

**MINUTES OF SPECIAL MEETING  
BOARD OF SANITARY DISTRICT COMMISSIONERS  
WEDNESDAY, APRIL 8, 2009 – 1:30 P.M.**

The Special Meeting was called to order at 1:30 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 and Ronald J. Strauss. Commissioner J. Jeffrey Jones, Ph.D. and Linda G. Simmons were absent.

Staff Members present for the meeting were:

Alan J. Walus, General Manager

Doretha M. Sanders, Administrative Director

Tina M. Tabisz, Administrative Assistant

Attorney Christopher Willoughby, Braje, Nelson & Janes

Also present for the meeting:

John Doyle, John A. Doyle & Associates

Charity Dudley, American Structurepoint

Mike Edinger, Woodruff & Sons

**PURPOSE OF SPECIAL MEETING:**

- 1. Consideration of Change Order #1 for the Freyer Ditch Drainage Improvement Project**
- 2. Consideration of Quotes for the Ohio Street/U.S. Highway 20 Sanitary Sewer Rehabilitation**
- 3. Consideration of Quotes for the Davis Drive Drainage Improvements**

In reference to the Freyer Ditch Drainage Improvement Project Change Order #1, Mr. Walus joined Mr. Doyle at the table.

Mr. Walus wanted to review the course of events and evaluations that Mr. Doyle has helped the District with in anticipation of this change order and displayed a drawing that Mr. Doyle recently prepared for the District regarding this project.

Mr. Walus reminded the Board that the White Oak Drive Project was finished last year, where a new 48 inch diameter storm sewer was installed under White Oak Drive. The street did not have curbs, gutters or sidewalks before this was installed under White Oak Drive south of Gardena Street. North of Gardena Street, White Oak Drive was already built with curbs, gutters and sidewalks. Therefore, White Oak Drive now has full infrastructure from Coolspring Avenue north to Greenwood Avenue.

Mr. Walus explained that, as we now are working on the Freyer Ditch Project where we extended the sewer under the ditch area, we have connected it back to the new storm 48 inch storm sewer.

Mr. Walus explained that there are three spots on Gardena Streets, west of White Oak Drive, where there are some surface drainage problems. The existing road is very flat.

As Woodruff & Sons was completing some of the new storm sewer work, we uncovered a storm sewer that ran in the rear of the homes from Salem Street.

The existing curb stops at Salem and Gardena Streets, where there is a storm sewer inlet. The curb is broken up and the inlet is a bit high. Therefore, the water does not drain to the inlet and it leaves standing water along the asphalt. In all, there are three areas between the new construction on White Oak Drive and Salem Street where there was standing water.

Mr. Walus explained that he asked Mr. Doyle to review the one-block stretch to see what the best recommendation would be to address the three standing water areas. We did not want to finish all of the significant work on White Oak Drive and Freyer Ditch and then have drainage problems remaining in the immediate project area.

Before the monthly meeting in March, Mr. Phelps and Mr. Walus joined Mr. Doyle to walk the site to look at the different areas. Mr. Doyle was then asked to prepare a proposal to take the curb that currently stops on White Oak Drive and extend it all the way down and tie into a repaired curb on Salem Street. Therefore, curb would be extended on the south side of Gardena Street and tie it into the curb that is already on Salem Street.

Additionally, Mr. Doyle was asked to also include extending the curb on the north to approximately the Salem Street intersection.

Using Mr. Doyle's prints to show the Board, Mr. Walus explained that the existing asphalt pavement narrows down. Therefore, there was some concern with a very narrow roadway on Gardena Street as it ties into the wider road of White Oak Drive. Therefore, Mr. Doyle was asked to prepare a plan to extend the roadway out so that there is a more uniform roadway, at least up to Salem Street, and then dovetail back to the old roadway.

Mr. Walus explained that, if any point in the future, the City wants to rebuild Gardena Street from Salem Street to Carroll Avenue, the curb line will be established where they could just continue on from there.

However, the immediate concerns are the three poor drainage areas with a very flat road grade. Mr. Doyle has indicated that there will have to be some excavation down a bit as we build our curb and street to create a path for the water to drain.

After Mr. Doyle prepared the drawing for these plans, he sent a letter to Woodruff & Sons, the contractor for the Freyer Ditch Project, along with copies of the drawing asking them to submit a proposal to perform this work as a potential change order to the Freyer Ditch Project. Woodruff & Sons then submitted a proposal for a lump sum price of \$69,065.10 for the work indicated on the plans.

Mr. Walus explained that there is a large tree that needs to be removed, which would result in a potential deduction in the price if we were to remove the tree and stump. However, we really do not have staff to do so. Therefore, this would be left in the lump sum price of the \$69,065.10.

Mr. Doyle conveyed this proposal back to the District via a correspondence dated April 3, 2009, indicating that he recommends acceptance of Woodruff's proposal and is looking for authorization to proceed.

Mr. Walus explained that Woodruff is in the process of finishing the work on the Freyer Ditch Project so he thought it would be best to call a special meeting rather than wait two more weeks for the regular meeting on April 22<sup>nd</sup>.

Additionally, we also have the Davis Drive and Ohio Street repair quotes ready for Board action. Therefore, Mr. Walus spoke with Mr. Phelps and Board Members to schedule today's meeting.

Mr. Walus recommended acceptance of the proposal of Woodruff & Sons in the amount of \$69,065.10 as a change order to the Freyer Ditch Project.

Mr. Walus explained that we do have approximately \$30,000 to \$35,000 in contingency money from the Board of Works to pay for some of this. Additionally, we have encumbered approximately \$77,000 in funds from our Stormwater Operating Fund from a year or so ago. Therefore, between those two funds, we have sufficient funding already in place to be able to pay for this change order.

Mr. Phelps asked Mr. Doyle if there is a negative grade in the area going back toward Carroll Avenue. Mr. Doyle advised that this is correct and there are similar situations between this area and Carroll Avenue.

Mr. Phelps then questioned the area of Carroll Avenue as it comes back on the intercept. Mr. Doyle advised that the interceptors are 27 feet and they match up with the others.

Mr. Phelps entertained a motion on the matter.

Mr. Doyle interjected to advise that he has added another item to the change order.

Mr. Doyle explained that the contract completion date needs to be extended in order to perform this work. The contract was initially to be completed in 180 calendar days, which should have been done March 31, 2009.

Based on the bad weather conditions for continuing the work and this potential change order, Mr. Doyle is asking for a 14-day increase to perform this work as well as another 21 additional days because of the weather conditions. Therefore, he is asking for a total of 35 calendar days which would make their completion date May 5, 2009.

Mr. Phelps entertained a motion for approval of Change Order #1 for the Freyer Ditch Improvement Project, in the amount of \$69,065.10, and to extend the contract time for an additional 35 calendar days.

Ms. Paul made such a motion – seconded by Mr. Strauss. No discussion or comment on the matter. Motion carried 3 – 0 in favor.

In reference to the Ohio Street/U.S. Highway 20 Sanitary Sewer Rehabilitation, Mr. Walus advised that quotes were due on this work no later than 1:00 p.m. on March 25, 2009 for the Board Meeting. A quote was received, and opened, from Insituform.

Mr. Walus also advised that, on that same day prior to the 1:00 p.m. deadline, a FedEx Priority Overnight package addressed to Mr. Walus' name with a return address of Reynolds, Inc. in Orleans, Indiana was delivered to the District. However, Mr. Walus was not at the District that day. When the package came in, District staff placed the package in his office. There was no noticeable sign on the exterior of the package that a sealed quote was inside that was to be opened at the Board Meeting that day.

Upon Mr. Walus' return to the office and seeing the contents of the outer package, staff contacted FedEx to obtain confirmation of, which indicates that it was delivered at 10:28 a.m. on March 25, 2009, prior to the 1:00 p.m. deadline.

Mr. Walus then contacted Attorney Nelson who wrote a letter on March 31<sup>st</sup> to both Insituform, the opened quote, and Reynolds Inliner, the quote that was delivered but not opened, advising them of the circumstances that the package came in with no identifying marks on the outside of the package and that the quote from Reynolds Inliner was never opened.

Attorney Nelson instructed the District to not open the sealed quote package but to open it at the next available public meeting.

Mr. Walus then asked Charity Dudley from American Structurepoint to attend today's meeting and she is here with us today.

Mr. Walus then submitted the sealed quote from Reynolds Inliner to open it.

Mr. Phelps commented that Attorney Nelson's correspondence to the two companies indicated that the sealed quote would be opened at the April 22<sup>nd</sup> meeting. Mr. Walus explained that this letter was prior to realizing that we would have a special meeting.

Mr. Walus explained that he talked to Attorney Nelson's office today about the matter. Attorney Willoughby added that he made a call to both of the companies and left messages that this would be done today. There will also be a follow-up in writing about the matter.

Attorney Willoughby opened the quote and Mr. Walus read it as follows:

**Reynolds Inliner, LLC**

**Base Scope - 169 Feet of 15 inch Cured In Place Pipe (CIPP)**

<b>Total Cost</b>	<b>\$19,435.00</b>
<b>Unit Price 1 Lateral connection</b>	<b>\$100.00</b>

**Alternate Scope 1**

**169 Feet of 15 inch CIPP**

<b>Total Cost</b>	<b>\$10,140.00</b>
<b>Unit Price 1 Lateral connection</b>	<b>\$100.00</b>

**464 Feet of 21 inch CIPP**

<b>Total Cost</b>	<b><u>\$51,040.00</u></b>
<b>Total for all three items</b>	<b>\$61,280.00</b>

**Alternate Scope 2**

<b>Unit Prices same for three items above</b>	<b>\$61,280.00</b>
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**Manhole Rehabilitation**

<b>Total Cost</b>	<b><u>\$6,800.00</u></b>
<b>Total</b>	<b>\$68,080.00</b>

Mr. Walus compared the quote opened today from Reynolds Inliner to the quote previously received and opened from Insituform as follows:

**Insituform**

<b>All items in Base Scope</b>	<b>\$15,380.50</b>
<b>Alternate Scope 1</b>	<b>\$57,184.50</b>
<b>Alternate Scope 2</b>	<b>\$63,904.50</b>

**Reynolds Inliner**

<b>All items in Base Scope</b>	<b>\$19,535.00</b>
<b>Alternate Scope 1</b>	<b>\$61,280.00</b>
<b>Alternate Scope 2</b>	<b>\$68,080.00</b>

Mr. Walus stated that, based on opening the quote from Reynolds, in all cases Insituform was the low quoter. Additionally, the initial submittal from Insituform

contained nothing that was technically inadequate.

Mr. Walus then recommended that the Board award Alternate Scope 2, which includes all of the work, to Insituform for the quoted price of \$63,904.50, contingent upon review by the consulting engineer, American Structurepoint, that all of the technical requirements meet specifications.

Mr. Phelps asked if funding is available. Mr. Walus advised that there is funding through the Board of Public Works & Safety for the work on Ohio Street (the 15 inch pipe) and the remainder of the funding would be through the Sanitary District Operating Fund to repair a sewer that is in much need of repair. Therefore, there will be a combination of funding.

Mr. Phelps entertained a motion for tentative approval of the quote of Insituform, subject to review by the consulting engineers, for Alternate Scope 2 in the amount of \$63,904.50.

Ms. Paul made such a motion – seconded by Mr. Strauss. No discussion or comment on the matter. Motion carried 3 – 0 in favor.

Mr. Walus thanked the Board for allowing the District to move forward with this matter. The intent is to complete the technical review as quickly as possible and issue Notice to Proceed to Insituform to get this repair done as quickly as possible because, once we repair the corrugated metal pipe under Highway 20, we will be providing better service for our customers along Ohio Street. We are anxious to get this matter going.

In reference to the Consideration of Quotes for the Davis Drive Drainage Improvements, Mr. Walus explained that quotes were opened at the March 25<sup>th</sup> meeting to provide a drain and drain pipe that would connect to an existing storm sewer.

Mr. Walus explained that the new drain would be at the dead-end of Davis Drive. The drain pipe would connect the new drain to a storm sewer that ends on Top Flight Road.

Three quotes were received, as follows:

<b>Smith &amp; Sons</b>	<b>\$44,860.00</b>
<b>Woodruff &amp; Sons</b>	<b>\$40,560.00</b>
<b>D&amp;M Excavating</b>	<b>\$28,162.69</b>

Mr. Walus explained that the District needs a permanent easement in order to construct this improvement. The District has had conversation with the property owner and progress has been made in obtaining this easement.

If the District is unsuccessful in obtaining this easement, an adjoining property owner has expressed some interest in working with the District to provide an easement.

Therefore, we are cautiously optimistic that we can complete the easement process in order to build this drainage improvement.

The District is anxious to move forward because we have to dedicate staff to pump this area down after significant rain events. It is the end of a dead-end street and, with the high water table, the water just has not been infiltrating very fast.

Therefore, to eliminate having to assign our resources to go to that location, Mr. Walus requested a tentative approval of the quote to D&M Excavating in the amount of \$28,162.69 contingent upon the execution and recording of the necessary permanent easement.

Mr. Phelps asked what will be done if we do not get the easement. Mr. Walus explained that there is an adjoining property owner that has expressed interest to allow us to move the work approximately 10 feet to the north.

Mr. Phelps entertained a motion to approve an expenditure of \$28,162.69 to D&M Excavating for the construction of Davis Drive Drainage Improvement, subject to securing the necessary easement and recording of same.

Ms. Paul made such a motion – seconded by Mr. Strauss. No discussion or comment on the matter. Motion carried 3 – 0 in favor.

The next regular monthly meeting of the Board of Sanitary District Commissioners –  
**April 22, 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