



BOARD OF TRUSTEE MEETING

Thursday, July 10, 2025, 5:30 p.m.
Memorandum

Mr. Mills called the meeting to Order at 5:33 p.m.

ROLL CALL

Present: President Carl Mills, Vice President Jeff Kimbell, Treasurer Jane Merrill, Secretary Michael McDonald, members, Eric Hand, Loren Matthes, Amanda Foley, and Jeff Hill. Others in attendance were Utility Director Andrew Williams, Legal Counsel Anne Poindexter, Engineering Manager Wes Merkle, and Controller Cindy Sheeks. Mr. Pittman arrived at 5:42 p.m.

PUBLIC COMMENT

There was no one present from the public.

APPROVAL OF MEETING MEMORANDUM

Ms. Merrill made a motion to approve the Board Meeting Memorandum of June 9, 2025. Mr. Hand seconded the motion, and it was unanimously approved.

APPROVAL OF CLAIMS DOCKET

Ms. Sheeks said there were a few capital expenditures for the month and three payrolls because of the timeframe covered. Ms. Merrill made a motion to approve the claims docket. Mr. McDonald seconded the motion, and the claims were unanimously approved.

ATTORNEY'S REPORT

Mrs. Poindexter said since last month TriCo has responded to TPI/Bowen's motion for summary judgement and filed a motion for summary judgement on two or if not three of TriCo's claims regarding the matter. TPI/Bowen have 30 days to respond to TriCo's filing. Once they file their response to the filing there should be a ruling from the judge.

Jordan KS, LLC

Mrs. Poindexter got two suggestions from the attorney for Jordan KS, LLC regarding potential mediators. Mrs. Poindexter is happy with either mediator. Mrs. Poindexter is disappointed to let the Board know that Jordan KS, LLC believes they were damaged and wants the City of Carmel to participate in the mediation since they believe they were damaged in the acquisition of property for the Carmel roundabout project. Mr. McDonald asked why it is going to mediation since there was a clear contract on what they would owe to connect to TriCo's sewer system. Mrs. Poindexter said the contract stipulates that the parties will mediate before going to litigation. Mr. Kimbell asked if Jordan KS, LLC loses will they have to pay TriCo's mediation costs? Mrs. Poindexter said they would have to pay TriCo's costs and attorney fees, so yes. Mr. Hand said if they were illegally connected to the private sewer originally, did Jordan KS, LLC damage anyone else by connecting to it illegally, and or is there a fine for them being connected illegally, and who could seek recovery for their illegal connection and what would the statute of limitation be. Mrs. Poindexter said there were a number of people illegally connected to the private lift

station by the old Burger King on 96th and Keystone. The lift station belonged to the Burger King. A number of businesses in that strip mall were illegally connected. Many of those people signed the agreement with TriCo to get the new service when the lift station was removed and the area was connected to TriCo's collection system and paid the fees. Jordan KS, LLC is the only business that did not pay their share of the costs. Since they were not previously connected to TriCo's system, TriCo would be hard pressed to fine them for the illegal connection they benefitted from over the years. Mr. Williams said Burger King's private lift station that they were connected to pumped into Carmel's system. During the roundabout construction, that private line was a hassle and there had been maintenance issues. The private lift station kept overflowing because it would fill with grease. Carmel asked TriCo to take over that location when they did the road improvements. However, TriCo needed to add infrastructure in the area and the businesses that were to connect all agreed and signed the contract to reimburse TriCo for the cost of the infrastructure and connection to the collections system. All who signed contracts with TriCo have paid except for Jordan KS, LLC who made an initial payment and have not made a payment since.

Easement Acquisitions

Mrs. Poindexter said she put together the easements as well as easement acquisition offers, which have been sent to Mr. Merkle, who had some follow-up questions. Mr. Williams and Mr. Merkle are going to work on the wording of the letters and send out the easement acquisition offers on TriCo letterhead.

UTILITY DIRECTOR'S REPORT

Mr. Williams passed out a yellow memo regarding an email from a customer thanking staff for the great customer service from TriCo. Mr. Williams wanted to share this example of how the staff goes above and beyond to provide great customer service.

HCRUD AGREEMENT

Mrs. Poindexter said there is one change to be added to the agreement before it goes to HCRUD for approval next week. The change is in essence that TriCo will not have any HCRUD money in our accounts but will be handling the crediting of customer accounts and directing all payments directly into HCRUD's account. TriCo will be doing their monthly reconciliation reports but not their state accounting reports. Mr. McDonald asked if their customers would be coming to TriCo's office to make payments. Mrs. Poindexter said they could, but it would be really far for them to do that. At the beginning they will have 20 or less customers.

Mrs. Poindexter said Ms. Matthes had a question before the meeting regarding the data provisions on page nine of the agreement. It says if the agreement is terminated or HCRUD asks TriCo to do so, we will return all the data to HCRUD. Ms. Matthes had asked what happens in the event of a dispute as to who the data belongs to as it pertains to state reporting laws. If the parties are working out a termination, part of that would include working out a release which would include who would retain what data. Mrs. Poindexter said she is not concerned about the provision in this agreement. Mr. McDonald said he would like wording added to the agreement that allows TriCo to retain records needed for reporting laws and policies. Mr. Pittman agreed that he would like to see that added into the contract. Mrs. Poindexter asked if it would be

acceptable to add "TriCo may maintain a copy of data and records based upon TriCo's own record retention policies and state requirements".

Mr. Kimbell made a motion to amend the contract to include the statement "TriCo may maintain a copy of data and records based upon TriCo's own record retention policies and state requirements". Ms. Matthes seconded the motion, and it was unanimously approved.

Mr. Kimbell made a motion to approve the HCRUD agreement as amended. Mr. Pittman seconded the motion, and it was unanimously approved.

COMMITTEE REPORTS

Budget & Finance Committee

Ms. Merrill said the Budget and Finance Committee met but had no action items.

Personnel & Benefits Committee

Ms. Merrill made a motion to approve Ordinance No. 07-10-2025 an ordinance establishing premium pay for a designated position. Mr. McDonald seconded the motion, and it was unanimously approved.

Capital & Construction Committee

Ms. Foley made a motion to approve the purchase of new server equipment from CORE Managed in the amount of \$37,962.45. Mr. Hill seconded the motion, and it was unanimously approved.

Infrastructure & Security Meeting

Mr. McDonald said that the Committee met and discussed additional security suggestions. Additionally, some upgrades to the current server room at TriCo may need to be made.

Mr. Mills thanked everyone for adjusting their schedules to accommodate this meeting.

ADJOURNMENT

Ms. Merrill made a motion to adjourn the meeting. The meeting was adjourned at 6:29 p.m.

The next Board of Trustees Meeting is scheduled for Monday, August 11, 2025, at 5:00 p.m.

Respectfully submitted,



Andrew Williams
Utility Director


Michael McDonald, Secretary

Approved:

 X as Presented
 as Amended


Carl Mills, President