

**REGULAR MEETING, BOARD OF SANITARY DISTRICT COMMISSIONERS**  
**WEDNESDAY, JANUARY 28, 2009 – 1:00 P.M. – 1100 E. EIGHTH STREET**

The meeting was called to order at 1:00 p.m. in the Board Room of the Administration Building, 1100 E. Eighth Street, by the President of the Board, Boyd W. Phelps.

Commissioners present for the meeting were Judith A. Paul, Boyd W. Phelps, Linda G. Simmons and Ronald J. Strauss. Commissioner J. Jeffrey Jones, Ph.D. was absent.

Staff Members present for the meeting were:

Alan J. Walus, General Manager  
Daniel R. Olson, Plant Superintendent  
Michael A. Hoffman, Collection System Superintendent  
Doretha M. Sanders, Administrative Director  
Tina M. Tabisz, Administrative Assistant  
William J. Nelson, Jr., Attorney

Also present for the meeting were:

John Schaefer, City Controller  
Tom Cipares, General Insurance Services  
John Doyle, John A. Doyle & Associates  
John Pavy, Haas & Associates  
Jim Maurer, Haas & Associates  
Mike Edinger, Woodruff & Sons  
Andre Steele, ALCO TV

Mr. Phelps entertained a motion for nominations for election of officers for the Board of Sanitary District Commissioners for the year 2009.

Mr. Strauss made a motion to nominate and retain the Officers with Mr. Phelps as President, Dr. Jones as Vice President and Ms. Simmons as Secretary – seconded by Ms. Paul. No discussion or comment on the matter. Motion carried 4 – 0 in favor.

Mr. Phelps entertained a motion in reference to the minutes of the Regular Meeting of December 17, 2008.

Ms. Simmons made a motion to approve the minutes, as submitted– seconded by Ms. Paul. No discussion or comment on the matter. Motion carried 4 – 0 in favor.

In reference to the Financial Status of the District, City Controller John Schaefer advised that he did not have financial reports to submit to the Board because his office is still closing out 2008 with possible adjustments that have to be made in many areas. He hopes to have a year-end wrap up at next month's meeting.

Mr. Schaefer advised that the Audit Report has been received from the State Board of Accounts and forwarded to the Commissioners. He advised that there were a couple of comments/criticisms and they are being addressed in an effort to clean things up for next year. There was nothing serious at all.

Mr. Phelps asked if there were any questions by the Board.

Ms. Paul asked why the report was completed almost at the end of the year and if there is a reason for it. Mr. Schaefer explained that it is the State Board of Accounts' timing and they set their own schedule.

Ms. Paul commented that it just seems to be that they come later and later every year.

Mr. Schaefer advised that Michigan City is included in the region of Lake, Porter and La Porte County. Therefore, the State Board of Accounts has a couple of governments in Lake County and a couple of governments in Porter County that go after a special certification for their financial report. These audits have to be done first so Michigan City just gets pushed back further and further.

Mr. Schaefer explained that Michigan City does not request the special certification because it does not do anything for us. He explained that you just spend a lot of money to get the report reviewed and it does not help a bit. He is confused as to why these other governments want to obtain this certification but it is not his concern.

Mr. Phelps asked when the State Board of Accounts actually comes to town. Mr. Schaefer explained that they came in to Michigan City in approximately May and just performed a risk assessment. He explained that we were somewhat the pilot project for that and it is something new they are doing this year. They then came back in late August to finish everything off.

Mr. Phelps commented that it seems like they are here all year long. Mr. Schaefer stated that it seems like even longer in his position.

Mr. Phelps asked if there were any further questions for Mr. Schaefer. There were none.

Mr. Phelps read the financial status of the District as follows:

**FINANCIAL STATUS – SANITARY DISTRICT  
January 23, 2009**

**OPERATION & MAINTENANCE FUND #6201**

**\$447,587.92**

**SEWAGE WORKS SINKING FUND #6207**

**\$1,336,246.86**

**SEWAGE WORKS IMPROVEMENT FUND #6208**

**\$140,213.23**

Mr. Phelps then recognized Tom Cipares of General Insurance Services (GIS) to report on the insurance renewal update.

Mr. Cipares explained that he will be back at the February meeting as he expects to receive both the Package renewal as well as the Workers' Compensation renewal. The deadlines are February 13, 2009. Mr. Cipares explained that the Package renewal has a March 1, 2009 expiration date and the Workers' Compensation renewal has an April 1, 2009 expiration date.

Mr. Cipares distributed packets to the Board containing some preliminary information that he can share on the Workers' Compensation insurance to give the Board some trending data.

Mr. Cipares stated that there are four codes on which the insurance cost is based on, one of which is Clerical. However, the Clerical code does not really drive the premium in this account.

Mr. Cipares stated that the three codes that are responsible for the bulk of the premium are for the Sewage Plant, Sewer Cleaning and Refuse. He explained that the trending for the base rates, as being used by the Indiana Public Employers' Plan (IPEP), shows that two of them are decreasing and one of them is increasing.

Mr. Cipares further explained that the District's overall Experience Modification Factor is moving up two points, from a 1.59 to a 1.61 and the Scheduled Credit on the current policy, which is 25%, is a part of the equation that he does not know yet. As the renewal is being prepared, this is part of the pricing submitted by the underwriter.

Mr. Cipares indicated that he would anticipate that the underwriter will use a similar Scheduled Credit, if not the same, because the year we are currently in has been a somewhat decent year for claims. He noted that there have been 15 claims so far albeit that there are still a couple more months in the current year yet. However, this is a nice, low claim count totaling approximately \$41,000 paid out.

Mr. Cipares noted that there may be a question as to why the Experience Modification Factor increased from a 1.59 to a 1.61. He explained that Experience Modification Factors are based on three years of history. The years that will be used for the 2009/2010 Experience Modification include 2005/06, 2006/07 and 2007/08. He pointed out that the 2007/08 year that will be rolling in to the Experience Modification is likely a poorer year than the 2004/05 year rolling out. In other words, there was approximately

\$56,000 paid out in 2004/05 and there was approximately \$68,000 paid out in 2007/08. Therefore, there are a few more claims dollars paid in the three-year experience.

Mr. Cipares then pointed out that next year at this time, the really bad year of 2005/06 will be rolling out and be gone. At that point, the Experience Modification should drop very precipitously. The District is definitely heading in the right direction.

Mr. Cipares commented that he is not sure why the 2006/07 year experienced 32 claims and it was an unusual year. However, it is what we have to work with.

Mr. Cipares stated that he will be back at the February meeting with renewal quotes on both of the insurance packages.

Mr. Phelps asked if the 2005/06 year included a considerably large claim. Mr. Cipares advised that there is one very large claim in this year.

Mr. Phelps asked if there were any questions for Mr. Cipares. There were none.

#### **Public Comment**

Mr. Phelps called for any public comment. There was none.

The following status reports were given:

John Doyle of John A. Doyle & Associates reported on the following projects:

#### **Freyer Ditch/Gardena Street Storm Drainage Improvement Project**

Mr. Doyle advised that the contractor has been making attempts to work but the weather situation has created quite a number of issues, especially with pumps freezing up and things of that nature. However, the contractor has been making an effort and they are approximately 60% through with the main line from Greenwood Avenue south to Gardena Street. He explained that the Gardena Street line was put in late last year and is in place waiting to be connected. Additionally, the contractor is on a four-day work week schedule and the weather conditions are not conducive to this work.

Mr. Doyle then submitted Pay Request #2 of Woodruff & Sons and recommended approval of same.

Mr. Phelps entertained a motion on the matter.

Ms. Paul made a motion to approve Pay Request #2 of Woodruff & Sons, in the amount of \$250,292.61, as submitted – seconded by Mr. Strauss. No discussion or comment on the matter. Motion carried 4 – 0 in favor.

Mr. Phelps thanked Mr. Doyle for his report.

John Pavy and Jim Maurer of Haas & Associates reported on the following projects:

**Palatek Sewer Extension Project**

Mr. Pavy advised that his firm is still reviewing the as-builts.

**Pine School Sewer**

Mr. Pavy advised that the project is approximately between 65% and 72% complete. The contractor has been making some good progress, although the weather has held them up at times as well.

Mr. Pavy advised that the contractor is going to hook up the water, probably within the next two weeks. Hopefully, they will start flushing and testing the lines later this week. The sanitary sewer has one more run from Highway 20 and County Line Road down to the school and the lift station will be put in, which will then make the project substantially complete.

Mr. Walus added that he wanted to update the Commissioners on the progress this month because last month the Board was left with the proposal with Mr. Singh to participate financially. The Board authorized Haas & Associates and the Sanitary District to approach the Water Department to issue a change order for the regional lift station approach. The Water Department did approve the change order and this is the work that Mr. Pavy is reporting on today. Based on the decision of the District Board in December 2008, the change order was approved and we are working on a regional lift station approach.

Mr. Phelps asked if the Consent of Surety was received on the Lake Hills Project. Mr. Pavy and Attorney Nelson advised that it was properly received.

Mr. Phelps asked if there were any further questions by the Board. There were none.

Mr. Phelps thanked Mr. Pavy for his report.

The following departmental status reports were given:

**Al Walus**

In reference to the Lafayette/Barker Project, Mr. Walus advised that, working with our consultants, Brierley Associates, we have a tentative bid schedule for this project. They will have bid drawings and specifications ready to present to the Board at the February 25<sup>th</sup> meeting. We anticipate an approximate eight-week bid schedule. Therefore, we will potentially be receiving bids around the April 22<sup>nd</sup> meeting.

Mr. Walus explained that, once bids are received, Brierley will need a couple of weeks to review the bids in order to make recommendations to the Board. Therefore,

potentially in mid-May or at the May meeting, we will be able to make recommendations for award of the bids.

Mr. Walus advised that he will be sharing these dates and schedules with City Planner John Pugh, from the Redevelopment Commission, as well as counsel for the Redevelopment Commission in order to either follow or modify the schedule based on bid bond counsel for recommendation for funding.

Mr. Walus advised that this is the projected schedule from our engineers which will now be reviewed with the financial consultant to fine tune it if necessary. We will be ready to bring drawings for construction at the next meeting in February.

Mr. Phelps asked if the bids are scheduled to be received at the April 22<sup>nd</sup> meeting, how long the review of the bids will take. Mr. Walus anticipated an approximate two-week review time for Brierley to be able to make recommendations. When their review is final, we can then either schedule a special meeting or potentially have award recommendations for the May meeting. Additionally, we will have to coordinate with the Redevelopment Commission schedule.

Mr. Phelps commented that, thinking "pie in the sky" if we are lucky enough to perhaps get stimulus money for this project, we may have to speed up the schedule. However, it appears that we have enough time at this point.

Mr. Walus explained that we are trying to be a little bit careful on the bid time of approximately eight weeks. In reviewing our typical bid schedules on sewer projects, the tunnel contractors seemed a bit uneasy with a shortened schedule. Therefore, working with our tunnel consultants, Brierley, they recommended an approximate six to eight-week bid time.

In reference to the Ohio/Southwind Sewer Infrastructure Improvements Project, Mr. Walus displayed an aerial map of the complete area and advised that the District has been meeting regularly with Haas & Associates to review our existing system.

Mr. Walus, referencing the aerial created using La Porte County GIS (Geographic Information System) data and the data that our staff has gathered for us, pointed out where the current lift station is on Ohio Street and Southwind Drive.

Mr. Walus explained that there are basically two separate collection systems south of Highway 20. There is a gravity sewer from County Road 400 North that runs to the north along Ohio Street that discharges into the lift station at Ohio Street and Southwind Drive. The lift station then pumps that discharge into the Ohio Street line running north. Therefore, one of the two sewer systems south of Highway 20 is under Ohio Street from 400 North right to the lift station.

Mr. Walus advised that the other sanitary sewer system reaches all the way south to where the Orak Temple and Bob Evans Restaurant meet, as well as some of the intersection of 400 North and Highway 421. There is approximately a little more than a mile, approximately a 1.25 mile gravity sanitary sewer that flows parallel to Ohio Street, bypassing the lift station, and then flows north on Ohio Street under Highway 20.

Therefore, we have a sewer that is a straight shot on Ohio Street to the lift station that is pumped further north and we have more than a mile of gravity sewer meandering through the neighborhoods to that same location.

Mr. Phelps asked if they are both connected to the sewer after (north) of the lift station. Mr. Walus advised that this is correct.

Mr. Walus explained that the gravity sewer on Southwind heads west for one block to Ohio Street and then heads north on Ohio Street. The lift station pumps into a manhole to the north on Ohio Street around the gravity line joining up a little to the north.

Therefore, the entire gravity sewer in the Southgate area is transparent to the lift station on Ohio Street and Southwind Drive until the discharge of the lift station is comingled with the flow at the joining manhole.

Mr. Walus advised that, in reviewing some of the depth, the flow and the sizes of the sewers, the thought is to replace two sections of sanitary sewer on Ohio Street just south of the lift station. We believe that we can put a better slope and larger diameter pipe to obtain more flow in the first segment that is flowing to the lift station. Additionally, there are some sanitary sewer laterals that protrude into the pipe. As part of an improvement project, we would like to replace the two blocks of sewer along Ohio Street.

Mr. Walus then explained that, looking at flows, our ultimate goal is to pump the flow south from the lift station and then east to a manhole on Westwind Drive. Therefore, wherever we locate the lift station, we need a force main to take the flow over to our new connection point.

Mr. Walus further explained that, as we are replacing the two blocks of sewer, this gives us an opportunity to relocate the lift station somewhere further south instead of rebuilding it in its current location. This would result in a shorter distance of force main. If the lift station were rebuilt in its current location, we would have to run the force main a longer distance. However, by rebuilding the sewer, we can put the slope heading south coming into the new lift station, which would eliminate two blocks of force main coming back to the south.

Mr. Walus advised that, with the lift station in the new location, we starting looking at all the gravity sewer that is coming through the neighborhoods running north and then west

on Southwind Drive to Ohio Street, and then possibly running south two blocks to the new lift station. The current proposal is to cut the gravity sewer off at Village Road and run it west one block to Ohio Street and then north one block on Ohio Street to then tie into the new lift station.

Mr. Walus explained that the benefits of this proposal is that all of the gravity flow from the south that would have flowed north past all of the homes along Crestwood Drive and then back south along Ohio Street would now be disconnected. Therefore, all of the users connected to the line along Crestwood Drive will have much less flow on the system.

We then will have basically disconnected all the gravity flow in the southeast quadrant of that system which will then go directly into a lift station. The gravity flow on Ohio Street from 400 North will then tie into the new lift station.

Mr. Walus advised that, based on a new lift station being built in the new location, the District and the engineer are working out a strategy to get a force main that either stays within the right-of-way to Westwind Drive or, if we can obtain some easements, we can cut straight across to the desired manhole.

Therefore, the location of the new lift station is pretty well set on how to perform the modifications to shorten and lessen the amount of flow on all three different segments.

The last thing that the District is working with Haas & Associates on is the final route to from the intersection of Village Road and Ohio Street to Westwind Drive, either under the street right-of-way or through an easement.

With that strategy, Haas & Associates has been able to provide a preliminary set of drawings for us, which Mr. Walus showed to the Board.

Mr. Walus explained that there is still a significant amount of work, but he wanted to share the drawings them with the Board. He explained that, rather than our standard design lift station, we are looking to have two force mains coming out of the lift station because of the huge variability of flow between dry and wet weather conditions, as well as the possibility for growth along the 400 North corridor.

Mr. Walus explained that we are planning for both growth of additional sanitary sewer flow and higher flows during wet weather. Therefore, we have modified our lift station design to include two force mains coming out of the lift station. Additionally, instead of just two pumps, we will have a multiple pump system. Jim Maurer, of Haas & Associates, interjected stating that there will be three pumps operating with a standby pump, for a total of four pumps.

Mr. Walus further advised that there would also be an on-site generator if we were to lose power.

Mr. Walus then advised that the survey crew from Haas & Associates was able to get some detailed survey data. We are looking at some of the new sewers that will be installed and putting all of the details together.

Mr. Phelps asked about the right-of-way for the new lift station. Mr. Walus explained that there have been preliminary discussions with an owner in the area and there has been a favorable response so far. We will keep working to get all of that accomplished.

Mr. Walus advised that the plan at this point is to continue to work on this by having the Plant Superintendent and Assistant Plant Superintendent review the lift station design and pumps in more detail to narrow all of this down. Our goal would be to have construction drawings and contract documents ready for the February meeting. There are still permits to be obtained so this will be a parallel path. We will then see, in February, what everything looks like as far as getting permits and being able to go out for bids.

Mr. Walus advised that we have made significant progress and we will continue to move forward.

In reference to the Trail Creek Watershed, Mr. Walus distributed a handout that summarizes one of the activities that the Committee has been working on. He explained that, as part of our Watershed activities, we have been asked by Mayor Oberlie to engage our local partners of IDEM, DNR, Save the Dunes and the Soil & Water Conservation District to have conversations with Dr. Julie Kinzelman, who works in the Health Department in Racine, Wisconsin. Over several years, they have achieved significant improvement in the cleanliness of the beach in Racine.

Therefore, we have scheduled Dr. Kinzelman to come to Michigan City next Wednesday and Thursday (February 4<sup>th</sup> and 5<sup>th</sup>). She will spend the night in Michigan City and there are four different meetings that have been set.

On Wednesday, February 4<sup>th</sup>, there will be a technical meeting with our local partners for all afternoon, where the focus will be beach grooming, *Cladophora* (the algae along the lake and pier) and QPCR, which are new testing methods that are being reviewed. There will be three 20 minute presentations by Dr. Kinzelman on those three subjects. There will then be a 30 minute question and answer session to try get into some really good detail.

Mr. Walus invited the Commissioners, if they are available and interested, to attend a public meeting to be held on Wednesday evening, at 6:30 p.m. and the hope is to broadcast this meeting on local cable access television. Mr. Walus explained that the

first Wednesday of each month at 6:30 p.m. is when Mayor Oberlie has his live call-in television show on local cable access. Therefore, he suggested that we schedule the public meeting at that time so that it can be broadcast live at the same time.

Dr. Kinzelman has been asked to provide a basic overview of why we test beaches, what we test for, how we perform the tests and then explain what worked in Racine, Wisconsin. There is an entire series of activities and methods that they have implemented in Racine. Some may be applicable here in Michigan City but we wanted to give the general public a flavor of what is being done across the Great Lakes that helped to improve the beach experience for visitors.

On Thursday morning, February 5<sup>th</sup>, Mayor Oberlie has invited Dr. Kinzelman to be one of the guest speakers at the NIRPC (Northern Indiana Regional Plan Commission) Environmental Management Policy Committee meeting. Dr. Kinzelman will be speaking to NIRPC about the new role of watershed data in regional planning.

Many watershed groups are now obtaining data on water quality and Dr. Kinzelman has been leading the effort on sifting through the data and identifying what is important that regional planners need to know as they look to evaluate land use planning and recommend policies for regional planning efforts.

Mr. Walus is also working with Mayor Oberlie's office to invite key stakeholders from the City Council, Port Authority, and Park Board for an informal meeting with Dr. Kinzelman on Thursday at 1:30 p.m. to review data such as the economic impact of beach tourism on the local economy and discuss some of the frustrations with the beach staff when there are beach closures.

Dr. Kinzelman has been very successful in developing long-term partnerships with local universities and she will bring some insight into how to cultivate some of those partnerships.

Dr. Kinzelman will be inviting a staff member from Chicago to talk with our local stakeholders about the possibility of joining the Great Lakes and St. Lawrence Cities Initiative, which is a group of cities throughout the Great Lakes. Mr. Walus believes that East Chicago is the only Indiana city that is part of this Initiative. The two-day visit will also be recapped with the stakeholders.

Mr. Walus stated that this visit will hopefully provide background information of what Dr. Kinzelman has found over several years of working on beach closure issues and the financial impacts of the closures as well as how to leverage local money with universities and others to obtain the best results possible.

Mr. Walus stated that he is looking forward to this visit next week. Hopefully, through this effort, we will be able to work with the Park Department's new Superintendent Jan

Orlich on what we may want to pursue in order to improve the beach experience for visitors this summer.

Mr. Walus then advised the Board of a Minor Fund Transfer in Storm Operating Fund #8201 as follows:

**DECREASE:**

<b>8201 0000 03 439.011, Contractual Services</b>	<b>\$12,068.58</b>
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**INCREASE:**

<b>8201 0000 03 431.005, Other Professional Services</b>	<b>\$ 5,261.39</b>
<b>8201 0000 03 436.002, Repair &amp; Maint. – Equipment</b>	<b><u>\$ 6,807.19</u></b>
<b>Total</b>	<b><u>\$12,068.58</u></b>

Mr. Walus advised that the Controller's Office completed this transfer at the end of last year.

Mr. Phelps asked if there were any questions for Mr. Walus. There were none.

Mr. Phelps thanked Mr. Walus for his report.

**Dan Olson**

Mr. Olson advised that there were no violations of the NPDES permit during the month of December. He advised, however, that there was a small CSO event on December 27, 2008. There was .86 inches of rain as well as a lot of snow on the ground. This resulted in high flows to the treatment plant which filled up the storm basins. There was a trickle of water going over for five hours. It was not catastrophic by any means but there was an event, which has been reported to the State.

Mr. Olson then reported that, during the entire year of 2008, there were no violations of our NPDES permit.

In reference to Anti-Degradation Regulations, Mr. Olson advised that the rule making process is ongoing. Mr. Olson explained that he began attending a general meeting of stakeholders that IDEM had put together to review the anti-degradation portion of the water quality rules for Indiana, in a directive by the Governor to IDEM, to make these rules more understandable and easier to implement and enforce.

Currently, the only area of Indiana that has implementation procedures for anti-degradation is the Great Lakes Basin. The rest of the state has the standard but it does not have any implementation procedure. Therefore, another goal of this rule making is to bring those implementation procedures to the whole state.

Mr. Olson advised that he started his first attendance at these meetings on April 29, 2008 and he has since been to nine meetings. After June, they broke up into smaller sub-workgroups which included four municipal, four industrial and four environmental action group representatives in addition to the IDEM staff in an effort to hash out specific details that the entire group felt were important to this rule.

Mr. Olson advised that these meetings are now coming to a close. There is actually one more meeting to discuss the MS4 issues, how anti-degradation will relate to those as well as general permits for industry. After that, IDEM will write the draft rule for publication under the second notice of the rule making process. Comments will be received from the public and, finally, the third notice will be published with a date for it to go before the Water Pollution Control Board. They will either approve the rule or send it back for re-work.

Mr. Olson explained that this is a long drawn out process that each of the stakeholder groups have a specific interest in seeing that the rule is written to favor their operations or to favor their emphasis on what they think is important.

Mr. Olson advised that this has been tried before. After the Great Lakes rules were promulgated in the late 1980's, there was an attempt to bring these rules to the rest of the state, which almost immediately failed. Then, in 2003, there was another rule making process that was started and that has finally been withdrawn now in lieu of this third attempt to bring these rules to the entire state.

Mr. Olson stated that, whenever you are talking about the potential of limiting industrial or municipal growth without having to go through a very detailed complicated procedure to justify it, there are going to be differences of opinion between the different stakeholders.

Therefore, this is what IDEM has to face and what the meetings have been about; if nothing else, to come out of it with a better understanding of what the other stakeholders are thinking and to try and reach common ground whenever possible or to agree to disagree whenever that has to be the case.

Mr. Olson advised that, if the Board is interested in more information, there is an IDEM website with information. There is a direct link on IDEM's homepage to the Anti-Degradation Workgroup, containing information on all of the activities that have taken place as well as any handouts or presentations that have been made.

Mr. Olson commented that this is a very important rule making to not only Michigan City but to all of the communities that are in the Great Lakes Basin. There was a new law that was passed a couple of years ago that requires that anyone who discharges to an outstanding state resource water (OSRW), of which Lake Michigan has been classified, if they are doing a significant degradation of the water quality, must complete a project

that causes a net improvement to the water quality of the OSRW or they have to pay a fee of up to \$500,000. This is a lot of money for a lot of budgets.

Mr. Olson advised that one of the things that were discussed just this week was how IDEM was going to assess the fee. Unfortunately, there was no agreement and there was pretty much a loghead from the different stakeholders.

Mr. Phelps thanked Mr. Olson for his report.

**Mike Hoffman**

In reference to the Safety Report for the Wastewater Division of the Sanitary District (WWTP, Administration and Collection System), Mr. Hoffman advised that there was one reported injury with no apparent lost time. This may have to be added as a lost time injury but we are unsure at this time.

In reference to the Safety Report for the Refuse Department, Mr. Hoffman advised that he did not get a report from Mr. Kintzele so he does not know how many reported injuries there were. However, Mr. Hoffman did hear that one of the two long term injured employees that were off returned to work last week. Additionally, there is another employee still off long term. Mr. Hoffman pointed out that these are the types of things that affect the premiums that Mr. Cipares was discussing earlier in the meeting.

In reference to the Davis Drive drainage, Mr. Hoffman advised that we have a current plan to alleviate some of the flooding in this area. Mr. Hoffman has been in contact with the affected homeowner across whose property this system will go with what we believe is a less intrusive plan than the original one that he did not like. The homeowner should be getting back with Mr. Hoffman by the end of this week in order to present the plan.

Mr. Hoffman stated that we have been led to believe that this less intrusive plan that also saves a few more of his trees will be acceptable to the homeowner. This work will be done as weather permits.

Mr. Hoffman advised that he has also spoken with the interested party on Davis Drive that had previous questions on this matter in an effort to keep him up-to-date.

In reference to MS4, Mr. Hoffman advised that this is the year of our permit renewal. There is no annual report due for this year. However, we are in a gathering phase now in order to put one together for ourselves.

Mr. Hoffman advised that he could not report on the MS4 Advisory meeting because it has been postponed twice already this month and is actually being held at the same time as today's meeting. He will report back next month with an update.

**Jim Kintzele**

Mr. Walus advised that Mr. Kintzele is not available for today's meeting so his report will be held over until next month.

**Attorney Bill Nelson**

Attorney Nelson advised that there are 11 delinquent accounts to be recorded as liens, in the total amount of \$1,291.90, which requires Board action.

Mr. Phelps entertained a motion on the matter.

Mr. Strauss made a motion to approve the delinquent accounts to be recorded as liens, as submitted – seconded by Ms. Paul. No discussion or comment on the matter. Motion carried 4 – 0 in favor.

Attorney Nelson then submitted five liens to be released due to satisfaction of the liens, in the total amount of \$577.06 and advised Board action was necessary.

Mr. Phelps entertained a motion on the matter.

Ms. Simmons made a motion to approve the five Releases of Lien, in the total amount of \$577.06, as submitted – seconded by Ms. Paul and Mr. Strauss. No discussion or comment on the matter. Motion carried 4 – 0 in favor.

Attorney Nelson then advised that there are two bad debts this month to be declared as uncollectible. One is in the amount of \$103.13 and the second is in the amount of \$156.12. The first one is based upon a new title owner prior to recording of lien and the second one is based upon a foreclosure. Attorney Nelson advised that Board action is required.

Mr. Phelps entertained a motion on the matter.

Mr. Strauss made a motion to declare the two accounts, in the amounts of \$103.13 and \$156.12, as a bad debt and uncollectible, as submitted – seconded by Ms. Simmons. No discussion or comment on the matter. Motion carried 4 – 0 in favor.

Mr. Phelps entertained a motion to approve and allow Revenue and Tax Levy claims for payment.

Ms. Paul made such a motion – seconded by Mr. Strauss. No discussion or comments on the motion. Motion carried 4 – 0 in favor.

Mr. Phelps then entertained a motion to approve and allow claims for the Board of Public Works & Safety.

Ms. Simmons made such a motion – seconded by Mr. Strauss. No discussion or comment on the matter. Motion carried 4 – 0 in favor.

**Old Business**

There was none.

**New Business**

There was none.

The next regular monthly meeting of the Board of Sanitary District Commissioners –  
**February 25, 2009 – 1:00 p.m. - 1100 E. Eighth Street**

There being no further business to come before the Board at this time, on motion duly made and seconded, the meeting then adjourned.

/ Linda G. Simmons /  
Linda G. Simmons, Secretary