns the Commissioners may have. Unfortunately, the Post never reached out to the District for any comments. As a result, several items in the article were not vetted and raised concerns that could have been addressed had the District been contacted. Therefore, as President of the Marshall County Regional Sewer District I would like to take a moment to set the record straight.

First, I would like to remind everyone why the District exists. In December of 2022 at the request of the Marshall County Commissioners, and the Marshall County Council, the Indiana Department of Environmental Management determined that many septic systems within the District were failing. As a result, public health and water quality are being negatively impacted. Furthermore, the drinking water is also being detrimentally impacted by this issue; therefore, it was necessary to establish the District to reduce pollution and to create safe drinkable water for the District's property owners.

To address the recent article, when the District was formed a public hearing was held to receive feedback from the public. In addition, the District holds a public meeting every month at which the public is invited to speak. The overwhelming sentiment has been positive and supportive of the District. Absolutely no decisions have been made about potential rates. From day one, this Board set the goal to keep rates as low as possible while generating enough funds to accomplish the mission this Board was tasked with by the Council, the Commissioners and the IDEM. Yes, funding sources have tightened, but we continue to pursue through our skilled professional team both grant and low interest loans to accomplish this mission. In addition, we are hopeful the County will contribute funds as well to keep rates down for its citizens. Again, there is no proposed rate, but the Board is committed to looking

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under every stone to keep the rates as low as feasible. I might add that everybody sitting on this Board will be subject to those rates, so we have just as much interest as the other members of the general public in keeping rates low.

The District was hopeful to secure start-up funds from the County to keep rates down and to avoid additional financing; however, it was not able to accomplish this goal, so the District pursued a Bond Anticipation Note for its start-up costs. This is a very common practice and is almost always done to start a project when other funds aren't available. The County is not obligated on this Bond in any way.

The District has assembled an experienced team, Jones Petrie Rafinski as its engineers, Baker Tilly as its financial advisor, and Carson Law as its legal counsel. Ice Miller was engaged to serve in a very limited role as Bond Counsel for the Bond Anticipation Note. The District followed the correct procedure in accordance with Indiana Law to select this group and this team represents Northern Indiana's most experienced group of professionals in the creation, implementation and operation of a regional sewer district.

The District is confident selection of this team was not only professionally appropriate but also economically expedient. The current process of implementing the District's first project is progressing as usual. We have not experienced any outlier events that are normally a part of these projects and the challenges they generally endure. Again, had the District been approached for comment I think the concerns could have been crowded. Regardless the District and its Board members are confident and excited to resolve the issues of the District, help provide safe drinking water, and implement a system that will spark economic development and improved property values. It will continue to work towards these goals while pursuing the most economical path for all of us, the ratepayers.

b.) PS-1 – Purchase Agreement

The Real Estate Purchase and Sale Agreement for Pump Station Site 1 was included in the Board Packet. Kenneth Jones, Jr. stated the property is located at the northwest corner of 12th Road and Redwood. The sellers are Mr. & Mrs. Stutler. The property is north of 12th Road and on 1.7 acres. They agreed to sell their easternmost 100 feet of property via parallel line. The pump station will be visible from Redwood Rd, but not from 12th Rd. The sale price of \$25,000 includes the cost to cure and damages. They will also get an improved gravel shared driveway. Andrew Boxberger pointed out that since it is unsure if there is an actual project, there is 180 due diligence period. One of the due diligence items is satisfaction completion of all investigations, agreements funding requests, engineering and design parameters and final project approval, so if we determine in the next several months if the project does not move forward or is postponed, we have the ability to walk away in 180 days. This is a contingent offer. Thomas McFadden indicated he reviewed the agreement, and it looks fine to him.

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Marshall County Building – 112 W. Jefferson Street, Room 203, Plymouth, IN 46563

Brenda Meyers made a motion to accept The Real Estate Purchase and Sale Agreement. The motion was seconded by Don Ecker, Jr., Roll call vote was taken Christopher Spier – yes, Debbie Palmer – yes, Brenda Meyers – yes, Thomas McFadden – yes, Diann Parsons – yes, Jay Stone – yes, Don Ecker, Jr. – yes. The motion was approved unanimously.

Kenneth Jones, Jr., stated in Marshall County a minor subdivision, so will be use that minor subdivision to create the shared access easement and the service line easement. In the next few months will be bring subdivision plat drawings for signature to accept the easement.

4/9/25-Marshall County Sewer District Meeting

a. Financials – March 2025

Jennifer Ransbottom reported on behalf of Brenda Meyers the balance ending March 31, 2025, was \$2,370,528.05. There were disbursements last month of \$69,250.76.

Brenda Meyers made a motion to approve the minutes of Financials ending March 31, 2025 as presented. The motion was seconded by Christopher Spier. All were in favor. The motion was approved unanimously.

b. Claims – March 2025

Jennifer Ransbottom stated there were 2 claims totaling \$52,257.23, one for Baker Tilly and one for Jones Petrie Rafinski.

Christopher Spier made a motion to approve Monthly Claims for \$52,257.23. The motion was seconded by Debbie Palmer. All were in favor. The motion was approved unanimously.

Debbie Palmer stated it might be worthwhile at the beginning of our meeting to discuss public meeting etiquette. As in today's event, with the gentleman who came up and wanted to have a private conversation with a Board member at a public meeting. It was evident that the person was very frustrated with that. Debbie Palmer suggested a short reiteration that private conversations with Board members cannot be held. Christopher Nusbaum stated there are two ways of having public comment, either at the beginning of the meeting or at the end of the meeting. He stated a brief explanation could be provided. Debbie Palmer stated she hears from the public that they don't hear the Board talk enough. She stated when she did try to address some comments during the meeting, then it opened it up to public comments. Christopher Nusbaum suggested adding another agenda item after Public Comment, for Board Member Comments, making it clear that Public Comments are closed. Jay Stone stated the Board is still learning as this is their first time. Where the legal counsel, engineering and finance consultants have been through this before; therefore, the Board looks to them for assistance. Christopher Nusbaum stated in another District they have the public complete a public comment card that allows the public to submit their question. Debbie Palmer suggested at the next meeting, after Public Comments are closed, to give time to clear the room. This discussion will continue at the next meeting when all Board members.

Debbie Palmer stated the comment on having own website may be beneficial and more helpful for the public to find information. She asked what the Board needs to do. Kenny Jones stated there are enough funds in the budget for their own domain. JPR will assist the District in creating its own domain.

Thomas McFadden read the following statement:

We know that many in attendance have concerns about how this project will affect their individual property. To address those concerns, we are working to coordinate an easement workshop, where you have the opportunity to discuss the package with our engineers, legal counsel, and meet with individual Board members. We will be discussing plans to coordinate these workshops later in the meeting. Also, please note that you can contact the District engineers for a one-on-one site visit as well. To do so, please call the number at the top letterhead of your easement packets. That number is 574-200-0049.

Thomas McFadden thanked Debbie Palmer for her two years of extraordinary service to this Board. She was an extremely valuable member of this team, and she never missed a meeting, which is extraordinary.

1. DEAN COLVIN

Thomas McFadden welcomed Dean Colvin to the Board. He is a distinguished Jurist in Marshall County for a long time. Welcome Dean.

6. FINANCIAL REPORT and CLAIM APPROVALS:

a.) Financials – April 2025

b.) Claims – April 2025

Brenda Meyers reported the April beginning balance was \$2,370,528.05. April interest was \$8,191.72. Checks paid in April were \$52,185.26. There was a credit of \$71.97 for insurance overpayment that was refunded. The ending balance as of April 30 was \$2,326,534.51. Claims for approval for May total \$99,781.19.

Christopher Spier made a motion to approve the minutes of Financials ending April 30, 2025, as presented. The motion was seconded by Jay Stone. All were in favor. The motion was approved unanimously.

5/19/25- Commissioner's Meeting

Regional Sewer District Board: Discussion was held concerning the Board's ability to remove an appointment from the Regional Sewer District Board and having the board appointed member attend a commissioner's meeting to provide information. **Jesse Bohannon moved to request Tom McFadden to attend the next Commissioner's meeting. Motion withdrawn to allow Attorney Surrisi time to provide an update on the Board's authority.**

6/2/25 Commissioner's Meeting

Marshall County Regional Sewer District: Attorney Surrisi stated that the Commissioners requested that he research several matters regarding the Marshall County Regional Sewer District ("MCRSD"). That request came against the backdrop of many residents within the Proposed Service Area 1 ("PSA 1") of the district expressing concerns about the district and its economic feasibility.

The first inquiry the Commissioners asked to be addressed was whether they had the authority to remove an appointed member of the MCRSD. The answer to that question is, yes. The Commissioners original petition to the Indiana Department of Environmental Management ("IDEM") seeking to form the MCRSD addressed vacancies on the MCRSD board utilizing language revealing an intent that the members were to serve at the pleasure of their appointing authority. That language set forth in the Commissioners' petition was approved by IDEM in its final order establishing the district. To further clarify and definitively reaffirm the Commissioners' authority to remove members of the MCRSD, that issue is being addressed in the currently proposed Ordinance No. 2025-16.

Next, Attorney Surrisi researched whether the MCRSD could be stopped or otherwise dissolved. The answer to that question is also, yes. IDEM's final order established the MCRSD as "an independent municipal corporation" and found that it "appear[ed] capable of accomplishing the purposes of the district in an economically feasible manner." Even though IDEM's order is final, the Indiana Code provides for a process to reconsider the agency's action creating the MCRSD. The Commissioners, as the petitioners in the IDEM administrative proceedings that created the MCRSD, retain standing to ask the agency to rehear its decision to establish the district. Indiana Code 4-21.5-3-31(c) allows a party to the original proceedings to petition IDEM "for a rehearing of final order". IDEM is only authorized to grant such a petition if the petitioning party can demonstrate that "newly discovered material evidence exists" and "the evidence could not, by due diligence, have been discovered and produced at the hearing in the proceeding." Under Indiana Code 13-26-6-4, if IDEM determines that a "project or operation of the district is not economically feasible, fair, or reasonable" the agency "may declare the district dissolved and enter an order for the distribution of all assets owned by the district after the payment of liabilities." It would take much effort by the Commissioners and interested individuals to compile sufficient evidence to support a petition for rehearing of IDEM's order creating the MCRSD. Most of the complaints heard expressed from residents of PSA 1 are matters that with due diligence could have been raised in 2022 when the district was being formed by IDEM. However, it could be seen certain considerations of whether the project is "economically feasible" today, being new evidence. The economy at the international, national, state, and local levels has gone through many changes since the district formed in 2022. We've seen high inflation, soaring property taxes and now comprehensive property tax reforms, changing tariffs, etc. Such evidence could be compelling factors in rehearing the decision by the new IDEM administration. Obtaining a reversal from IDEM may be difficult, but it is possible.

Discussion was held. Attorney Surrisi stated that MCRSD has done nothing illegal or irresponsible. Vice President Bohannon stated that it is a conversation between political authority versus legal authority. **Jesse Bohannon moved, to approve Ordinance 2025-16: An Ordinance of the Marshall County Board of Commissioners Regarding Vacancies on the Board of Trustees of the Marshall County Regional Sewer District on all three readings.** Jesse Bohannon withdrew the motion.

Adam Faulstich moved, second by Jesse Bohannon, to approve Ordinance 2025-16: An Ordinance of the Marshall County Board of Commissioners Regarding Vacancies on the Board of Trustees of the Marshall County Regional Sewer District on first reading. Motion carried 3-0.

Jesse Bohannon moved, second by Adam Faulstich, to authorize Attorney Surrisi to send a letter to Tom McFadden inviting him to a Commissioner meeting. Motion carried 3-0.

6/16/25- Commissioner's Meeting

PUBLIC COMMENT

Bill Woodward, 12094 Peach Road, Plymouth, spoke about the individuals within the Regional Sewer District being responsible for themselves and not being forced by a board to hook up to a sewer.

Jennifer Leary, 15986 Cook Lake Trail, Plymouth, addressed the concerns she has heard about the Regional Sewer District being a new item, which it is not. There were studies dating back to 2005 and 2013. She questioned how much money the Regional Sewer District has spent and whether the \$500,000 pledge made by the county has been provided. She spoke in favor of individuals having a right to clean water.

Tony Soria, 17336 Tomahawk Trail, Plymouth, stated his desire for the Regional Sewer District Board to hold evening meetings.

COMMISSIONER ITEMS

Ordinance 2025-16: An Ordinance of the Marshall County Board of Commissioners Regarding Vacancies on the Board of Trustees of the Marshall County Regional Sewer District: Attorney Surrisi stated that he has reviewed the memo from the Regional Sewer District Attorney Chris Nusbaum and the letter from Tom McFadden and they have differing legal opinions. Discussion was held concerning boards being held accountable to public opinion.

Jesse Bohannon moved, second by Adam Faulstich, to suspend the rules and pass Ordinance 2025-16: An Ordinance of the Marshall County Board of Commissioners Regarding Vacancies on the Board of Trustees of the Marshall County Regional Sewer District on second and third reading. Motion carried 3-0.

Jesse Bohannon moved, second by Adam Faulstich, to declare the seat held by Tom McFadden on the Marshall County Regional Sewer District as vacant. Motion carried 3-0.