



MINUTES
Winfield Sewer Board
Meeting Date: Tuesday, August 23, 2022

Call to order: A meeting of the Winfield Sewer Board was held at the Winfield Government Center, Winfield, Indiana on Tuesday, August 23, 2022. The meeting convened at 6:44 PM. The Pledge of Allegiance was recited.

Rick Anderson conducted roll call.

Members in attendance: Mark Wacnik, Gerald Stiener, President

Additional in attendance: David Austgen, Attorney for Austgen Kuiper Jasaitis P.C; Nick Bellar, Town Administrator/Planning and Zoning Administrator; Rick Anderson, Clerk-Treasurer; Jeremy Lin, Sanitary Sewer Board Engineer; Bill England, Utility Services and Tony Clark, Director of Public Works.

Not in attendance:

MINUTES TO BE APPROVED:

Mark Wacnik made a motion to approve the Minutes of the Joint Sewer Board and Town Council Executive Session of June 28, 2022, and July 12, 2022, and the regular Sewer Board meeting minutes of July 12, 2022. Gerald Stiener seconded the motion. The motion carried with all in favor 2-0.

CITIZENS REQUESTING PLACEMENT ON AGENDA: None

STAFF REPORTS

Bill England reported that everything is running very efficiently at the water treatment plant, there have been no issues.

Tony Clark provided a proposal for the concrete pads they want to have done at the treatment plant. He will try to get another proposal for comparison.

UNFINISHED/DEFERRED BUSINESS

1. Update on Wastewater Treatment Plant Expansion

Jeremy Lin said the treatment plant is 99.5% complete. They have finished the final paperwork, which will be discussed under new business on the Agenda tonight. They are happy with the treatment plant's performance and operation.

2. Update on Gibson Street Lift Station Project

Jeremy Lin said they had their kick-off meeting with Integral Construction regarding the Gibson Street Lift Station Project. Integral has sent the Town their paperwork and performance bonds. Gerald Stiener asked if they could order the control panels right away, and Jeremy said he intimated that that should be the first thing done upon approval.

3. Update on Randolph Street Sewer Line Extension Project

Jeremy Lin explained that is getting ready for construction, as well. They will be complete with the Randolph Street extension by October, in time for O'Reilly to be done.

NEW BUSINESS:

1. Consideration of Change Order #27, Thieneman Construction, WWTP Expansion, Final Balancing, No Change.

Jeremy Lin is recommending approval of Change Order #27. There's no dollar amount, it's just to close out a couple of items between the Town, Lintech and Thieneman. Mark Wacnik made a motion



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to Approve Change Order #27 for Thieneman Construction in the amount of \$0. Gerald Stiener seconded the motion. All were in favor. Motion carried 2-0.

2. Consideration of Pay Application #18, Thieneman Construction, WWTP Expansion, \$156,682.82

Jeremy Lin said they have prepared their recommendation and final paperwork for Pay Application #18, which is the final pay request. Rick Anderson noted that in the close out for the financing, the Town does need to provide an Affidavit of Completion to US Bank and certify that Affidavit to show the project is free of all liens, encumbrances and claims whatsoever. At this point there appears to be an outstanding claim with one of their suppliers. Gerald Stiener asked for clarification, that the Pay Application #18 and Release Retainage Application #19, are two different things. He asked if they could pay the Pay Application #18 and hold the Retainage until things are done. Attorney Austgen said that was possible since you are not closing out the project until you release the retainage. Attorney Augsten received that recommendation from the Clerk Treasurer and concurs with Rick Anderson to pay Pay Application #18 and hold off on releasing the Retainage. Gerald Stiener entertained a motion to proceed. Mark Wacnik made a motion to proceed with Payment Application #18 to Thieneman Construction in the amount of \$156,682.82. Gerald Stiener seconded the motion, all were in favor. Motion carried 2-0.

3. Consideration to Release Retainage Application #19, Thieneman Construction, WWTP Expansion, \$313,900.00

Gerald Stiener explained this would be deferred until we received notice from the company that filed the claim, saying they have released the Town and settled the issue in conformance to the Construction Contract. Mark Wacnik made a motion to defer item #3, Release Retainage Application #19 to Thieneman Construction, until all claims have been cleared. Gerald Stiener seconded the motion. All were in favor. Motion carried 2-0.

4. Consideration of Change Order #1, Egolf Coates, Randolph Street Sanitary Sewer Extension, \$9,890.00

Jeremy Lin explained this is a Change Order for a modification of the structure that would also tie-in the O'Reilly sanitary sewer. He recommends approval of this Change Order. Gerald Stiener clarified that this is because they are going deeper which would allow them to extend it further in the commercial area. Mark Wacnik motioned to approve Change Order #1 to Egolf Coates Excavation in the amount of \$9,890.00. Gerald Stiener seconded the motion. All were in favor. Motion carried 2-0.

5. Consideration of Payment in Lieu of Taxes for 2022

Rick had provided the annual calculation of payment in lieu of taxes, and explained that at the end of 2022, a little more than half of the WWTP has been installed, and the corporate tax rate increased. He has calculated the proposed Payment in Lieu of Tax in the amount of \$52,518.00. Mark Wacnik made a motion to Approve Payment to the Town, in Lieu of Taxes for 2022, in the amount of \$52,518.00. Gerald Stiener asked if it's normal procedure for a Town to have their treatment plant pay taxes. Attorney Austgen said there is a specific provision in the Indiana Code that permits and outlines how that is to work when it is approved by the legislative body. It is very common. Gerald Stiener seconded the motion. All were in favor. Motion carried 2-0.



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TREASURER’S REPORT:

Rick Anderson presented the treasurer’s report through the end of July but had to make a revision for some of the Pay Applications. The corrected amount for the claims is \$577,547.49. Mark Wacnik made a motion to pay the claims in the amount of \$577,547.49. Gerald Stiener seconded the motion. All were in favor. Motion carried 2-0.

ADJOURNMENT:

Mark Wacnik made a motion to adjourn the meeting at 6:55 pm and Gerald Stiener seconded the motion. All were in favor, motion carried 2-0

As the meeting adjourned, Mark Hall, Thieneman Construction stated that he had an objection to the Town Council deferring the Release of Retainage Application #19. He stated he had sent Rick Anderson a letter that holds harmless the Town of Winfield for any action from Interebar against the Town. Gerald Stiener said since the meeting was adjourned, they could not take action tonight, but asked Attorney Austgen how the claim affects the Town. Attorney Austgen explained it impairs the obligation to pay for which we have responsibility, notwithstanding bonds and other suretys. Gerald Stiener stated that because the Town got the Notice from the rebar supplier, they had to get the release of notice from them as well. Rick Anderson provided Mr. Hall with the Affidavit needed to give to US Bank to close this out. It’s prescribed language from US Bank for the financing for that project. We have to certify that there are no claims. Rick has only received the Notice of a Claim but has received nothing else from Interebar Fabricators, Inc. since that point. Gerald Stiener said they would review the documents that Mr. Hall had provided.

Gerald Stiener
Sewer Board President

Richard C. Anderson Jr.
Clerk-Treasurer

Date of Approval

Monika Valente
Recording Secretary