

REGULAR MEETING, BOARD OF SANITARY DISTRICT COMMISSIONERS
WEDNESDAY, JUNE 24, 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
Michael A. Hoffman, Collection System Superintendent
James L. Kintzele, Sr., Refuse Superintendent
Doretha M. Sanders, Administrative Director
Tina M. Tabisz, Administrative Assistant
Attorney William J. Nelson, Jr. Braje, Nelson & Janes, LLC

Also present for the meeting:

John Schaefer, City Controller
TaTanesha Clark, Human Rights Director
Tom Cipares, General Insurance Services
John Doyle, John A. Doyle & Associates
Tim Haas, Haas & Associates
Mike Edinger, Woodruff & Sons
Laurie Wink, News-Dispatch
Andre Steele, ALCO-TV

Mr. Phelps entertained a motion in reference to the minutes of the Regular Meeting of May 27, 2009.

Ms. Paul made a motion to approve the minutes of the Regular Meeting of May 27, 2009, as submitted— seconded by Dr. Jones. No discussion or comment on the matter. Motion carried 5 – 0 in favor.

In reference to the Financial Report, City Controller John Schaefer advised that, in an effort to save on paper, he will now be submitting a one-page summary sheet of the monthly report and will provide a backup copy of the more detailed information to Mr. Walus. He then distributed a copy of same, advising that the Utility Operations currently has an approximate \$273,000 profit, after adding depreciation back in, compared to a \$4,400 loss at the same time last year. Therefore, the District is ahead approximately \$278,000 this year.

Mr. Schaefer then explained that there is still an issue with the tax funds because we are still waiting to receive the tax payments. As soon as they are received, the City will be taking some of those funds back to reimburse the City for the loans they made.

Mr. Schaefer advised that there were a couple of posting errors found as well and it was necessary to move some money from the Operating Fund to the Refuse Fund, as well as taking some money out of the Bond Fund that had been over-advanced by the City to pay the bonds in the last few years. He explained that the City covered the payments even though the budget wasn't supposed to cover all of the payment. However, that money has now been returned to the City so that the cash balances are now accurate.

Mr. Phelps asked if there were any questions on the report. There were none.

Mr. Phelps thanked Mr. Schaefer for his report.

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

FINANCIAL STATUS – SANITARY DISTRICT
June 18, 2009

OPERATION & MAINTENANCE FUND #6201	\$600,255.84
SEWAGE WORKS SINKING FUND #6207	\$1,223,946.02
SEWAGE WORKS IMPROVEMENT FUND #6208	\$129,541.34

Public Comment

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

The following status reports were given:

Tom Cipares of General Insurance Services (GIS) reported on the following:

Mr. Cipares distributed a copy of an overview of the property damage claims process and how claims start and how they progress. In this particular case, he was asked to prepare this based on how we respond with sewer backup claims. He explained the process as follows:

The Sanitary District is first notified by property owners in the community. The Sanitary District then sends a representative out to the property and the District representative completes a Home Inspection Report, which is then forwarded to GIS.

The GIS Claims Office then completes a General Liability Notice of Occurrence Claim Report, which is then forwarded to Trident Insurance Company via e-mail along with a copy of the District's Home Inspection Report. There are typically four or five pages that are being sent electronically.

At that point, Trident assigns an independent appraiser to come out and investigate the claim. Normally, the independent appraiser will visit the property. Mr. Cipares can't say

that they always do but they normally do. The independent appraiser will then report their findings to Trident.

The adjuster from Trident Insurance will then contact the District, have discussion with the District regarding the circumstances and cause of the backup and then compare that with the appraisers report.

A decision is then made of whether or not the claim is going to be denied based on a combination of the on-site investigation and the discussion with the Sanitary District.

Occasionally, property owners will bring paperwork to GIS such as photographs or estimates of repair that they have obtained. This information is then electronically forwarded to the adjuster that is handling the claim, typically the same day that they are received.

Mr. Cipares stated that he is happy to answer any questions that anyone might have.

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

Attorney Nelson asked if this is the process on all claims. Mr. Cipares advised that this process is the same for this type of claim as well as an automobile accident. The investigation may be somewhat different but the basic process is the same.

Attorney Nelson asked how this process compares to a process utilized in claims made in other municipal entities, such as Water Departments or other municipal entities that have claims submitted through GIS. Attorney Nelson asked if this is a normal process or if it is unique to the Sanitary District. Mr. Cipares advised that this is how all of the claims are handled.

Attorney Nelson asked how long the process Mr. Cipares just described for Sanitary District claims has been the process used for the District such as this are submitted. Mr. Cipares advised that this has been the process as long as he has been involved in the account, which is approximately six or seven years.

Attorney Nelson asked if this process was possibly the case prior to that. Mr. Cipares agreed explaining that this is a very routine and straight-forward process.

Attorney Nelson advised that there was a public comment made last month from a homeowner on Broadbrook Lane. He asked if this process was used on that claim. Mr. Cipares advised that, to his knowledge, it was.

Mr. Walus stated that Mr. Cipares was requested to attend today's meeting to update the Board again on the process used when the District receives calls for claims and the fact that Trident Insurance is the entity that makes the decisions on the acceptance or denial of the claims based on information from our historical records and the services we perform.

Attorney Nelson asked if it is typical, not just for the Sanitary District, in this type of insurance claim field-wide that the insurance adjuster is the one who makes the final decision whether to accept or deny a claim, in full or in part. Mr. Cipares stated that this is very typical.

Mr. Cipares explained that the adjuster is either going to straight-out accept the claim or they are going to accept it with a reservation of rights, which is notifying their insured that the claim is being accepted, investigated and reserving their right to deny the claim. However, if it is clearly a case of liability, they typically won't do a reservation of rights.

Mr. Cipares explained that the adjuster has to make a call at some point, whether or not they are going to accept or decline a claim.

Mr. Phelps asked if there is anything else Mr. Walus wanted to add that will go into the minutes of today's meeting. Mr. Phelps explained that the Board packets contained excerpts of the May 27th meeting minutes. Mr. Walus stated that he just wanted to have Mr. Cipares review the process and document the fact that the process was followed for the claim on Broadbrook Lane.

Mr. Phelps asked if Mr. Walus was going to report further on this matter. Mr. Walus stated that he was not.

Mr. Phelps commented that his point is that the minutes reflect that the Board stated that they would look into the matter on Broadbrook Lane. He stated that the only way that they can look into it is by seeing what information has been provided to the Board.

Mr. Phelps stated that there is information that has been provided and he believes that it should be brought out so that it is included in the minutes. In other words, there are differences of opinions of what has happened in this case.

Attorney Nelson stated that he assumes that part of the problem is that, despite the fact that this is the process that takes place on every claim, when a property owner files a claim and it is typically the first time they have been involved in the process. Mr. Cipares agreed and stated that this is often-times the case.

Attorney Nelson added that they probably don't ever want to be involved in it again because it is a harrowing event for them and their property. Therefore, they are not necessarily aware that there is a format or a process utilized on every claim. Additionally, they may not be involved in every chain of communication back and forth.

As a result, Attorney Nelson's guess is that, sometimes property owners may not be in the full loop of communication. They misinterpret things. They hear something from someone else. They talk to a neighbor that had a claim a long time ago and hear "this is what happened when I had my claim". They then get a wealth of information coming in to the property owner, some of which is accurate and some of which isn't.

Ultimately, if a decision is made to deny the claim, they are of course upset. They've heard other things from other people about what has happened in other situations and then they have to try to weed their way through what information that they are given is accurate or inaccurate.

Therefore, when a property owner comes to a meeting in public comment and presents their statements to the Board and ask that it be looked into and they make statements about someone saying this and someone saying that, this happened or that happened, some of that may or may not be accurate based upon the information that they have been given that they are relying upon that was inaccurate in the beginning.

Attorney Nelson pointed out that this is part of the problem. When someone comes to the Board and the Board is looking into it, this is all you can do.

Attorney Nelson asked Mr. Cipares if he is confident that this process was followed on the Broadbrook claim in the normal course. Mr. Cipares advised that he reviewed that claim and it is exactly what was followed.

Attorney Nelson stated that, from the standpoint of the Board looking into it, the District's agent is here saying that he has reviewed this after the homeowner has asked that it be looked into and the agent is telling the Board that the process was followed.

Attorney Nelson stated that he does not know how much more the Board can do to look into the matter any further other than the process that is followed.

Attorney Nelson guessed that the concern would be, in any given case, has the process been deviated from. In this case, it does not appear that the normal process was not deviated from. Mr. Cipares agreed.

Attorney Nelson added that, unfortunately sometimes claim adjusters make the decisions that are not popular with homeowners. Mr. Cipares agreed and stated that this is unfortunately often-times the case.

Attorney Nelson then reminded the Board that this has been an issue before that has been discussed from time to time. If, at some point in time, the Board would like Attorney Nelson's office to provide updates, they can provide a memo of what the law says in Indiana. When is a sewer or sanitary district legally responsible to property owners under circumstances where there is a claim of property damage which they claim is a result of some sort of an act, or negligent act, or omission to act of the sewer/sanitary districts? This is part of the issue. These claim adjusters are not just looking at facts. They are comparing the facts and they know what the law is. There are lawyers that work for these insurance companies that educate their adjusters on what the law is, not just on claims like this but any claims.

Attorney Nelson advised that, as Mr. Cipares mentioned in the case of automobile claims, there is a law that dictates what makes an entity or individual liable for acts or not liable for acts.

Therefore, the claim adjuster takes into account a whole other set of circumstances which is the law and what Indiana law says. It is very clearly defined in Indiana that it is not a negligent act, per se, anytime that there is a sewer backup or a claim about sewer backup just because the Sanitary District runs a sanitary district or a sanitary sewer system. They are not, per se, liable every time there is a claim of a backup. The law has to be reviewed. The facts of the circumstances are then applied to what the law says and the adjuster makes that decision based upon not just the facts, but the law.

Attorney Nelson advised that the law has been, in Indiana at least through this date, supportive of sanitary districts in allowing them to function and do what they need to do to operate and provide services to their customers without strapping them with this large liability load for any act that is claimed that is the responsibility of the District.

Attorney Nelson stated that this is an important thing for the Board to also keep in mind is the legal aspects involved in the claim adjuster's decision. Anytime you have an event, you have to look at the facts and you have to look at the law and, when they are combined, what is the result. On any given case, an adjuster may say those facts with the law indicate that we accept this claim. On another case, those facts with the law indicate that we deny this claim. This is part of the process, as well, that has to be considered.

Mr. Phelps stated that he was trying to point out that, for several weeks, there has been little things that have been reported such as "he said this, she said this" and so forth. Mr. Phelps explained that he does not like those types of things just hanging out there.

Mr. Phelps commented that one thing that the gentleman was talking about was the fact that he said that the Sanitary District had pumped the water back into the house.

Mr. Phelps read from a statement that he feels should go on the record, as follows:

"The crew on the sanitation truck was only performing visual checks on the sewer and did not perform any jetting."

Mr. Phelps stated that this is his main point.

Mr. Phelps asked if there were any further questions or comments on this matter. There were none.

Mr. Phelps thanked Mr. Cipares for his report.

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

Freyer Ditch/Gardena Street Storm Drainage Improvement Project

Mr. Doyle submitted Change Order #2, which also represents the total dollar amount due to the contractor on the project. The change order is in the amount of \$7,424.76. This is for work on a couple of connections of pipe on Gardena Street that we were not aware of and needed to be connected to the system once they became known.

There was also a need to redirect one of the inlets at the corner of White Oak Drive and Gardena Street, which had previously been connected directly to the storm line by a breach connection. In removing the old line and installing the new line, Mr. Doyle did not believe that it was pertinent to make that connection in that fashion again.

Additionally, the other item included in the change order was an uncovered inlet at the CSX Railroad and the ditch directly off of Greenwood Avenue which had been plugged up and was not working at all. This connection was also made to the new system.

Mr. Doyle advised that the original contract was approximately \$735,000. There was a \$70,000 change order for reconstruction of Gardena Street and this \$7,400 brings the total cost of the project up to \$811,752.86. He recommended approval of the change order.

Mr. Phelps entertained a motion on the matter.

Dr. Jones made a motion to approve Change Order #2 of Woodruff & Sons, in the amount of \$7,424.76, as submitted – seconded by Mr. Strauss. No discussion or comment on the matter. Motion carried 5 – 0 in favor.

Mr. Doyle then advised that the contractor had issued a Certification of Substantial Completion, which Mr. Doyle had signed on May 18, 2009 for approval of substantial completion at that point. The contractor needs to get their paperwork together in order to finalize the project, which will probably be next month.

Therefore, Mr. Doyle recommended that the Board acknowledge the Certification of Substantial Completion.

Mr. Phelps entertained a motion on the matter.

Mr. Strauss made a motion to acknowledge and approve the Substantial Completion Certificate, as submitted – seconded by Ms. Paul. No discussion or comment on the matter. Motion carried 5 – 0 in favor.

Singh Petroleum Company

Mr. Doyle advised that he delivered, to Mr. Walus earlier this week, the legal descriptions and plat for survey for the lift station site at County Line Road and Highway 20. This is basically a legal description for the transfer of the land that the lift station actually sits on as well as a 15 foot ingress/egress easement coming off of Highway 20.

Mr. Phelps thanked Mr. Doyle for his report.

Tim Haas of Haas & Associates reported on the following projects:

Pine School Sanitary Sewer

Mr. Haas advised that the project is going very well and nearing completion. The lift station has been started and tested. There is a bit more testing to do on some of the pipes but work is pretty well wrapped up there and should be finalized with the Water Department next month. He explained that this contract runs through the Water Department.

Ohio Street Lift Station-Sanitary Sewer and Force Main Replacement

Mr. Haas advised that things are moving very well on this project. The contractor (Woodruff & Sons) has made a lot of progress. They have installed much of the sanitary sewer on Westwind Drive and much of the force main installed along Ohio Street. The wet well structure is in place and they are continuing progress.

Mr. Phelps asked the projected completion date on the project. Mr. Haas was unsure.

Mr. Walus interjected that he believed that there was a mid-November timeframe. He commented that it may get done earlier but contractually, that was the completion date.

Mr. Phelps was hoping that it would be done sooner so that they can pave that section of Ohio Street yet this year. Mr. Haas advised that he would look into it and verify the date.

Mr. Phelps thanked Mr. Haas for his report.

Lafayette/Barker Storm Sewer Interceptor Project

Mr. Walus advised that the Sanitary District submitted a grant request to the Indiana Finance Authority, through their State Revolving Loan Fund, for consideration for some grant awards through the stimulus program. We have been working with their office on review of that grant and we should know the status of the request within a couple of weeks.

Mr. Walus anticipates continuing work with the City Administration once we are made aware of that decision to finalize the funding for this project and bring this to the Board in July for potential award. This would be for both the Utility Relocation Project as well as the Lafayette/Barker Tunnel Project.

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

Before continuing with Staff Status Reports, Mr. Phelps took the opportunity to congratulate Ms. Simmons and Dr. Jones on their reappointment to the Sanitary District Board of Commissioners.

Mr. Phelps added that they have been very good members of the District Board and he is very happy that they are back. Ms. Simmons and Dr. Jones thanked Mr. Phelps for his comment.

The following departmental status reports were given:

Al Walus

In reference to proposals for Continuing Engineering Services, Mr. Walus advised that the Board packets included information on this matter.

Mr. Walus explained that the District typically has on-call service agreements with different engineering firms should the need arise for performing small projects whether it be designing a catch basin inlet or trying to obtain IDEM, IDNR or Army Corps of Engineer permits. This is the time of year that the District renews those on-call service contracts.

Mr. Walus explained that, in light of the financial difficulties that everyone is facing, especially governmental entities, and the fact that we have had no pay raises for Sanitary District staff for 2009, the four firms of Haas & Associates, Doyle & Associates, Christopher Burke & Associates, and McMahan Associates have agreed to hold their engineering rates that they charge for one additional year through May 31, 2010 at their current agreement rates. Mr. Walus thanked those four firms for not increasing their rates and working with the District through some of these difficult financial times.

Mr. Walus advised that McCormick Engineering has reduced their rates for the next year by approximately three percent in a good faith effort to continue to work with the District.

Additionally, Mr. Walus advised that Cender & Company, the District's financial consultant, has also agreed to maintain their current rates. He pointed out that their rates have not changed since April 2006.

Mr. Walus stated that the District is very thankful that our engineering consultants have agreed to hold, or reduce, their rates.

Mr. Walus then asked the Board to consider approval of extending the current rate structure for on-call services of Haas & Associates, Doyle & Associates, Christopher Burke & Associates, McMahan Associates and Cender & Company, as well as approve the three percent reduction offered by McCormick Engineering.

Mr. Phelps stated that, being a former consultant himself for many years, he would like to make the motion to approve the service agreements, as submitted, and thanked the firms for their submittals – seconded by Dr. Jones. No discussion or comment on the matter. Motion carried 5 – 0 in favor.

Mr. Walus then advised that a local firm, Global Engineering & Land Surveying, has asked to be considered for an on-call services arrangement. Mr. Walus looked at Global Engineering's rate structure and it was very much in line with both Doyle & Associates and Haas & Associates.

Mr. Walus asked for the Board's approval for the on-call services rates for the year through May 31, 2010, as submitted by Global Engineering & Land Surveying.

Mr. Phelps entertained a motion on the matter.

Ms. Simmons made a motion to approve the on-call engineering agreement submitted by Global Engineering & Land Surveying – seconded by Mr. Strauss. No discussion or comment on the matter. Motion carried 5 – 0 in favor.

In reference to regional engineering firms, Mr. Walus then advised that the District has done some work with American Structurepoint. He explained that some of their staff has a lot of experience with IDEM, IDNR and Army Corps of Engineers permit process. They helped us with our Trail Creek Watershed Plan. They have quite a strong environmental engineering department.

Mr. Walus asked American Structurepoint to submit a proposal for on-call services for the next year. He then compared American Structurepoint's rate structure with McMahon Associates and Christopher Burke & Associates, two of the other regional firms the District uses, and discovered that the principle and senior project managers are a bit higher because they are a bit larger firm. However, the actual rates for the engineers and consultants that we may be working with are in line with Christopher Burke and McMahon.

Therefore, Mr. Walus asked the Board to consider approval of the on-call services agreement as submitted by American Structurepoint for the next year, subject to review and approval of their proposal by Attorney Nelson. He explained that this would be the first year that the District would be utilizing American Structurepoint for on-call services and we would like Attorney Nelson to review some of the terms and conditions before finalizing the agreement.

Mr. Phelps entertained a motion on the matter.

Ms. Paul made a motion to approve the proposal of American Structurepoint, as submitted, subject to review and approval by Attorney Nelson – seconded by Mr. Strauss. No discussion or comment on the matter. Motion carried 5 – 0 in favor.

Mr. Walus then advised that the last on-call services rate to be considered is with J.F. New Company. He explained that they are a multi-purpose environmental engineering company that also has their own nursery and provides native grasses and plants. They have helped us with implementation of certain projects within the Trail Creek Watershed

and they have agreed to volunteer to help us seek grant funding through different federal agencies for watershed projects.

Similar to American Structurepoint, this will be the first time that we are potentially going to enter an on-call services arrangement with them. Mr. Walus, therefore, asked the Board to approve the on-call services rates subject to review and approval by legal counsel.

Attorney Nelson interjected advising that he has already had a chance to review the documents from J.F. New. He explained that most of the engineers have submitted a letter form setting forth what their rates would be for various types of services and personnel provided. However, J.F. New actually has submitted a Professional Services Agreement which is more extensive and actually contains more terms and conditions.

Attorney Nelson pointed out that Paragraph 3.7 is entitled "Limited Liability" and it contains language that this Board has rejected in past engineering contracts that have been presented due to the limitations of liability.

Attorney Nelson explained that he does not have concerns about the rest of the proposal but Paragraph 3.7 is identical to what this Board has rejected in the past and he wanted to bring it to the Board's attention.

Mr. Phelps agreed and stated that this needs a good review by legal counsel.

Dr. Jones asked if it would be appropriate to table this proposed agreement pending further review or if there is a reason that it needs to be considered at today's meeting.

Mr. Phelps asked Mr. Walus if there is anything coming up in the short term. Mr. Walus advised that this can be brought back at next month's meeting.

Mr. Phelps stated that the matter will be held over until next month pending further review by legal counsel.

Mr. Walus explained that approval of the on-call services agreements does not necessarily mean that these firms will get any work from the District in the next year. It does, however, provide the District with flexibility if a need arises for some type of minor engineering services. The District would then be able to choose from these different highly qualified firms to be able to get that work done in a timely manner.

Mr. Walus commented that the District works with both Doyle & Associates and Haas & Associates very closely on any number of storm water or sanitary sewer improvements that we may want to make. Some of the other firms, such as McMahan Associates have a very strong engineering staff in wastewater treatment plant equipment and technology. Burke Engineering has the flood control permitting aspect.

Therefore, each of the different firms has a little different niche and these agreements do not guarantee that they will get any work. However, it does give the District avenues to go to if the need arises.

Mr. Walus thanked the Board for their consideration of the requests today.

Mr. Phelps added that he recently found out the one of the consultants that works with the Board is a diver. He pointed out that Tim Haas is a diver.

In reference to the Trail Creek Watershed, Mr. Walus explained that the Michigan City Area School System has requested if we could again partner with their high achieving summer camp program. Therefore, we just acted as a schedule coordinator to work with educational coordinators from the La Porte County Soil & Water Conservation District, Save the Dunes Council, staff members from the DNR and J.F. New and we put together two brand new weeks of environmental education programming; Fish, Frogs & Logs - What's in that Pond and 200 Years of Change - What Used to Be Here. Next week, we are going to repeat some of the classes from last year such as Pollution – What We Do Really Matters.

Mr. Walus advised that we are halfway through the summer camp and it has been working out very well. Our goal is to be able to get the kids out on field trips every day of the week into the environment. We try to use county, city, state and national parks, and the Trail Creek waterway itself to immerse the students in our local environment to hopefully spark an interest in our students in science and engineering activities.

Mr. Walus discussed the Trail Creek bingo game sheet included in the Board packet and that the students completed. They had a combination of a hike along the urban landscape of the Trail Creek waterway and, working with the Port Authority, we provided a cruise for the students from Sprague Point Marina to Peanut Bridge and back so that the students could get a water's-edge view of the changing landscape of the creek from hard surface urban area into the vegetated natural area near Peanut Bridge.

Mr. Walus explained that the students crossed off all of the different things they saw on the bingo game and then, at the end of the first week, they were provided a certificate.

Mr. Walus explained that they were also working over in the pond in Hansen Park performing a bathymetry study measuring the depth of the pond and how much muck is in the pond. They also performed water quality testing of Hansen Park. They also went to Luhr County Park for a fishing demonstration and a few of the students caught some fish while they were out there.

Therefore, there are all kinds of different activities that we are getting the students involved with directly in the environment.

Referring to information included in the Board packets, Mr. Phelps asked about a specific photo. Mr. Walus explained that it is a photo of tools that the DNR Non-Point

Source Coordinator uses to look at different types of bugs that are in the water. The health of the waterway can then be assessed depending on whether the bugs like to live in polluted water or clean water.

Additionally at Hansen Park, the DNR had their electric fish shock device with them. They shocked the pond so the students were able to see what kind of fish were in the pond, which was quite interesting.

Mr. Walus further advised that, this year, the Michigan City Police Department, Michigan City Fire Department and the Michigan City Airport have agreed to perform one week of programming each. Therefore, city-wide, we went from the equivalent of three weeks of programming last year to six weeks this year.

Mr. Phelps asked how many students are in the program. Mr. Walus advised that there were 57 students that signed up for the first week. Approximately two-thirds were in grades Three through Five and the other third were in grades Six through Eight.

Mr. Walus thanked the School System for allowing us to get the education coordinators from the different entities, which don't have any clients during the summer due to vacations, to find a good way to utilize their time by helping with these summer camps. It is working out quite well.

Mr. Phelps asked if the program ends next week. Mr. Walus answered that this is correct.

Mr. Phelps thanked Mr. Walus for his report.

Dan Olson

Mr. Walus advised that Mr. Olson was unable to attend the meeting today due to a schedule conflict.

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 were two reported injuries, one resulting in lost time. However, the lost time injury is believed to be short term at this point.

In reference to the Safety Report for the Refuse Department, Mr. Hoffman advised that there was one reported injury with no lost time. This is the fifth month for the Refuse Department with no lost time. He pointed out that the lost time has turned around significantly and all of the credit goes to the Refuse Department.

Mr. Hoffman advised that drainage projects continue to be discussed at weekly staff meetings.

Mr. Hoffman advised that there was an overflow incident from a sanitary manhole on June 19th. Mr. Hoffman reminded the Board that we had what overall looked like a fairly reasonable rainfall that day. However, the rate at which the rain fell caused a problem at the receiving manhole from the Lake Avenue Lift Station and we can tell, by some of the data that both pumps were running from 7:36 a.m. to 8:03 a.m. and it caused an overflow of approximately 200 gallons.

Mr. Hoffman advised that the street was washed down and vacuumed the drywell. He further advised that none of the wastewater was discharged into the waters of the state and it was cleaned up. However, the District is required to report these things and we did, in fact, do so.

Mr. Hoffman advised that the reason that we went to the location and found the problem was because the District, in the past, had a problem with overload prior to that lift station and the Sanitary District installed a level detector in the upstream manhole. That level detector alarmed and employees were sent to the location, which is how the overflow was discovered. It was a very fortuitous installation of that alarm device. We receive warnings when things are going to go wrong.

Mr. Hoffman then advised that the District had an inspection by IOSHA (Indiana Occupational Safety & Health Administration) on June 15th, although the IOSHA paperwork indicates Friday, May 15th. There were five allegations. As a result of the inspection, we had four alleged violations written which were essentially training; Numbers 1, 2 and 3 were training and Number 4 was the requirement to follow the manually uniform control devices when we perform a temporary lane closure or restriction in traffic because there are very specific rules that have to be followed for that. Additionally, there is a requirement to wear high visibility vests when crews are in the roadway.

Mr. Hoffman advised that we are in the process in implementing all of these and, anticipate that we will have all of these done by the required time to satisfy all of these issues.

Mr. Walus added that he did meet with a representative from our Risk Management organization after the visit by IOSHA, who recommended we look at some of the LTAP (Local Technical Assistance Program) courses where we can send staff for training on some of the traffic control devices. Mr. Hoffman is looking into the possibility of having someone from the District go for training and then come back and train the rest of the crews.

Mr. Phelps advised that he has the LTAP manual and offered it for use if needed.

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

Mr. Phelps then commented on one item that got his attention which was about vehicle problems such as headlights not working. He asked if there is much of this going on. Mr. Walus answered no.

Mr. Hoffman also stated that this was not a problem, to his knowledge. He stated that, if an employee reports a problem with a vehicle, they are instructed to take the vehicle to Central Maintenance for repair.

Mr. Hoffman added that we have, on occasion creating much fear in people who work at the Sanitary District, when we have one of our vacuum trucks for repair at Central Maintenance when we are expecting a storm. We don't like that to happen and get very worried about that. Nevertheless, if the vehicle requires maintenance, it requires maintenance.

Mr. Phelps stated that it should be fixed. Mr. Hoffman agreed.

Mr. Phelps questioned a comment on the report "Employer refuses to fix" and pointed out that the District does not fix the equipment anyway. Mr. Walus explained that the first page contains the allegations provided anonymously to IOSHA which precipitated the visit. Those five allegations were proven not to have merit and the final recommendation from IOSHA was to revisit some of our training and certification to keep current with those types of items.

Mr. Phelps stated that it is good to have a review once in a while. He asked if Mr. Walus thinks somebody reported something about the District or if IOSHA was just out doing a routine visit. Mr. Hoffman answered that it was a notice of alleged safety or health hazard so he is assuming that it was a result of a complaint.

Mr. Hoffman added that, as Attorney Nelson stated before, simply because there is a complaint doesn't necessarily mean that it is true. Mr. Phelps agreed.

Mr. Phelps asked how the District gets training in confined space entry. Mr. Hoffman advised that this training was provided by the District's workers' compensation carrier.

Mr. Walus added that the District has a very specific procedure on how to perform the confined entry with signoff sheets, harnesses and different types of equipment and there is no statement by IOSHA that those procedures were not followed. The recommendations are to perform additional training and do actual exercises with a person down in a manhole to execute a rescue.

Mr. Phelps asked if there is a certification after the training. Mr. Hoffman explained that, at that point, you have gone through the training and simply that you have been trained.

Mr. Phelps asked if there were any further questions.

Dr. Jones asked if the notices or complaints filed are they anonymous to the District. He presumes that the Department of Labor knows the complainant but it is not shared with the District. Mr. Hoffman stated that this is correct.

Mr. Hoffman further explained that, as part of their procedure, they will come in, review documentation, such as our policy for confined entry, as well as interviewing employees. These interviews are done without management present so as not to intimidate or hold anything against an employee.

Mr. Hoffman commented that they have a well established procedure.

Dr. Jones commented that, since all of these complaints are listed on one form with one complaint number, it would be fair to assume that one individual made a complaint at one particular time and this was the result. Mr. Hoffman stated that he did not know if that would be the case. He stated that he would assume so but it is just an assumption on his part.

Attorney Nelson asked if the May 15th date could possibly be the date of the allegation that was made by the complainant and the June 15th was the inspection. He asked if it could be possible that the May 15th date is the date that either the notice of the allegation came out or maybe the complaint was made that day. Mr. Hoffman stated that it is possible that this was the date of the notice.

Attorney Nelson wanted to clarify, for the record, that the inspection took place on June 15th. Mr. Hoffman advised that the inspection took place in June. He stated that the IOSHA inspector was here, he believes, on June 16th and she returned again on June 18th for the closing conference.

Mr. Phelps asked if IOSHA just drops in or if they provide notification in advance of their visit. Mr. Hoffman advised that they just drop in, which is totally in their purview.

Dr. Jones re-emphasized that the District had no advance notice of this visit so that there certainly was no opportunity to remediate any of these issues in the interim.

In reference to MS4, Mr. Hoffman advised that the MS4 Committee is continuing to review permit applications and are preparing for next month's group inspection on the implementation of the program and will shortly be receiving the checklist for that inspection.

Mr. Hoffman advised that, at last month's meeting, the Board received pictures of a storm sewer system in Village Green that addressed problems with the storm system there and potentially some type of problem with drainage on Broadbrook Lane as well as some catch basins that were connected to a system that was plugged and not working.

Mr. Hoffman distributed an overview map of the area in question in Village Green. He explained that the catch basins that were the subject of the pictures that were either full, not working, or couldn't work because the system through the woods had a flapper valve that was stuck.

Mr. Hoffman advised that all three catch basins at the corner of Lexington and Dorchester Roads go into the new storm sewer system that was installed in Village Green in 1988. Those three catch basins are not connected to the line which was the subject of the pictures submitted at last month's meeting.

Mr. Hoffman explained that the only open grate that we have been able to find on that system is a high grate, which means it is not in a location that it would receive a massive amount of water, in an unusually placed spot. That is the only thing that we have been able to find that goes into that system in the headwall in the woods.

Mr. Phelps added that there is one in a driveway that is higher than the street and the water can't even get into it. Mr. Hoffman agreed and stated that there is a solid cover on that drain.

Mr. Hoffman advised that we have cleaned the system from the flapper valve back. He also explained that there is a headwall with a flapper valve and there is a ditch that goes from that point back to Striebel Pond. However, as he stated, we have only been able to find one relatively high open grate that serves that. Additionally, the ditch area that goes from that point to Striebel Pond varies between 30 and 50 feet in private property.

Mr. Hoffman explained that there is a fairly substantial 80 foot easement along Earl Road. However, this particular ditch is in private property.

Mr. Phelps asked if there was anything found in back of an area that he previously walked with Mr. Hoffman. Mr. Hoffman stated that the District has not tried to push in that direction.

Mr. Phelps commented that the reason that the one sewer is going to the west and the new sewer is going to the east, and they are not connected, is because the sewer that goes to the west cannot ever get into the sewer that is going to the east unless it was at a lift station because it is lower. He commented that it never could to begin with and that is where Mr. Meer was absolutely wrong on this matter.

Mr. Hoffman advised that, since the last Board Meeting, we had three not tremendously substantial rainfalls and he checked Broadbrook Lane and Lexington Road immediately during or just after the rainfalls and there was no standing water on the street for any of those three rains. He also took photographs.

Mr. Hoffman added that the overview map he distributed is also an example of the type of maps that we are looking to generate on our entire system. These maps use the GPS locations of the manholes and the inspection of the manholes to map the

directions of the flows to show a great graphic illustration of what happens in something that you cannot see that is underground.

Mr. Walus asked if Mr. Hoffman recalls the accuracy of the manholes with the GPS. Mr. Hoffman explained that, with our current GPS system, the data is sent to the company, the data is then tightened and we can then obtain sub-6 inches accuracy with the location of a particular manhole.

Mr. Phelps commented that this is quite good.

Mr. Hoffman explained that a GPS system that is used in a car for mapping, you are within 50 feet of an intersection and it says you are there. However, this GPS system is considerably more accurate than that.

Mr. Phelps thanked Mr. Hoffman for his report.

Jim Kintzele

Mr. Kintzele advised that he submitted a proposed budget for 2010 as requested by the City Controller's Office for their review, which included a reduction in budget and no capital improvements for next year. He anticipates that the budget will be approved and forwarded to Mr. Walus to present to the Board for final approval.

Mr. Kintzele then advised that dumping fee goes up \$1.30 per ton effective July 1st.

Mr. Kintzele reported that there were 999.31 tons less for compacted trash and 167.49 tons less for loose trash. Therefore, in a five month period this year so far, we have reduced our tonnage by 1,166 tons.

Mr. Kintzele attributes this reduction to two things again, the dumpster now being used in six different areas and the recycling done by the community.

Mr. Kintzele then reported that his Assistant Superintendent had some medical issues a couple of weeks ago. However, he came back to work on Monday, June 22nd.

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

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

Attorney Nelson

Attorney Nelson advised that there are six delinquent accounts to be recorded as liens, in the total amount of \$1,033.90, 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 \$1,033.90 as submitted – seconded by Ms. Paul. No discussion or comment on the matter. Motion carried 5 – 0 in favor.

Attorney Nelson then submitted one lien to be released due to satisfaction of the lien, in the total amount of \$448.33 and advised Board action was necessary.

Mr. Phelps entertained a motion on the matter.

Ms. Paul made a motion to approve the Release of Lien, in the total amount of \$448.33, as submitted – seconded by Mr. Strauss. No discussion or comment on the matter. Motion carried 5 – 0 in favor.

Attorney Nelson then advised that there are no bad debts to declare this month.

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

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

Mr. Phelps then entertained a motion to approve and allow claims to be paid by 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.

The next regular monthly meeting of the Board of Sanitary District Commissioners –
July 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, Secretary