

REGULAR MEETING, BOARD OF SANITARY DISTRICT COMMISSIONERS
WEDNESDAY, MAY 27, 2009 – 1:00 P.M. – 1100 E. EIGHTH STREET

The Regular 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 J. Jeffrey Jones, Ph.D., Judith A. Paul, Boyd W. Phelps, Linda G. Simmons and Ronald J. Strauss.

Staff Members present for the meeting were:

Alan J. Walus, General Manager

Daniel R. Olson, Plant Superintendent

Michael A. Hoffman, Collection System Superintendent

James L. Kintzele, Sr., Refuse Superintendent

Doretha M. Sanders, Administrative Director

Tina M. Tabisz, Administrative Assistant

Attorney David Payne, Braje, Nelson & Janes, LLC

Also present for the meeting:

Ron Meer, Third Ward Councilman

Jim Maurer, Haas & Associates

Daryl Wright, John A. Doyle & Associates

Joe Fragomeni, American Structurepoint

Mike Edinger, Woodruff & Sons

Gary Radtke, Radtke & Associates, Inc.

Tony Ekovich, Springfield Regional Sewer District

Sandra Stine, 602 W. Garfield Street

C. Sheerin, 402 Sheridan Avenue

David Kanger, 814 Broadbook Lane

Pete Miller, 505 Hoyt Street

Laurie Wink, The News-Dispatch

Andre Steele, ALCO-TV

Mr. Phelps entertained a motion in reference to the minutes of the Special Meeting of April 30, 2009.

Ms. Paul made a motion to approve the minutes of the Special Meeting of April 30, 2009, as submitted— seconded by Dr. Jones. No discussion or comment on the matter. Motion carried 4 – 0 in favor, with Mr. Phelps abstaining stating that he was not in attendance at the last meeting.

In reference to the Financial Report, Mr. Walus advised that City Controller John Schaefer provided a written report along with a copy of the monthly financial report, which was included in the Board packets, explaining that Mr. Schaefer had a conflict with today's meeting to attend an annual budget workshop hosted by the Indiana Association of Cities & Towns.

Mr. Phelps asked if there were any questions on the report. There were none.
Mr. Phelps read the financial status of the District as follows:

**FINANCIAL STATUS – SANITARY DISTRICT
May 18, 2009**

OPERATION & MAINTENANCE FUND #6201	\$393,239.97
SEWAGE WORKS SINKING FUND #6207	\$1,180,697.59
SEWAGE WORKS IMPROVEMENT FUND #6208	\$174,239.05

Public Comment

Mr. Phelps called for public comment.

Third Ward Councilman Ron Meer approached the Board stating that he wanted to address the Board about some stormwater situations, stating the following:

Approximately two weeks ago, the City Engineer's Office had the District performing some field work in the Broadbrook Lane, Lexington Road and Dorchester Road area. At that time, we discovered that the 18 inch flapper valve of a discharge pipe, in the northern portion of a storm sewer that serves the northern portion of the Village Green area, which goes into a ditch area and then discharges into Striebel Arm, was completely shut and we had to pry it open with a pry bar. Additionally, however, 80% of the pipe is submerged in water and mud at that point and is holding back that storm line. Mr. Meer submitted photos of that area to the Board, as well as some photos of the manholes of the storm system itself where they are above the pipe, so that it is constantly holding water and not discharging properly.

Mr. Phelps asked Mr. Meer how he knew about this. Mr. Meer stated that *"we were out there doing field work in the area. I believe you had us doing some measurements on some grates for some CBs (catch basins) and some paving work that is going to be done in the area. Mr. Hoffman and Mr. Gonzalez were both also in the area and I was with Mr. Barnett."*

Mr. Phelps asked if Mr. Meer was sent out there. Mr. Meer stated that he was.

Mr. Phelps stated that he and Mr. Hoffman are the ones that discovered this matter. Mr. Phelps stated that he was tracing back off of an old set of plans and he saw that there was a drain line there and he and Mr. Hoffman walked back there.

Mr. Phelps asked Mr. Hoffman if he remembered when they walked back in the area. Mr. Hoffman believed that it has been several weeks ago.

Mr. Phelps explained that the plans called for a flap gate but it did not show where it ended up so they traced it back and found it. Mr. Phelps stated that he assumed that, after that, Mr. Hoffman assigned crews to go out and clean it out.

Mr. Meer stated that they were tracing that system that day and that is when they went back there and two crew members were assigned to dig it out as best as they could by hand and pry it open. However, this services a large area of that northern part of Village Green and it looked like the ditch definitely needs some maintenance work there.

Mr. Phelps stated that it does not connect to the regular storm system because the storm system goes to the east and this went to the west.

Mr. Meer stated that there are CBs connected to it in that area. Mr. Phelps stated that there are one or two inlets, not catch basins. In fact, on the old set of plans, it called for the removal of the grate and put a solid casting on it in the street, which was kind of interesting to Mr. Phelps because they were closing that off from drainage then.

Mr. Phelps explained that he understood that this line actually goes in the back yards, paralleling Broadbrook Lane. He explained that, at one time, there were swales that were back in there but now there are just no swales out there. Therefore, this is not a real tight system at all as far as doing a lot of good.

Mr. Meer stated that he believes that it does run back into the easements. There are also manholes and some beehive structures back in there as well.

Mr. Phelps stated that he has also understood that there are a couple more drains off of Lexington Road that feed in the back but he never went back there because he was not interested in this at that time.

Mr. Meer stated that he wanted to bring this matter to the Board that he thought may need some attention some time soon urgently.

Mr. Meer then advised that there are two more items.

Mr. Meer stated that he has had an ongoing problem with a couple of resident constituent complaints in the 100 block of Bolka Avenue. For the last three or four years at Bolka and Roberta Avenues, approximately three-fourths of the street is covered with water. He stated that one-half of the street is currently covered with water right now from the previous rains.

Mr. Meer stated that this is a drainage problem that goes up against people's yards, near 105 Bolka Avenue.

Mr. Phelps stated that he was going to take a look at the area this year adding that his office has not started their program (paving) yet. He believes that there will have to be

a drywell or something established there because he does not think that it can be connected into a storm sewer.

Mr. Meer stated that the third matter, which he believes that Mr. Hoffman was at the residence yesterday, was a gentleman that came to Coffee With The Council and expressed some issues that he has with a drywell that is in front of his home. Mr. Meer stated that he knows that it has been flooding for several years there and does not take the water. This is in front of 1201 Earl Road.

Mr. Meer stated that he believes the District has a lot of records indicating that we went out with the vacuum truck and had to vacuum it down for the resident. Mr. Meer indicated that the resident also has some photos of situations where it has flooded quite a bit up into his yard.

Mr. Meer stated that he does believe that Mr. Hoffman is already addressing this matter at this point.

Mr. Phelps stated that the District is in a little bit of a problem to some extent because our storm drain funds that we use for special little areas is not too great this year.

Mr. Phelps advised that he believes that the City may interject some with the paving project to try to help out where they can. However, they can't do it all either.

Mr. Meer believed that there was a similar issue on Ramion Avenue and Earl Road at one time and we installed some drywells there and they seemed to work very well.

Mr. Meer stated, however, that this gentleman already has a drywell there and it doesn't work and they are putting them other places. He would like to get his repaired if possible. Mr. Phelps commented that it is probably plugged and stated that it will be checked.

Mr. Meer added that the District has vacuumed the drywell several times. Mr. Phelps stated that he will work with Mr. Hoffman on the matter.

Dr. Jones asked if 1201 Earl Road is west of Ohio Street. Mr. Meer and Mr. Phelps stated that it is west of Ohio Street.

Mr. Meer thanked the Board for their consideration. Mr. Phelps thanked Mr. Meer for his comments.

Mr. Phelps then asked if there was any further public comment.

Sandra Stine of 602 W. Garfield Street approached the Board explaining that she came to the Board approximately three months ago to see if someone could help her with her water problem.

Ms. Stine stated that, at the time, she was told that there were no other complaints around that area. Ms. Stine presented the Board with a sheet of paper with a list of names and addresses stating that these are just a few of them that she went around and collected that all are having water problems in that area.

Mr. Phelps reviewed the list, noting the addresses as follows:

2211 Buffalo Street	2202 Buffalo Street	502 Hoyt Street;
2119 Buffalo Street	2114 Buffalo Street	2110 Manhattan Street
2114 Manhattan Street	2115 Manhattan Street	505 Hoyt Street

Ms. Stine stated that these addresses were right in the radius of her block and stated that all of them are having water problems. She stated that she has water pumps going 24/7 and she needs some help.

Mr. Phelps stated that this goes back again to the high groundwater that we have experienced.

Mr. Phelps was unsure of the groundwater level at this point and asked Mr. Walus if he has any indication of same. Mr. Walus advised that he has not checked the USGS (U.S. Geological Survey) site recently. However, earlier in the year at the end of March, we did have the historic high groundwater table and it was going down approximately six inches or so per week. When we get additional rain, the groundwater table then goes back up.

Ms. Stine stated that she was told that this was not all groundwater and that there is an underwater stream or something like that. Mr. Phelps stated that this is part of the groundwater coming up adding that there are streams around various parts of Michigan City.

Ms. Stine asked if there is nothing the Board/District can do about it. Mr. Phelps stated that he does not believe that we can because we haven't got the money to do it. There would have to be an infiltration gallery installed.

Ms. Stine asked if this wasn't called for when the streets were installed in the first place. Mr. Phelps stated that it was not because that was for stormwater coming on to the surface, not from down below coming up. This is the problem.

Mr. Phelps asked Mr. Walus if he had any additional comments. Mr. Walus stated that this problem is related to the historic high groundwater tables in the area. Through seasonal changes, the spring is usually the period of the year where we have higher groundwater table levels when compared to the rest of the year. Now, as we are progressing into the summer months, the level should start going down just by Mother Nature itself.

Ms. Stine stated that some of the people that live in that area said it wasn't that bad until those streets were put in there the way they were put in.

Mr. Walus stated that we have gone back and reviewed 30 years of data from the USGS and they had the highest ever reported groundwater table this year in March at their monitoring station in Wanatah.

Ms. Stine then asked how it is possible that the District helped the people on Ohio Street. Mr. Walus explained that it is a different issue. It is not necessarily a groundwater issue.

Mr. Walus advised that we have had calls all across La Porte County, Michigan City, and Trail Creek, and talked to officials who have indicated that people call with basements that have groundwater leaking in their basement walls into their basements. This is due to groundwater and there is really not much that we can do to achieve widespread lowering of groundwater tables.

Mr. Walus stated that some homeowners have done waterproofing to their basements. Ms. Stine stated that she has a Nova System around her house and it cost big bucks.

Mr. Walus understood but stated that there is nothing that we can do on a wide scale basis to lower the groundwater table.

Ms. Stine then left the table.

Mr. Phelps then called for any additional public comment.

David Kanger introduced himself to the Board stating that he lives at 814 Broadbrook Lane, explaining that he is kind of lost and that is why he is appearing before the Board today to ask for some advice and help.

Mr. Kanger stated that, back in September 2008, he sustained several thousand dollars worth of damage in his basement which was caused from sewer water coming into his basement. This was the month when we had all of the big rains on the south side, as well as the entire area, of Michigan City.

Mr. Kanger stated that he never had water in his basement and he has lived there for approximately 16 years. When he bought his home, he did not have to get the flood insurance because his house sits up and his side of Broadbrook Lane did not require flood insurance so he never had water in his basement.

Mr. Kanger explained that, on that particular day, he was getting ready to go to work and the sanitation truck came by because the streets were flooded and they (the sanitation truck) ended up back-flushing the sewer and all of the sewer water went into his basement. He immediately came home when his children called him because they said there was water coming into the basement out of the sewers. When he arrived, he

had approximately four or five inches of water in the basement that was sewer water. It stunk.

Mr. Kanger continued stating that he called the Sanitation Department the next day and a lady came out first thing in the morning. She was very nice and polite. She took pictures of it and advised him that it was definitely sewer water that she could smell and she could see the water marks on the wall as high as the level was. He explained that he worked all night removing his carpeting and furniture because the entire house was smelling.

Mr. Kanger explained that the lady from the District stated that she would make out a report and he could file a claim with the Sanitation Department. However, that never went anywhere.

Mr. Kanger stated that he talked to General Insurance about it and they took a bunch of information. He then talked to a Mrs. Gonzalez from the Claims Department out of Texas and she said that she was told by Al Walus that there was nothing that they could do about the damage because it was groundwater.

Mr. Kanger tried to explain to her that it wasn't groundwater and she said, *"Well, that's what he says and that's what we've got to go by."*

Mr. Kanger stated that he has tried numerous things. He went (talked) to FEMA (Federal Emergency Management Administration). He talked to John Jones (Michigan City Emergency Management Director). He never got any help from FEMA, from them.

Mr. Kanger stated that John Jones even told him the next day that he (John Jones) was at a staff meeting and that Al Walus said *"Well we're going to have to pay some people on this one because we've got some sewer water in Village Green."*

Mr. Kanger stated that there were two different people that told him that there was sewer water that entered his basement; the lady that came from the Sanitation Department and took pictures that day and John Jones told him that.

Mr. Kanger stated, since then, he still hasn't received anything. He stated that he has taken out a loan from the Small Business Administration to try to redo his basement because it was completely gutted out with the sewer water and there wasn't any way that he could treat it. Additionally, people came from FEMA and took pictures.

Mr. Kanger asked where he can go from now. It wasn't groundwater, it was sewer water and the final word came from Mr. Walus who said *"Hey, it was groundwater and there's nothing we can do about it."* and that's where it stopped. Is that where it stops?

Mr. Kanger stated that he had people from the Sanitation Department that came there and looked at it. The sanitation truck sat right in front of his house and back-flushed the drains to open up the street so the water would go down and for some ungodly reason,

it ended up going in to his basement and his next door neighbor's basement. Mr. Kanger stated that he never had water there and he is still out of money.

Mr. Kanger, therefore, is asking the Board if there is anything that he can do.

Mr. Phelps asked Mr. Walus if he had a response to the matter.

Mr. Walus stated that the record of what happened and what was said would be in the files on this particular insurance claim. Mr. Walus indicated that it will be reviewed and the information will be provided back to the Board.

Mr. Phelps stated that the Board is not aware of this particular incident but they will find out.

Mr. Kanger thanked the Board for their consideration. Mr. Phelps thanked Mr. Kanger for his comments.

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

Mr. Walus asked if Mr. Kintzele could present his report to the Board before proceeding to the Engineer's reports since he has another commitment this afternoon. There was no objection by the Board.

Jim Kintzele

In reference to Spring Cleanup, Mr. Kintzele advised that there were 123 more tons of trash removed than there was a year ago. There was a total of 455 tons removed this year. This is the total tonnage that had to be taken to Waste Management for disposal.

Mr. Kintzele advised that the Sanitary District, Street Department and Refuse Department all worked in hauling these loads to Kingsbury. He commented that the Sanitary District had a lower amount of tonnage that went to Kingsbury and explained that this is because they were smaller trucks.

Mr. Kintzele stated that since the trip is 25 miles round-trip, it was decided to utilize all of the big trucks for the round-trip disposal and use the smaller trucks for dumping the clean loads to the Hitchcock Dump.

Mr. Kintzele advised that there was a minimum of 200 dump truck loads of leaves, brush and yard waste that was taken to the Hitchcock facility, which was the result of an amount of leaves that were not picked up last year due to early snowfall.

Mr. Kintzele stated that, all in all, Spring Cleanup was a success and commented that the city looked quite clean at the completion of the work.

Mr. Kintzele then advised that the Scrap and Special Pickup Non-Reverting Fund currently has a balance of approximately \$38,000, which is earmarked for equipment and repair of equipment.

In reference to tonnage, Mr. Kintzele advised that there were 288 less tons of trash last month. Therefore, for the first four months of the year so far, there were 777 less tons of compacted trash and 125 less tons of loose trash for a total of 902 tons less than the same time last year. At this rate, by the end of the year, we should reach a reduction of 2,000 tons. Again, he credits some of this to the dumpsters now in place but the majority is due to recycling. Therefore, any more that is put out for recycling helps us both ways: It recycles it by taking it out of the landfill and we also do not have to pay to dump it.

Mr. Kintzele commented that Mr. Hoffman will report later in the meeting about safety, but noted that the injury rate has been great since we have begun using the trash lifters. There has not been a lost time accident so far this year so it is working very well.

Mr. Kintzele then advised that the City Council has passed an amendment to the ordinances now giving the Refuse Department the same jurisdiction over the recycling bins that are left out longer than a day, as in the case of the trash bins.

Mr. Kintzele explained that the recycling bins will be treated the same way as the trash bins by talking to people first to try to get them to comply. Repeat violators will receive citations. However, he believes that this will work out well.

Mr. Kintzele advised that the new garbage truck is on the way.

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

Dr. Jones commented that, with our reduction in trash, someone else would be getting an increase. He asked if Mr. Kintzele has talked to anyone at the Solid Waste District about how they are dealing with the huge increases in recycling. Mr. Kintzele agreed that they are getting huge increases.

Dr. Jones asked if the recycling is all contracted. Mr. Kintzele explained that it does not matter how much is picked up by the contractor. There is a contract to service the households. It does not cost the Solid Waste District any different whether nothing is picked up or a ton is picked up. There is no additional cost. Therefore, it is a win-win situation.

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

Mr. Phelps then thanked Mr. Kintzele for his report.

The following status reports were given:

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

Freyer Ditch/Gardena Street Storm Drainage Improvement Project

Mr. Wright advised that Pay Request #5 of Woodruff & Sons was submitted as well as a change order on the project.

Mr. Walus stated that the pay request has been received by the District but not the change order. He suggested that the Board consider Pay Request #5 only at this time.

Mr. Wright commented that he only has a copy of the change order and that he will check with his office on the status.

Mr. Phelps entertained a motion on the pay request.

Ms. Paul made a motion to approve Pay Request #5 of Woodruff & Sons, in the amount of \$213,969.69 as submitted – seconded by Mr. Strauss.

Dr. Jones asked if the change order that will be presented will result in additional charges to the project. Mr. Phelps believed that there will be additional charges in the amount of approximately \$7,400. Mr. Walus added that it does not appear that any of the change order costs are included within Pay Request #5.

Dr. Jones asked if the project is substantially complete. Mr. Wright stated that the project is complete.

Mr. Phelps asked if the extension along Gardena Street has been added on already. Mr. Walus stated that this was included in Change Order #1, which was approved in April.

Mr. Phelps asked Mr. Walus the cost of Change Order #1. Mr. Walus stated that it was approximately \$69,000.

Mr. Phelps then stated that the original price of the contract was \$735,000 plus and work performed to date is approximately \$797,000, therefore it is significantly complete.

Dr. Jones commented that it appears that we are still withholding the retainage at this point. Mr. Phelps indicated that this is correct.

There being no further questions or comments on the matter, motion carried 5 – 0 in favor.

Singh Petroleum Company

Mr. Walus advised that Mr. Doyle's office is finalizing the exhibits that are attached to the sewer use agreement with Singh Petroleum that identifies the property donation to the District for the lift station as well as the ingress and egress easement. These should be completed by the next Board meeting.

Mr. Phelps thanked Mr. Wright for his report.

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

Pine School Sanitary Sewer

Mr. Maurer advised that they are not ready for acceptance of the project. He explained that the lift station at the northeast corner of U.S. Highway 20 and County Line Road has not been completed yet. NIPSCO's gas and electric service to the station is not yet complete and the pumps have not been started up.

Additionally, a written punch list has been prepared for the rest of the project concerning the piping work. The remaining punch list work is currently in progress.

Ohio Street Lift Station-Sanitary Sewer and Force Main Replacement

Mr. Maurer advised that Woodruff & Sons has provided three signed copies of the construction agreement as well as the performance bond, the payment bond, a certification of their insurance coverage for the project as well as the Michigan City local hiring agreement.

Mr. Maurer advised that he has reviewed the documents and submitted it to Mr. Walus. Mr. Maurer recommended that the Board execute the construction agreement.

Mr. Phelps entertained a motion on the matter.

Dr. Jones made a motion to execute the construction agreement, as submitted – seconded by Ms. Paul. No question or comment on the matter. Motion carried 5 – 0 in favor.

Mr. Walus then asked that the Board authorize the issuance of the Notice to Proceed once we obtain the last couple of easements finalized so that we won't have to wait for the next Board meeting.

Mr. Maurer interjected stating that Woodruff & Sons is very anxious to begin this work, possibly as soon as the end of this week or early next week. Mr. Maurer advised that he spoke with the contractor about this very thing and they were hoping that they could obtain Notice to Proceed for the work that is to take place in available right-of-way and that they will wait on the remaining easement areas until they are secured.

Mr. Phelps asked if anyone has a problem with approving this.

Dr. Jones commented that the completion of the project will ultimately depend on obtaining the easements and there is no benefit from half of the project. Mr. Walus advised that this is correct advising that most of the easement work is done.

Mr. Phelps asked how many easements are still pending. Mr. Walus believed that they are approximately 70% complete and verbal agreements on the others.

Mr. Walus added that the critical areas are mostly done so we could issue the Notice to Proceed in those critical areas.

Mr. Phelps entertained a motion on the matter.

Dr. Jones made a motion to authorize the issuance of the Notice to Proceed on the public right-of-way on the project, as recommended – seconded by Ms. Paul. No question or comment on the matter. Motion carried 5 – 0 in favor.

Mr. Phelps thanked Mr. Maurer for his report.

Mr. Walus advised that Burke Engineering representatives are not in attendance at today's meeting. However, they did provide a written summary of their bid evaluation and award recommendation for the Lafayette/Barker Project.

Mr. Walus explained that we did receive and open bids for this project and Burke Engineering provided the bid tabulations and their analysis. Their recommendation is that Super Excavators is the lowest responsive bidder and therefore recommend award of the bid to Super Excavators.

Mr. Walus explained that the Sanitary District is working with the City of Michigan City and the Redevelopment Commission to finalize funding for the project and we hope to have that funding in place potentially for the Board meeting in June. Therefore, there is no action by the Board required at this time.

The following departmental status reports were given:

Al Walus

In reference to proposals for Continuing Engineering Services, Mr. Walus reminded the Board that we ask the District's engineering consultants to provide engineering rate sheets to perform miscellaneous engineering work for the District. These proposals have been received and they are currently under review.

Mr. Walus advised that he would like to review the proposals with Mr. Phelps and potentially bring them back to the Board in June for action.

In reference to the Trail Creek Watershed, Mr. Walus advised that the M.C. Park Department and Port Authority recently have taken some action by passing resolutions requesting consideration by the Michigan City Common Council to enact an ordinance prohibiting the feeding of wildlife in public parks. This process was going forward through the various readings with the City Council.

Mr. Walus advised that he received an e-mail on May 7th from Councilperson Angela Nelson asking if the Sanitary District would desire to have Striebel Pond included as one of the facilities where the wildlife feeding prohibition would be applicable.

Mr. Walus advised that he responded back to Councilperson Nelson that, when the Board of Commissioners established the general rules for Striebel Pond, they were aimed at maintaining an atmosphere consistent with that of a nature park or conservancy site.

Mr. Walus advised that the proposed feeding of wildlife prohibition under consideration certainly is consistent with that philosophy and would be appreciated.

As the Council was going through their process, they wanted to know if the Sanitary District wanted to delay action by the Common Council until this Board had a chance to publicly state a position one way or another.

Mr. Walus stated that he suggested a common sense approach where the Common Council could include Striebel Pond in the ordinance and he could then bring the issue to the Board today through our ratification process. Therefore, Striebel Pond was included within the ordinance prohibiting feeding of wildlife.

Mr. Walus advised that he distributed copies to the Board today of meeting minutes from April 22, 2006. The copies included Page 9 of the minutes, which he highlighted in yellow, the proposed rules for the Earl Road Basin. The next couple of pages described the methodology for preparing those rules and, on Page 11, it identifies that the Board made a motion and approved the Striebel Pond rules. The last page of the handout was the actual rules that were approved back in 2006.

Mr. Walus proposed that the Board consider amending the rules that were approved back in 2006 with the text shown in red as follows: *"It shall be unlawful for any person to feed, or to leave food for, wildlife in Striebel Pond."*

In reference to amending our current sign at Striebel Pond, Mr. Walus commented that we will more than likely go to the Port Authority and Park Department to see what type of signs they post. The wildlife feeding prohibition may include references to the city ordinance that enacts this so we may just duplicate the type of signs posted at the Port Authority and Park Department facilities.

Mr. Walus explained that the formal action that he is requesting today is that the Board amends the rules approved in 2006 to include this new prohibition on feeding the wildlife.

Mr. Phelps entertained a motion on the matter.

Ms. Simmons made a motion to amend the rules for Striebel Pond to include the prohibition of feeding the wildlife, as recommended – seconded by Dr. Jones.

Ms. Simmons asked if there have been problems with people feeding the wildlife at Striebel Pond. Mr. Walus advised that there have not been problems to any great extent.

Mr. Walus explained that when we were preparing the rules in 2006, it was prior to realizing how the facility would grow as the natural area. Prior to our construction, it was a farm field so there may have been deer and that type of wildlife. However, now that we have the water part of the facility, it has attracted more geese, ducks and different types of birds and it has really grown quite tremendously in the last several years.

Mr. Walus believed that it would be good practice to include the prohibition on feeding since it is more of a nature area.

There being no further questions or comments on the matter, motion carried 5 – 0 in favor.

Mr. Walus advised that Tony Ekvich and Gary Radtke are in attendance at today's meeting and asked them to approach the Board in reference to the Springfield Regional Sewer District/Renaissance Academy.

Mr. Ekvich introduced himself as Chairman of the Springfield Regional Sewer District (SRSD) and Mr. Radtke, of Radtke Associates, introduced himself as representing the Renaissance Academy.

Mr. Walus advised that, at a recent meeting, he presented the final draft agreement from 2004 between the Sanitary District and the SRSD. This copy contained comments in red that were presented to the Board a meeting or two ago which spoke of the SRSD potentially creating what would be known as the U.S. Highway 20 Corridor Sewer District. This agreement would then be applied to that District.

After the Board provided their general consent that we can continue to move forward with discussion pertaining to this proposed sewer extension by individuals that own property within the SRSD, the SRSD met and decided not to specifically create, at this time, this new U.S. Highway 20 Corridor Sewer District.

Mr. Walus explained that, instead, the Renaissance Academy on Highway 20 has proposed, with their own funds, to construct a low pressure gravity sewer system from the Renaissance Academy School to our connection at the U.S. 20/35 regional lift station.

In speaking with Mr. Radtke, the Renaissance Academy is putting up their own private financing to build a connection from their facility on Highway 20 to our lift station at U.S. 20/35. It would still be under the general auspices potentially of the SRSD.

Therefore, at this time, Mr. Walus is looking to potentially amend what he previously presented to the Board. He distributed copies of the previous submittal with new comments made in blue that basically convert the agreement from the SRSD U.S. Highway 20 Corridor Sewer District to the SRSD/Renaissance Academy.

Mr. Walus explained that the Renaissance Academy is going to provide funding from their own resources to make this connection. Therefore, it is just a minor twist on what was presented a meeting or two ago.

Mr. Walus explained that, as the Renaissance Academy moves forward, they wanted to make sure the Board was comfortable with the fact that it will be the Renaissance Academy itself funding this extension.

Mr. Radtke explained that there was a meeting on Thursday, May 21st, of the residents along that route. The 68 residents were invited to meet and discuss connection. Of those 68 invited, only 8 attended. Of the 8, some of them were not even located in that corridor. No one except Speedway expressed any interest in connecting. Therefore, the plan switched from the concept of a regional sewer district into this private sewer.

Mr. Radtke advised that there is a need for the Sanitary District's approval obviously for treating the sewage, which can then be submitted to INDOT, IDEM and the SRSD. This is why he is here today.

Mr. Radtke explained that the Sanitary District would be directly billing the Renaissance Academy. As others are interested in connecting to the private sewer, the Renaissance Academy will be working with the SRSD on that part of it and will then come back before this board to let them know how this will all fit.

Mr. Radtke advised that the hope is to be in construction in June and July with completion in July. Therefore, this is a very aggressive program that they are into.

Mr. Radtke explained that this came about, not because of the District, but because there was going to be a different sewer there which failed in February. Therefore, this had to be picked up as a private program.

Mr. Radtke explained that the Renaissance Academy are required to be connected to the sewer prior to school opening which is the end of August, which is the reason for the big push. He explained that they currently have approximately 115 students and they are expanding to add another 50 or so more students. They are also bidding out a remodeling of their other facility into four more classrooms. This is quite an aggressive program, which they needed to do so that they could obtain money available to complete the sewer project.

Mr. Radtke stated that he has a set of plans completed and will provide them to Mr. Walus to review how the connection will be made to the manhole prior to the lift station.

Mr. Phelps asked about the red comments on the draft document. Mr. Walus explained that the red is from the initial proposed agreement that was presented to the Board at the last meeting.

Mr. Walus explained that he initially started with an agreement from 2004 between the Sanitary District and the SRSD, which was then modified a month or so ago based on this project-specific proposal.

Mr. Phelps questioned the comment on Page 3 noting that there was language under review and asked if it was still under review. Mr. Walus advised that it is and that he just wanted to make sure that the current EPA and IDEM regulations are part of the agreement.

Mr. Phelps then asked if legal counsel has reviewed the proposal. Mr. Walus advised that we had significant review back in 2004. However, he will be reviewing this agreement again with Attorney Nelson's office in the coming weeks.

Mr. Walus explained that he is not looking for specific Board action today other than to update the Board on the change that is more focused on the private funding from the Renaissance Academy. If there is no objection from the Board, Mr. Radtke has asked Mr. Walus to provide a summary letter to INDOT and IDEM that the Sanitary District Board is considering an agreement to treat the wastewater from the facilities with our timeline of when that could be done.

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

Dr. Jones asked if this will be metered as just a single user. Mr. Walus advised that this is correct and explained that, based on the flow, we have standard rates that will be applied.

Mr. Phelps entertained a motion on the matter.

Dr. Jones made a motion to authorize Mr. Walus to issue a letter expressing the Sanitary District's intent to move forward – seconded by Mr. Strauss. No questions or comments on the matter. Motion carried 5 – 0 in favor.

Mr. Ekovich and Mr. Radtke thanked the Board for their consideration and their time.

Mr. Phelps thanked both gentlemen for coming to the meeting.

In reference to the Welnetz Road Sanitary Sewer Project, Mr. Walus advised that there have been a couple public meetings in the past with residents on Welnetz Road in Trail Creek in the area of Roeske Avenue and Longwood Drive.

Mr. Walus advised that he received an updated cost estimate, from Mr. Doyle on May 7, 2009, for some of the construction and engineering costs.

Mr. Walus reminded the Board of sewer service agreements that were enacted with residents on Whippoorwill Avenue, in Trail Creek, a few years ago.

Mr. Walus advised that he would like to take that agreement and convert it to a Welnetz Road Sewer Service Agreement and then present the rough draft agreement to the residents on Welnetz Road to see how many people would actually sign the agreement so that we can definitively assess how many people want to be involved.

Mr. Walus explained that it is critical that we know how many people will, in fact, sign an agreement because it impacts whether or not we can obtain financing through the Indiana Finance Authority.

Mr. Walus stated that he wanted to bring the Board up to speed that, if we wanted to do construction and complete it by the end of this year, we will need some feedback from the residents as to whether or not they will commit to the project. We will try to get that done in the next several weeks to see the numbers of homeowners that want to be involved and get feedback from the Indiana Finance Authority as to whether they will fund it.

In reference to the Lake Shore Drive Preliminary Sewer Report, Mr. Walus distributed copies of the Bypass/Overflow Incident Report that Mr. Hoffman and Mr. Olson submitted to IDEM regarding a manhole on Lake Shore Drive between 111 and 115 Lake Shore Drive.

Mr. Walus explained that there was wastewater that came out of the manhole and went into the Lake Shore Drive stormwater system, which consists in that area of a series of drywells and an infiltration basin. Therefore, the wastewater that came out of that manhole on Lake Shore Drive between 111 and 115 Lake Shore Drive did not go into either Trail Creek or the Marina or Lake Michigan. It went into a drywell system.

The Sanitary District reported, in the report to IDEM, what we found in checking the manholes. There were fish parts in the manholes and in the sewer.

Mr. Walus explained that, in the Marina, the Port Authority has a fish cleaning station that is equipped with a very robust grinder system. All of the fish that go through the Port Authority fish cleaning station grinder are then carried to our Marina Lift Station, which is also equipped with grinder pumps so that the fish parts are ground a second time.

Mr. Walus advised that we checked our records and we had no previous instance where fish parts had resulted in backups in the sewer in that area. Furthermore, the fish parts that were found were larger than what would have gone through any of the grinders. Therefore, our only conclusion is that, somewhere downstream of the Port Authority fish grinder and the lift station grinder pumps, somehow fish parts got into the gravity sewer.

Mr. Walus explained that there is one manhole that is quite visible in the park system, so we have installed a lock on that cover so that it cannot be easily removed.

Mr. Walus advised that the District is also working with the Port Authority employees to ask them to be cognizant, as fishing tournaments are going on, that people do use the grinder or dumpsters to dispose of their fish parts. Mr. Hoffman is working with the Port Authority on this matter.

Mr. Phelps stated that he was confused by something on the Incident Report in reference to "Actions Taken". He questioned the timetable in the lower section of the report in relation to the upper section of the report. He stated that the date and time that release begins is listed as 5/5/09 at 11:09 a.m., however lower in the report, it indicates that the District worked until 6:30 p.m. on 5/6/09. He asked if the 5/5/09 at 11:09 a.m. is when the release was discovered.

Mr. Walus explained that this is correct. He stated that it was Tuesday, May 5th, around the 11:09 a.m. timeframe when the District received a call from the Zoo that the manhole at the Zoo entrance showed some signs of wastewater coming out of the manhole lid, so crews were dispatched to that area.

Mr. Phelps commented that it appears that the crews worked more than 24 hours. Mr. Walus explained that they responded to the area and assumed that the backup condition was related to activities being done at the Water Filtration Plant. Their assumption was that, when the Water Filtration Plant activities would cease, the sewer would go back down. Therefore, when they performed their activities on May 5th, they made an assumption that turned out to be an incorrect assumption. The actual backup that they saw on May 5th was due to the fish parts.

Mr. Phelps asked what the crew actually did on May 5th as far as cleanup or pumping. Mr. Walus advised that Mr. Olson and Mr. Hoffman are reviewing those actions, which are still under review, and they have not concluded that process.

Mr. Walus advised that Mr. Hoffman found out about it (the overflow) on Wednesday, May 6th, which was when crews went back to that area and realized that the backup was not due to the assumption the day before (which was due to the Water Department activities). They then began cleaning the sewer to remove the fish parts.

Mr. Walus added that the District contracted with D&M Excavating to pump out some of the sewers behind the backup so that we would not deluge the manholes downstream.

Mr. Phelps stated that, if this went into a retention area, which would have to be across Lake Shore Drive as he recalls, the water never got into Trail Creek or Lake Michigan. Mr. Walus advised that this is correct.

Mr. Phelps asked for a definition of overflow. Mr. Walus deferred to Mr. Olson.

Mr. Olson advised that an overflow is when the water comes up to the level of the top of the manhole and goes out. Another type of overflow is in the case of a designed

structure where the water rises to a certain point, overflows a weir and then goes out another pipe.

Mr. Olson further clarified that, if the water does not come up and out of the structure manhole cover, it is a surcharge.

Mr. Phelps commented that an overflow within itself has no correlation to going into a body of water or something like that. Mr. Olson stated that this is correct.

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

Mr. Phelps asked Mr. Walus if there will be more definitive information at a later date. Mr. Walus indicated that this is correct.

Mr. Phelps thanked Mr. Walus for his report.

Dan Olson

Mr. Olson advised that there were no exceedences of the permit limits or CSO events during the month of April.

Mr. Olson advised that April 27th through May 11th, we went through our spring sludge disposal efforts. There were 1,822 tons of de-watered sludge removed from the storage lagoons and taken down to temporary storage for spreading this month on farmland. This resulted in a total cost of \$31,800.94.

Mr. Olson commented that this is a pretty good price and it is less than what we have been paying for the last couple of springs. Additionally, we have an agreement to set up a fuel surcharge based on the cost of low-sulfur diesel in the Midwest on the Department of Energy website. The surcharge was \$.51 per ton, which was a very good change.

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 and no lost time in the last month. There have been four months with no lost time.

In reference to the Safety Report for the Refuse Department, Mr. Hoffman advised that, as Mr. Kintzele reported earlier, there were no reported injuries and no lost time. This is also the fourth month for the Refuse Department with no lost time.

Mr. Hoffman advised that he has no updates for any of the drainage projects at this point. However, in that regard, he has prepared a sheet that lists current projects and

they are discussed in the weekly Collection System meeting so he is staying on top of them.

Mr. Hoffman explained that they are not forgotten if they are not reported at the Board meeting. He explained that they are discussed every week, not just once a month.

In reference to MS4, Mr. Hoffman advised that the MS4 Coordinator is reviewing plans and inspecting sites for compliance.

Mr. Hoffman and MS4 Coordinator Rick Brown attended the 2nd Annual MS4 Conference in Noblesville, Indiana on April 23rd. The conference expanded the inspection information received two weeks earlier in Gary as well as brought us up-to-date on proposed changes to the MS4 Program at the State as well as Federal levels.

Mr. Brown conducted an informational seminar for department heads on the Good Housekeeping Ordinance last week in preparation for the inspection which is coming up late this summer.

In reference to surplus vehicles, Mr. Hoffman advised that the District is requesting the declaration as surplus and transfer of a 1999 Ford Crown Victoria staff car, VIN ##2FAFP73W9XX154349, to Central Maintenance. He explained that this particular staff car has 91,000 miles on it.

Mr. Hoffman stated that, in return at no cost to the Sanitary District, the Sanitary District will receive two trade-in 2004 former police cars, both of them having approximately 53,000 miles on them.

Mr. Hoffman, therefore, is requesting to surplus a 1999 vehicle with 91,000 miles on it to receive two 2004 Chevrolet Impalas with roughly one-half of the mileage. One of the vehicles is equipped with yellow rotating lights and would replace the staff car. The other car does not have emergency lights on it at this time and it will be assigned to the IT Department since the IT Department is now traveling throughout the city to take care of other departmental computers.

Mr. Phelps asked if this takes Board action. Mr. Hoffman explained that the declaration of surplus for 1999 Crown Victoria does.

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

Dr. Jones asked for clarification on the two added vehicles stating that the one with the lights will remain on-site for staff use and the other one for the IT Department asking if it will be for work time vehicle only. Mr. Hoffman stated that it will belong to the District and it will be used by the IT person until such time as he does not need it. We will then find another use for it or surplus another vehicle.

Dr. Jones stated that his question actually is whether it will be considered a take-home vehicle. Mr. Hoffman advised that neither of these vehicles will be take-home vehicles.

Mr. Phelps entertained a motion on the matter.

Ms. Paul made a motion to declare the 1999 Ford Crown Victoria, VIN #2FAFP73W9XX154349, as surplus equipment and transfer to Central Maintenance – seconded by Ms. Simmons.

There being no further discussion or comment on the matter, motion carried 5 – 0 in favor.

Legal Counsel

Attorney Payne advised that there are eight delinquent accounts to be recorded as liens, in the total amount of \$1,466.60, which requires Board action.

Mr. Phelps entertained a motion on the matter.

Ms. Simmons made a motion to approve the delinquent accounts to be recorded as liens, in the total amount of \$1,466.60 as submitted – seconded by Mr. Strauss. No discussion or comment on the matter. Motion carried 5 – 0 in favor.

Attorney Payne then submitted ten liens to be released due to satisfaction of the liens, in the total amount of \$1,060.99 and advised Board action was necessary.

Mr. Phelps entertained a motion on the matter.

Mr. Strauss made a motion to approve the ten Releases of Lien, in the total amount of \$1,060.99, as submitted – seconded by Ms. Simmons. No discussion or comment on the matter. Motion carried 5 – 0 in favor.

Attorney Payne then advised that there is one bad debt this month to be declared as uncollectible, due to a vacated home and unable to forward, in the amount of \$139.00, which requires Board action.

Mr. Phelps entertained a motion on the matter.

Dr. Jones made a motion to declare the account as a bad debt and uncollectible, in the amount of \$139.00, as submitted – seconded by Ms. Simmons. No discussion or comment on the matter. Motion carried 5 – 0 in favor.

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

Mr. Strauss made such a motion – seconded by Dr. Jones. No discussion or comments on the motion. Motion carried 5 – 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 Dr. Jones. No discussion or comment on the matter. Motion carried 5 – 0 in favor.

New Business

There was none.

Old Business

There was none.

There will be an Executive Session Meeting of the Board of Sanitary District Commissioners at 2:30 p.m. following today's meeting.

The next regular monthly meeting of the Board of Sanitary District Commissioners –
June 24, 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