

**SPECIAL MEETING, BOARD OF SANITARY DISTRICT COMMISSIONERS
MONDAY, JULY 16, 2006 - 1:00 P.M. - 1100 E. EIGHTH STREET**

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

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

Staff Members present for the meeting were:

Alan J. Walus, General Manager

Michael A. Hoffman, Collection System Superintendent

Tina M. Tabisz, Administrative Secretary

Attorney Christopher Willoughby, Braje, Nelson & Janes, LLP

Also present for the meeting was:

John Doyle, John A. Doyle & Associates

Mike Edinger, Woodruff & Sons

PURPOSE OF SPECIAL MEETING:

Letter of Understanding Regarding White Oak Drive Storm Sewer and Street Improvement Project

Award Contract for White Oak Drive Storm Sewer and Street Improvement Project

Letter of Understanding Regarding Meer Road South Sanitary Sewer and Water Main Extension Project

Award Meer Road South Sanitary Sewer and Water Main Extension Project

Mr. Walus advised that he presented a Letter of Understanding Regarding White Oak Drive Storm Sewer and Street Improvement Project to the Board of Public Works & Safety at their meeting this morning.

Mr. Walus reminded the Board that, at last month's Sanitary District Board of Commissioner's Meeting, the bid tabulation prepared by John Doyle was distributed to the Board. The bids received were from Woodruff & Sons, HRP Construction, Reith-Riley, Oselka Construction and Garriup.

Mr. Walus explained that Mr. Doyle confirmed that Woodruff & Sons was the low bidder with a bid price of \$757,717.00.

Additionally, at last month's meeting, a letter from Attorney Christopher Willoughby was also presented indicating that Woodruff & Sons also met all of the legal requirements of the bid.

Mr. Walus then explained that, in working with the City Administration, the low bid of Woodruff & Sons was reviewed. Some contingency amounts such as design engineering and construction inspection services were added to the amount. The District then requested funding from the City of Michigan City for the White Oak Drive Storm Sewer and Street Improvement Project in the total amount of \$863,600.00.

Mr. Walus advised that the Board of Works approved the Letter of Understanding this morning in the total amount of \$863,600.00.

Mr. Walus requested that the Board consider approval of the Letter of Understanding at today's meeting.

Mr. Phelps clarified that Mr. Walus was able to successfully negotiate with the Board of Works for more than the construction costs. Mr. Walus agreed and advised that they agreed to include costs for design, contingencies and construction engineering. Mr. Phelps complemented Mr. Walus on the negotiations.

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

Mr. Phelps then entertained a motion on the matter.

Dr. Jones made a motion to approve the Letter of Understanding Between the Sanitary District of Michigan City and the Michigan City Board of Public Works & Safety Regarding the Construction of the White Oak Drive Storm Sewer and Street Improvement Project, as submitted – seconded by Ms. Simmons. No discussion or comment on the matter. Motion carried 4 – 0 in favor.

Dr. Jones noted that the copy of the Letter of Understanding that was signed by the Board of Works this morning had a stamp in the upper right hand corner that it was filed on April 12, 2001 in the City Clerk's Office. Mr. Phelps looked at it and agreed.

Mr. Walus advised that the original Letter of Understanding was delivered to the City Clerk's Office on Friday, July 13, 2007. He advised that he would take care of contacting the Clerk's Office about the incorrect date and the have the paperwork corrected.

Mr. Walus advised that the Board of Works also approved the final plans and specifications for the project with the endorsement of the City Engineer.

Mr. Walus advised that the next order of business would then be to award a contract for the White Oak Drive Storm Sewer and Street Improvement Project.

Mr. Walus advised that reviews have been done both by Engineer John Doyle and Attorney Christopher Willoughby confirming that Woodruff and Sons is the lowest responsive bidder. Therefore, District staff recommends that the Board of Commissioners award the contract for the White Oak Drive Storm Sewer and Street Improvement Project to Woodruff & Sons in the amount of \$757,717.00. Mr. Phelps commented that there is no contract to award at this point.

Attorney Willoughby recommended that the Board entertain a motion to send out the Notice of Award to Woodruff & Sons. Mr. Phelps stated that the Notice of Award does not take care of a contract.

Mr. Phelps commented that the contract could be awarded but there is no contract to execute. He advised that, normally, a motion is also made to sign the contract but this is usually done after the contract is prepared and reviewed.

Mr. Doyle added that the contractor would need to submit the necessary paperwork such as bond documents. Mr. Phelps agreed.

Mr. Phelps commented that the Board could move for a tentative Award of Contract subject to receipt of all required documentation by the contractor.

Mr. Walus added that the Contract Project Manual would have the official Notice of Award, which information has been completed and is ready for Attorney Willoughby to sign and send to Woodruff requesting submission of the required documents within fifteen days.

Mr. Doyle asked Mike Edinger of Woodruff & Sons if they would be able to submit the proper documents by the next Board meeting next week. Mr. Edinger commented that he believes that they will be able to submit all of the necessary paperwork by next week.

Mr. Phelps entertained a motion on the matter.

Mr. Straus made a motion to approve a tentative Award of Contract subject to submission by the contractor of the standard required documentation – seconded by Dr. Jones. No discussion or comment on the matter. Motion carried 4 – 0 in favor.

Mr. Walus then advised that, at this morning's Board of Works meeting, a Letter of Understanding was also approved regarding the Meer Road South Sanitary Sewer Extension Project.

Mr. Walus explained that this is an interesting project where the District is extending sanitary sewer and water mains, as well as performing storm improvements on the west side of Meer Road (Michigan City side) as well as reconstructing the road base. Once this

work is completed, the County will come back and pave that section of Meer Road with binder and surface. Therefore, the County will be paving that section of Meer Road with county funding. Additionally, the County has verbally agreed to contribute to the storm drainage improvements on the east side of Meer Road, which is in the county.

Mr. Walus advised that the project was bid with sanitary sewer, water main, storm sewer and storm drainage improvements on both sides of the road as well as rebuilding the road base aggregate up to the pavement. Mr. Walus advised that the total low bid was from Woodruff & Sons in the amount of \$1,462,055.00.

Mr. Walus advised that the Board of Works approved a Letter of Understanding for this project in the total amount of \$1,377,700.00 because the Board of Works will not be paying for the storm water improvements on the county side of Meer Road. Those payments will be made by the County pending their approval.

Mr. Walus advised that the District will release storm water drainage improvements under this contract to be constructed by Woodruff & Sons as the County approves those funds.

Mr. Walus advised that the Letter of Understanding with the Board of Works would be for the \$1,462,055.00 minus the storm drainage work on the east side of the road.

Therefore, the \$1,377,700.00 that was approved by the Board of Works includes all of the work that we need to get done except for storm drainage on the county side which will be paid by the County.

Mr. Phelps asked if the County will be doing the intermediate and surface pavement and the City will be doing the stone work. Mr. Walus advised that this is correct.

Mr. Walus advised that the reason that we are working with the County on this project is because Meer Road is the dividing line between Michigan City and the County. The dividing line is the center of the road. Therefore, things were split up somewhat with the City/District agreeing to pay for all of the road base reconstruction and the County, with their own paving contract, will come in and pave the road over the entire stretch.

Mr. Walus advised that the City/District has done similar projects working with the County north of this area and it has worked out well so far.

Mr. Walus advised that District staff recommends that the Board of Commissioners approve the Meer Road South Sanitary Sewer Extension Project Letter of Understanding with the Board of Works, subject to correcting the filing date, in the amount of \$1,377,700.00.

Mr. Phelps entertained a motion on the matter.

Ms. Simmons made a motion to approve the Letter of Understanding Between the Sanitary District and the Michigan City Board of Public Works & Safety Regarding the Construction of the Meer Road South Sanitary Sewer Extension Project, as submitted – seconded by Mr. Strauss. No discussion or comment on the matter. Motion carried 4 – 0 in favor.

Mr. Walus then advised that the last order of business would be the tentative award of the Meer Road South Sanitary Sewer and Water Main Extension Project to Woodruff & Sons in the amount of \$1,462,055.00. Mr. Walus advised that the award would be contingent upon proper paperwork. He also advised that Attorney Willoughby has the official Notice of Award to sign to forward to Woodruff to get the documents back by next week.

Mr. Phelps entertained a motion on the matter.

Ms. Simmons and Mr. Strauss made a motion to tentatively approve the award of contract to Woodruff & Sons, in the total amount of \$1,462,055.00, contingent upon receipt of the required documentation – seconded by Dr. Jones. No discussion or comment on the matter. Motion carried 4 – 0 in favor.

Mr. Phelps asked Mr. Edinger of Woodruff & Sons when he expects that they would begin construction pending the official contract next week. Mr. Edinger stated that he would have to check on it but he believed that they would be able to get started within a week after all of the contracts are signed.

Mr. Phelps asked if this would be for both jobs. Mr. Edinger advised that they will be able to start the White Oak Drive work for sure. They are trying to finish up on the Wabash/Washington Phase 2B Project. As soon as the work is finished on Phase 2B, that crew will go to Meer Road.

Mr. Phelps asked Mr. Walus about the status of the easements needed on Meer Road. Mr. Walus advised that he has verbal agreements on the first three properties on the county side and he is working his way down. Mr. Walus advised that there are approximately ten property owners.

Mr. Phelps asked where the first easements are needed to begin the work. Mr. Walus advised that the first three on the county side would be the first ones needed.

Mr. Phelps asked how many easements are needed on the county side. Mr. Walus advised that there are five on each side.

Mr. Phelps asked how far down the first easement on the city side would be. Mr. Walus advised that there is already an existing easement for the first third of the project on the city

side because there is a drainage ditch. With these three verbal agreements so far, we are approximately one-third of the way down the project.

Mr. Phelps asked Mr. Walus if he would be able to obtain them within the next week. Mr. Walus stated that it would probably be within the next couple of weeks.

Mr. Phelps commented that we need to be careful about awarding a project without easements. Mr. Walus agreed and advised that he has been working with Mr. Doyle on the matter.

Mr. Walus pointed out that the initial work, however, will be to install the sanitary sewer along the center of the road.

Mr. Phelps commented that the easements are really only needed for the ditches. Mr. Walus stated that this is correct and noted that the property owners have been very agreeable so far.

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

The next Regular Monthly Meeting of the Board of Sanitary District Commissioners -
July 25, 2007 - 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