

**REGULAR MEETING, BOARD OF SANITARY DISTRICT COMMISSIONERS**  
**WEDNESDAY, OCTOBER 28, 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, PhD, Boyd W. Phelps, Linda G. Simmons and Ronald J. Strauss. Commissioner Judith A. Paul entered later in the meeting.

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, Legal Counsel

Also present for the meeting:

John Schaefer, City Controller  
John Doyle, John A. Doyle & Associates  
Jim Maurer, Haas & Associates  
Mike Edinger, Woodruff & Sons  
Tony Ekovich, Springfield Regional Sewer District  
Andre Steele, ALCO-TV

Mr. Phelps entertained a motion in reference to the minutes of the Regular Meeting of September 23, 2009.

Dr. Jones made a motion to approve the minutes of the Regular Meeting of September 23, 2009, as submitted— seconded by Mr. Strauss. No discussion or comment on the matter. Motion carried 4 – 0 in favor.

In reference to the Financial Report, City Controller John Schaefer advised that the utility operations, after adding back in depreciation, is showing a profit of almost \$750,000 compared with \$460,000 at the same time last year. Therefore, we are ahead by approximately \$290,000.

Mr. Schaefer then advised that the tax funds continue to operate as they have been all year with the money that the City has advanced the District in anticipation of tax funds eventually being distributed. He commented that the provision tax bills that were recently mailed out will hopefully provide a little money soon to at least help get through the end of the year. However, these funds are operating as expected.

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

Mr. Schaefer then submitted the following proposed resolution:

**BEFORE THE BOARD OF )  
COMMISSIONERS OF THE ) RESOLUTION NO. \_\_\_\_\_  
SANITARY DISTRICT OF )  
MICHIGAN CITY, INDIANA )**

**A RESOLUTION OF THE SANITARY DISTRICT OF MICHIGAN CITY  
BOARD OF COMMISSIONERS TO PURSUE LEGAL ACTION TO  
PREVENT  
AN IMPENDING FINANCIAL SHORTFALL ARISING FROM THE  
ACTIONS  
OF THE LA PORTE COUNTY AUDITOR**

**Whereas**, the La Porte County Auditor is charged with the legal responsibility to certify property values presented to the Auditor upon approval of the Indiana Department of Local Government Finance;

**Whereas**, the Department of Local Government Finance approved the assessed values for the La Porte County properties based upon the La Porte County 2006 assessment;

**Whereas**, the La Porte County Auditor refused to certify the DLGF-approved 2006 assessed values for La Porte County properties and instead, unilaterally and without legal authority certified un-trended values from 2005;

**Whereas**, The Auditor's illegal action would cause a loss of approximately \$512,000 from the Sanitary District of Michigan City tax levy budgets for 2007;

**Whereas**, such a loss would require the Sanitary District of Michigan City to embark upon a significant reduction in workforce and/or other measures to make up the financial shortfall caused by the Auditor's unprecedented and illegal action;

**Whereas**, the City of Michigan City, Town of Long Beach, New Prairie School System, Michigan City Area Schools and various other taxing units affected by the Auditor's action have expressed the intent to pursue such legal actions against the Auditor as are necessary and proper to redress the Auditor's action.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Sanitary District of Michigan City, that:

The Board of Commissioners of the Sanitary District of Michigan City will join the City of Michigan City and such other affected entities who are willing to join in a unified effort to redress the actions of the La Porte County Auditor.

The legal costs incurred in the unified joint effort to challenge the Auditor's actions shall be shared by all participant entities in proportion to the loss of tax revenue potentially caused by the Auditor in the 2007 budget, relative to all other participating entities.

Approved by the Board of Commissioners this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Mr. Schaefer advised that this resolution would allow the Sanitary District to join in an effort that the Michigan City Area Schools, the City of Michigan City and the Town of Long Beach have undertaken legal action against the La Porte County Auditor, who we believe has overstepped his authority and is using assessed valuations from one year and the tax rates from another year that will cause significant shortfalls in property tax revenues for 2007. Therefore, we are still dealing with issues from three years ago.

Mr. Schaefer advised that the loss to the Sanitary District would be a little over \$500,000, which is approximately 25% of the Refuse Department budget and is where most of this money goes.

Mr. Schaefer explained that the City of Michigan City stands to lose \$2.8 Million, the Michigan City Area Schools will lose a little over \$8 Million and the Town of Long Beach will lose \$460,000, which is approximately half of their property tax revenue.

Mr. Schaefer explained that the purpose of this resolution would be for the Sanitary District to become part of the legal action, as well as share in the cost.

Mr. Schaefer advised that the plan for the cost sharing would be based on how much money savings is anticipated. Therefore, the Michigan City Area Schools would bear most of the legal expenses.

Mr. Schaefer noted that, if New Prairie passes a similar resolution, they stand to be second in line because they stand to lose \$4 Million. The City of Michigan City would then be third in line, the Sanitary District would be fourth in line and the Town of Long Beach would be fifth in line.

Mr. Schaefer advised that we are also trying to get a few other communities to join in with this action in an effort to share the burden.

Mr. Phelps asked if La Porte is involved as well. Mr. Schaefer advised that the City of La Porte is not affected by this because their assessed valuation went down between

those two years. Therefore, this would only affect communities whose assessed valuation went up.

(Ms. Paul entered the meeting at this point.)

Mr. Phelps entertained a motion on the matter.

Ms. Simmons made a motion to adopt the Resolution, as submitted – seconded by Mr. Strauss.

Attorney David Payne advised that his law firm (Braje, Nelson & Janes) will have a conflict of interest with representation, not only for the Sanitary District, but for the County of La Porte as well. Mr. Phelps understood.

Mr. Schaefer addressed the matter explaining that the attorney for the Michigan City Area Schools has a similar conflict as well. The School System has agreed that City Attorney John Espar will be the local coordinator in this effort.

Additionally, the Michigan City Area Schools has hired Beth Henkel, an attorney from Indianapolis as well as a former Commissioner of the Department of Local Government Finance. Therefore, Attorney Henkel will actually be presenting the case to the Tax Court.

Mr. Schaefer stated that, if the District would care to follow that same process, Attorney Espar would be the local coordinator but Attorney Henkel would be our attorney in court.

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

Dr. Jones stated, for the record, that he is also a member of the Michigan City Area Schools Board of School Trustees and, as such, he saw no reason that he would not vote with this body as well inasmuch as they are two affected entities. He wanted to make sure that he stated the fact that he was a member of the School Board that did take these actions initially.

Mr. Schaefer added that the City Council has passed a similar resolution to this already.

Mr. Phelps asked if there were any additional questions or comments.

Mr. Strauss commented that he heard Mr. Schaefer state that we have a lawyer who is expert in this matter that will be going before the State Tax Court. Mr. Schaefer agreed that this is correct.

Mr. Strauss clarified that the lawyer is an expert in this field. Mr. Schaefer stated that this is correct explaining that she was the Commissioner, for possibly three years, for the Department of Local Government Finance who approves all budgets. Additionally, they are a party to this action.

Mr. Strauss stated that this should mean that she is an expert. Mr. Schaefer believes that she is.

Dr. Jones added that Attorney Henkel is also based in Indianapolis and it is likely that these matters will be heard in Indianapolis. Mr. Schaefer agreed.

There being no further question or comment on the matter, motion carried 5 – 0 in favor. The Board executed the resolution.

Mr. Schaefer asked Mr. Walus to provide a copy of the resolution to Attorney Espar. Mr. Walus advised that he would do so.

Mr. Phelps thanked Mr. Schaefer for his report.

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

**FINANCIAL STATUS – SANITARY DISTRICT  
September 14, 2009**

<b>OPERATION &amp; MAINTENANCE FUND #6201</b>	<b>\$635,073.43</b>
<b>SEWAGE WORKS SINKING FUND #6207</b>	<b>\$1,284,232.59</b>
<b>SEWAGE WORKS IMPROVEMENT FUND #6208</b>	<b>\$55,844.05</b>

**Public Comment**

Mr. Phelps asked if there was any public comment.

Mr. Walus advised that Tony Ekovich, from the Springfield Regional Sewer District (SRSD), is in attendance at the meeting, and asked Mr. Ekovich to come to the table.

Mr. Walus advised that the make-up of the SRSD Board may have been discussed a few months ago. He asked Mr. Ekovich to explain to the current Board, the open position and the thoughts of this body potentially appointing a member to that Board.

Mr. Ekovich explained that the SRSD Board is made up of five members. There is an appointment from the La Porte County Commissioners, the La Porte County Council, the Township Trustee, the Township Advisory Board and the last Board Member is appointed by whatever municipality that will be treating the waste.

Mr. Ekovich explained that, up to this point, there has never been a project so there has been no reason to appoint someone. However, very soon, the Renaissance Academy will be discharging waste to Michigan City.

Therefore, Mr. Ekovich is requesting, at this time, that the Sanitary District of Michigan City Board of Commissioners appoint someone to serve on the SRSD Board.

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

Mr. Phelps advised that the matter will be taken under advisement.

Mr. Ekovich thanked the Board for their time. Mr. Phelps thanked Mr. Ekovich for his comments.

Mr. Phelps then asked if there were any other comments by the public. There were none.

The following status reports were given:

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

**Meer Road/U.S. Highway 12 Sanitary Sewer Extension**

Mr. Doyle advised that he and Mr. Walus have been discussing this project, which is the line that would run under the Amtrak Railroad at Meer Road and would basically serve the further extension to serve properties along Highway 12 to the east to County Road 1000 North and along Meer Road (to the south).

Mr. Doyle advised that he has prepared the plans and has submitted them to Amtrak in April of last year. Other than just a phone call to say that things look good, Mr. Doyle has not been able to get in contact with Amtrak personnel again.

Mr. Doyle advised that the last thing that was said was that he needed to get in touch with the Property Division of Amtrak in order to get a license or right-of-way agreement to put in the sleeve under the railroad tracks.

Mr. Doyle stated that he has gone full circle beginning with Mr. Welsh. He has been trying to go through Chicago to get some help in contacting someone in Philadelphia. He was able to get the name of a man by the name of Earl Watson.

Mr. Doyle stated that he has tried to call Mr. Watson several times but he has since discovered that Mr. Watson is Mr. Welsh's boss.

Mr. Doyle believes that he should try to get in contact with Attorney Bill Nelson, who assisted with some contacts when we went under the railroad at Moore Road. Therefore, Attorney Nelson may be able to assist this time.

With respect to going ahead with the project, Mr. Doyle believes that the District will need to obtain the permits from IDEM and INDOT and he will also have to prepare some specifications. Mr. Doyle believes that Mr. Walus would like to obtain some bids yet this year for a spring start on the project.

Mr. Phelps asked if Mr. Doyle has tried to contact Amtrak through INDOT. Mr. Doyle advised that he had not. Mr. Phelps suggested that Mr. Doyle try that approach.

Mr. Strauss commented that Amtrak doesn't own most of the tracks that they utilize. Mr. Doyle believes that they do own the tracks in this case. Mr. Doyle explained that these tracks are from the old Michigan Central Railroad.

Mr. Walus added that, as he and Mr. Doyle have discussed, the way to move forward would be for Mr. Doyle to complete the bid specifications and potentially bring those to the Board at the November meeting. At that time, the bid and receipt of permits schedules could then be defined in an effort to move forward and make progress.

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

Mr. Phelps thanked Mr. Doyle for his report.

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

**Ohio Street Lift Station-Sanitary Sewer and Force Main Replacement**

Mr. Maurer advised that the project is complete as far as everyone being reconnected to the new sewer and the new lift station. The new curb and gutter is scheduled to be installed on Monday, November 2<sup>nd</sup>.

Woodruff & Sons plans to then pave the sewer trench after the curb and gutter is installed so that the residents can park on the street while their driveway approaches are being reconstructed, which will be concrete. This work should take all of next week to do all of that work.

Woodruff will then do whatever top soil work is needed to complete the restoration of that area. At that point, the street will then be ready to be milled and repaved by the City. Woodruff has indicated that this would be November 16<sup>th</sup> or sooner.

Mr. Maurer submitted Pay Request #4 of Woodruff & Sons and recommended approval of same. He advised that the pay request includes a recommended payment in the amount of \$116,054.90 as well as a partial release of project retainage in the amount of \$2,890.76.

Mr. Maurer explained that this is based on the limit on retainage withholding being stopped at 50% completion provided the project construction is progressing satisfactorily. He further explained that this cap should have been applied to Pay Request #3 of Woodruff & Sons but it was not. Therefore, Pay Request #4 actually involves a request for release of some of the retainage.

Mr. Maurer advised that the recommended transactions bring the expenditures for the project to 63% of the total project cost.

Mr. Phelps clarified that there is 10% of the maximum retainage. Mr. Maurer explained that there is 10% of half of the project or 5% of the total project. Mr. Phelps understood.

Mr. Phelps entertained a motion on the matter.

Ms. Paul made a motion to approve Pay Request #4 of Woodruff & Sons, in the total amount of \$116,054.90 as well as a release of existing retainage in the amount of \$2,890.76 for a total amount of \$118,945.66, as submitted – seconded by Dr. Jones. No discussion or comment on the matter. Motion carried 5 – 0 in favor.

Mr. Phelps thanked Mr. Maurer for his report.

The following departmental status reports were given:

### **Al Walus**

In reference to the Trail Creek Watershed, Mr. Walus advised that a copy of a grant application had previously been sent to the Commissioners. This grant application was to the Save Our Great Lakes Community Grant Program. He explained that this is the first grant that we have been able to apply for as part of the Great Lakes Restoration Initiative.

Mr. Walus explained that this particular community grant includes components for grading your grant on partnerships in an effort to perform improvements in the watershed as well as additional points if there are educational components.

Therefore, based on some outreach we have had from the Krueger Middle School administration, we have been able to work with the Principal and Assistant Principal at Krueger Middle School as well as some of the teachers there. We have also partnered with the Save the Dunes Foundation as well as the Soil & Water Conservation District of La Porte County to be able to put together a grant to redirect storm water runoff from the parking lot at Krueger Middle School into a constructed wetland area that would also serve the purpose of the main component of an outdoor environmental campus at Krueger Middle School.

Working with our other city departments that we frequently partner with on other matters, we have obtained commitments from some of the different departments to build some picnic tables and benches and plant some trees. Therefore, we were able to put a dollar value to some of those contributions to come up with our local match.

Mr. Walus explained that, to be able to submit a grant application for this program, you need a minimum of \$25,000 in local match. Not having any funds available for this, we were able to meet the local match requirement through in-kind contributions from working with our partners as well as some time from our partners at Save the Dunes and Soil & Water Conservation District.

Additionally, American Structurepoint is donating \$4,000 worth of engineering services toward the grant. We are also working with the A.K. Smith Career Center to build a pavilion where outdoor classrooms can be held.

Mr. Walus advised that the bulk of the grant money would pay for the structural modification to redirect the stormwater runoff into the constructed wetlands area.

Mr. Walus explained that we have an opportunity to create an arboretum at Krueger Middle School to plant trees so that they can be replanted at other schools within the Michigan City Area School System.

Mr. Walus advised that they already have a butterfly garden started at Krueger Middle School as well as a greenhouse that is underutilized at this time, which we believe we could be utilized more fully.

We have opportunities to consider green roof aspects at Krueger Middle School and it is right across the street from Karwick Nature Park. Therefore, there are some great synergies coming together to help put the grant together.

The grant application has been submitted and we are waiting to see what the award status will be with potential notification of award in early spring of 2010. At that point, we can then perform what has been outlined in the grant. Additionally, we were able to back-date the start of the grant to this past summer to take into account some of the work that has already been done from a planning perspective.

Mr. Walus advised that we are very appreciative of all of the different partners that we had in the grant application.

Mr. Walus then advised that the Board packets included a one-page abstract of One Region – One Transport Model. He explained that the theory behind this proposal is, through the leadership of Mayor Oberlie and with the agreement of NIRPC (Northern Indiana Regional Plan Commission), IDEM and the IDNR have agreed to partner and work with NIRPC as well as other local water quality experts to see if we could put together a regional approach to water quality improvements through the Great Lakes Research Initiative Grant Process.

Mr. Walus explained that there has been a great response as far as different communities wanting to work together. Therefore, the Trail Watershed Committee had already begun working with Environ, environmental consultants, to perform a settlement transport model for the stream of Trail Creek in Michigan City. More specifically, we were looking at the interaction between Trail Creek and Lake Michigan. We wanted to look at the direction of particles from Trail Creek as they flow into Lake Michigan, how often they would flow to the east toward Washington Park Beach and how often they would flow to the west toward Mount Baldy.

Once we obtained the proposal from Environ, we began to learn of the Great Lakes Restoration Initiative opportunities. When IDEM approached the regional water quality professionals for projects, Mayor Oberlie contacted IDEM suggesting that we extend our model of tributaries in the lake to additional tributaries in Northwest Indiana.

There was a meeting held last week by IDEM and the INDR, which Mr. Walus, Mr. Olson and Mayor Oberlie attended, as well as other interested individuals from within the region. Their response was not to stop at two tributaries; they wanted to model all tributaries in Northwest Indiana as they discharge into Lake Michigan to obtain one model for the region. This would then help future watershed groups as they look at many of the different tributaries across the area so that they would not be faced with the same challenge that we have here in the Trail Creek Watershed as to how to pay for, and create, a hydraulic model.

There were two representatives from the Environ team in attendance at last week's meeting. Dr. Jeff Barry was here as well as Dr. Tony Jones representing the Environ team. They provided a presentation to the different partners.

The Board packets also included some handouts showing the overall theory behind the One Region – One Model opportunity.

Mr. Walus referenced a larger display of the handout which shows a shoreline along the major water body.

There is a tributary that discharges into the water body with different structures to protect the marina.

The modelers would then create a mesh with their computer modeling techniques. The further away they get from the structural impediments into the lake, the elements of the model get bigger. There is a very coarse set of nodes/elements as you get further away from the structures. The closer you get to the structure, the elements become finer and finer.

Mr. Walus showed a sample of what the Environ team modeled along the pacific coast of California where an electrical power generating station discharged water into the ocean. Their discharge flowed underground, under the beach and under the ocean floor to a point where it came out of the bottom of the ocean.

Environ knew the amount of flow coming out of the discharge and the different directions that the discharged flowed. By modeling the typical wave action of the ocean, they determined that the discharge from the power plant actually created a break in the typical pattern and did influence the beach.

Therefore, not only are they looking at different wind and wave conditions as well as temperature, the model has the capability of including discharges from large industrial

users because this could impact what is happening on our Indiana beaches east or west of these discharges.

Mr. Walus explained that this is the modeling theory in general. You can model large bodies with very coarse elements and they then get smaller and smaller as you get closer to your shoreline.

Mr. Walus then displayed another representation to scale, pointing out that it just looks like a blob of color. However, if you look at the white, it is an outline of the eastern seaboard of the United States as well as Mexico and the islands off of the Florida coast. For this particular project, Environ was interested in what is happening at the discharge of the Mississippi River into the Gulf of Mexico.

One of the challenges of creating a model is how to model the boundary conditions. Rather than spending a large amount of time trying to calculate what is happening at a particular boundary condition, Environ extended their model to include quite a bit of the Atlantic Ocean and the entire eastern seaboard. By inputting wind and wave patterns of the Atlantic Ocean, they were then able to see the affect within the Gulf of Mexico.

Mr. Walus referenced the shoreline along Mississippi and Louisiana pointing out that the model is quite fine along the shoreline and it is less dense as you get further away from the shoreline.

Environ was particularly interested in the tip of where the Mississippi River flowed into the Gulf of Mexico. As the display is enlarged more and more, you can look at individual tributaries as the river flows into the Gulf of Mexico.

Mr. Walus advised that this is the kind of theory that Environ is proposing to bring to the table in Northwest Indiana. If approved, Environ proposes to model all of Lake Michigan. NOAA (National Oceanic & Atmospheric Administration) has bathymetric data of the lake bed. Therefore the entire lake would be created as a model that they then can use to input different wave and wind conditions to specifically view how Lake Michigan interacts with the tributary of Trail Creek flowing into the lake.

All of the work with the modeling theory will provide what is known as a particle tracking model. We will then need to know what particles are being carried through our tributaries.

Mr. Walus referenced the blue dots on the displayed map explaining that the blue dots represent sample points where staff members from the different partnering organizations would go out and take water samples to perform fecal indicator bacteria tests to see if we do have *E.coli* in those particular test sites. Those samples would then be sent to a lab.

We could potentially work with the University of California, Santa Barbara, who Environ has worked with before. They would use the *E.coli* samples to perform the bacterial source assessment to determine whether they came from an animal or human source.

Therefore, with the particle tracking model as well as the test data to see what levels of *E.coli* we have in our watershed, we can then predict how much *E.coli* is going into the lake. With the wave patterns of the lake, we will then be able to tell if the sediments with *E.coli* are going on to Washington Park Beach, to Mount Baldy or out into the lake.

Additionally, by knowing the distribution of animal versus human *E.coli*, we can then determine from a pathogen human health safety impact, what sources of *E.coli* present the biggest problem. Mr. Walus explained that, traditionally, the human *E.coli* is much more of a concern to beach goers.

Therefore, the ultimate result is scientifically valid data that would help watershed groups such as ours to prioritize projects. Once the report is done, we can determine whether our priority should be on human sources of *E.coli* or animal sources if we had funds to perform a water quality improvement project.

This would address a whole host of different issues we are facing as well as give us a chance to look the potential impacts of *E.coli* from storm-only sewers that discharge into Trail Creek. There could be some benefits for the different industries to see how their discharges are being transported along the lake.

Mr. Walus advised that the Request for Proposal (RFP) for the grant is scheduled to come out within the next couple of weeks. At this point, IDEM is the lead agency to marshal local community groups and municipal entities to participate. We would have approximately 60 days from the time the RFP comes out until the time of the actual grant application submittal.

Mr. Walus advised that there has been very good feedback from our different local agency partners. Additionally, Mr. Olson has been working with other wastewater treatment plant managers to discuss the different options they would have if they were to participate and have these models available to them. Mr. Walus advised that we are trying to maintain the momentum to get as many people together to make this happen.

Mr. Walus then advised that, at the request of Mayor Oberlie, he attended a conference in Milwaukee, Wisconsin at the beginning of this month. There was a handout concerning this conference in the Board packets.

Mr. Walus explained that the Great Lakes Beach Association has an annual conference which rotates around the Great Lakes. Additionally, every two years in conjunction with the Great Lakes Beach Association Conference, there is a Lake Michigan State of the Lake Conference. This year the joint conference was held in Milwaukee.

Mr. Walus stated that Page 2 of the handout showed the different partners who helped put the conference together, primarily the US EPA, the Sea Grant Program, the USGS (US Geological Survey), as well as some local Milwaukee companies who also provided support such as MillerCoors and the University of Milwaukee. These are the types of sponsors they used to present the conference for this year.

Mr. Walus advised that one of the sessions that he was able to attend that might have some relevance to what we are trying to do with One Region – One Model was presented by Professor Bin Chen from Purdue University Calumet with a paper on Optical Scattering Imaging for Rapid Microbial Source Tracking.

Mr. Walus explained that Professor Chen is in the Electrical and Computer Engineering Department and his specialty is studying laser beams and optical scattering. He was able to take an approach whereby upon mounting a petri dish with *E.coli* samples and shining a laser beam through the dish, this resulted in the cell structure of the *E.coli* displaying a specific pattern of light through the *E.coli*. For the specific *E.coli* cells of a human, a goose and a horse, they were able to determine what the refractive light beam should look like.

Therefore, having three patterns to compare to, they were able to then determine what the source of the *E.coli* was when they tested various *E.coli* samples with their light beam; whether it was from a human, a goose or a horse. They had 95% accuracy for checking the source of *E.coli* using the Optical Scattering Imaging process.

Mr. Walus explained that this may have relevance as we fine tune our proposal for the One Region – One Model. As we take our samples, we are looking to sample as many as eight locations for each tributary, for seven or eight times per year. We can then possibly work with Purdue Calumet to perform some of the microbial source identification. We will be discussing this further with Professor Chen to see if we can utilize some local resources to perform some of those determinations.

Mr. Walus advised that it was recognized that the Lake Michigan State of the Lake Conference has never been held in Indiana for the several times that they have had the conference. Therefore, they have expressed a concern to possibly hold the conference in Michigan City in 2011.

Mr. Walus advised that there were approximately 300 scientists, professors and water quality professionals attending in Milwaukee this year. Potentially, we might be able to bring those types of individuals here to the Blue Chip Conference Center.

Mr. Walus explained that, working with Linda Simmons through the local tourism bureau, Blue Chip was contacted to “pencil in” those dates two years from now. Therefore, we are also working with the beach managers from IDEM to see if we get the “green light” through the US EPA Region 5 office in Chicago in an effort to finalize some of those plans to have the conference here in Michigan City in two years.

In reference to the Freyer Ditch Mitigation Project, Mr. Walus explained that we were required by IDEM to do some ditch mitigation elsewhere in the watershed as part of our project to install a 48 inch diameter storm sewer along Freyer Ditch.

Mr. Walus explained that we were able to find a spot on the Municipal Golf Course where they have an existing culvert. There was an open channel that was encased many years ago and that culvert is now falling apart and collapsing.

Therefore, we are working with the golf course staff to remove that culvert and open that waterway once again. We have the final design plans from McCormick Engineering to perform this project. These plans have been shared with the staff at the Park Department.

Mr. Walus advised that we will be seeking some quotes in the coming weeks to perform some of this work over the winter. This is a point in time at the golf course where there is very little play out there. If we get some more hard freezing weather, the ground may be a little bit easier to work with because it is quite wet out there at this time.

Mr. Walus explained that he wanted to bring the Board up to speed on this matter and that we are following through with our required mitigation for the Freyer Ditch Project as part of some joint projects out at the golf course with respect to the golf course drainage.

Finally, Mr. Walus wanted to update the Board on a pilot project that was just completed with District staff. He distributed a handout containing information on a Pilot Drainage Ditch Bank Stabilization Project advising that this was a joint project that was done with the City Engineer's Office. The handout included step-by-step photos of the process from start to finish.

Mr. Walus explained that, with the large number and high intensity of the storms that we have had over the last several months, we have observed some roadside ditch erosion that we have not observed in the past. It appears that, during the high intensity storms, we have larger volumes of water than usual shedding off of the roadway and down grass embankments.

The intensity of the storms has been severe enough where they have caused erosion along the ditch bank in two areas that could, if left unchecked, undermine the roadway.

Therefore, for this Pilot Drainage Ditch Bank Stabilization Project, the District worked with Dave McCormick of McCormick Engineering to get some proposals on how to stabilize these ditch banks.

Mr. McCormick recommended a simple solution where we plant not just grass but a slope-stabilization mix where the seeds would have deep-rooted plants to provide some bank stabilization naturally through the deeper roots as well as using a turf-reinforcing mat, which is a plastic mat that provides some additional stabilization.

The first project we tried was at the location where Eastwood Road tee-intersects into Tryon Road.

Mr. Walus referred to an enlarged version of the handout which included a “before” photo, explaining that there is an old culvert that was placed under Eastwood Road many years ago and is rather short. He further explained that the water is coming off of the roadway developing some rills and furrows that started to take some of the dirt away as well as covering up the culvert. Mr. Walus pointed out that the bedding of the roadway was starting to wash down into the ditch.

Mr. Walus explained that the intent was to grub away some of the existing vegetation, plant the new slope stabilization seed mix and cover it with turf-reinforcing mat. However, the slope was too steep.

Therefore, we ultimately used our Excavator to dig out some of the ditch to the west. Clearing was done where the old culvert ended and some stone was brought in to create a bed for new culvert pipe. A new section of 18 inch culvert pipe was laid down and connected to the existing pipe with a collar. The culvert was then back-filled with stone.

At that point, a mixture of one-half dirt and one-half compost was initially used which was then converted to two parts dirt to one part compost. The black dirt that was used was from some of the spoils saved from the Striebel Pond Project at Hitchcock Dump. There was compost added to the dirt to provide more organics to help the seeds grow faster.

Mr. Walus advised that some fertilizer was put down after the black dirt was placed and the seed mix was then spread and covered up with the plastic reinforcing mat.

Mr. Walus pointed out that the “before” photo shows a very steep slope from Eastwood Road down to the ditch. The “after” photo that was taken 19 days later shows the grass successfully growing through the turf reinforcing mat and the drop-off is much more gradual now. Additionally, we received some delineators from the Street Department to place at the actual curve of the roadway. As the grass grows in more heavily during the spring, the entire bank should be stabilized and erosion hopefully will not be experienced in the future.

Mr. Walus handed out a sample of the slope stabilization mat explaining that it consists of three different plastic meshes to provide stability for the slope. The mesh is affixed to the ground with stakes that hold it in for stability and the straw holds moisture during rain events to help the grass grow.

Mr. Walus stated that, based on the photos taken, the grass is coming in really well and it will be monitored next spring to see how it progresses.

Dr. Jones asked the length of the culvert pipe extension. Mr. Walus advised that it was a 20 foot section of 18 inch pipe, which is the typical section length.

Mr. Walus explained that this extension was not planned for the work that day. However, Mr. Hoffman called Woodruff & Sons, who had 18 inch culvert pipe in their stockyard so we were able to obtain it for installation.

Dr. Jones then asked how many places there are like this in Michigan City. Mr. Walus advised that there is one more location on Warnke Road at a bridge between the north and south golf courses that we will be addressing soon.

Additionally, there is a third one on Warnke Road near the Municipal Airport. This is an old county bridge. This one is more difficult because the erosion has occurred behind the headwall of the bridge so something a bit different will have to be done.

Mr. Walus advised that we have used the turf reinforcing mat once before on a pilot project on Rose Street so we are becoming more familiar to be able to do some of this type of work ourselves.

Mr. Walus explained that, as Mr. Phelps observes different erosion occurring throughout the city, he will inform Mr. Hoffman and they will look at the area together to determine if there is something that can be done with our own forces or if a contractor would have to be hired to do the work.

Dr. Jones then guessed that the answer to his question is that there is not a whole lot of these situations and they are not seen all over the place. Mr. Phelps commented that there are quite a few instances.

Dr. Jones stated that the thought would be that there would be these situations all over the place taking into consider the age of some of these constructions.

Mr. Walus advised that there was one on Jackson Street that required the work of a contractor. D&M Excavating worked with the District to fix this situation. However, this one was deeper and under water making it more difficult to repair.

Mr. Walus stated that this situation was a good way for our manpower to see what is involved with performing some of the bedding and pipe extension and it worked out quite well.

Finally, Mr. Walus reported that he was able to also find an *E.coli* while he was in Milwaukee. He explained that you normally would need a microscope to see *E.coli*. Mr. Walus passed around a one million times magnification of an *E.coli* stuffed toy.

Mr. Walus explained that the tag attached explain that the hairs of the *E.coli* propel Mr. E.coli through the water like a torpedo.

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

Mr. Phelps thanked Mr. Walus for his report.

**Dan Olson**

Mr. Olson advised that there were no violations of the permit, no CSO events and no overflows that he was aware of or reported to the State during the month of September.

Mr. Olson then advised that the sludge disposal for this year was completed this month, explaining that there was a total of 3,547 tons of sludge disposed this year compared to 4,147 tons last year and a bit higher each year before. Therefore, we are still coming down with sludge removal; however we will probably reach a plateau at some point.

Mr. Olson added that the other good thing about this year is that the cost of fuel was considerably less. Last year we paid \$7,490 in fuel surcharges but we only paid \$2,393 this year, which also helped quite a bit.

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

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 were no reported injuries and no lost time in the last month. This is the fourth month with no lost time injuries.

In reference to the Safety Report for the Refuse Department, Mr. Hoffman advised that there were no reported and no lost time injuries in the last month. This is the third month for the Refuse Department with no lost time injuries.

In reference to Drainage Projects, Mr. Hoffman advised that there have been numerous orange safety barrels throughout the city. He explained that the District made a concerted effort with our technology of pole camera to look at the possible cause of a cave-in or hole in or next to the street and to see what it affect it may have on the sewer. If it did not have any affect, the area was simply patched.

Mr. Hoffman distributed a list of miscellaneous repair items briefly reviewing them as follows:

Eighth & Grant Streets – No problem found and hole was filled in.

Carroll Avenue & Michigan Boulevard – There was some interest generated in the newspaper about a grate that had some bars missing at this intersection. The District had contacted the State Highway

Department to repair it. However, since that time, the City of Michigan City has taken control over Michigan Boulevard. Therefore, the District welded a steel plate on grate and mitigated the hazard.

Mr. Walus interjected stating that this particular catch basin will be part of the Michigan Boulevard Project so we did not want to spend a lot of resources fixing an inlet that will have some further work done on it next year. Therefore, Mr. Hoffman and his staff tried to find a cost effective way to get it back in service.

Mr. Hoffman continued his review as follows:

Woodland Avenue by FedEx – Involved multiple barrels that were demolished near a culvert cave-in. The pole camera was used to determine there was no problem with the culvert itself. The area was filled as pothole.

Woodland Avenue by City Lanes Bowling – One area was filled in. Another area is a curb that is not really affected by the Sanitary District.

830 N. Karwick Road – The storm system was inspected and determined that this cave-in was not related to the storm system. Therefore, we filled it in.

Roeske & Coolspring Avenues – The storm sewer was checked with our pole camera and the storm sewer was determined to be fine. We filled and compacted the hole.

400 Block of E. Eighth Street near Lafayette Street – Again, there was nothing found to be wrong with the storm sewer. Apparently the Water Department made a repair there. The District filled the hole, compacted it and placed asphalt on it.

Cleveland Avenue – Leaking water eroded behind a catch basin. We filled and compacted the area as well since there was no involvement with the catch basin or the storm line.

Franklin & Warren Streets – This is a catch basin that we believe was probably hit by a snow plow which needs some welding to bring it back in to shape.

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

IDEM will be in Michigan City tomorrow (October 29<sup>th</sup>) to conduct an additional site visit. MS4 Coordinator Rick Brown and Mr. Hoffman will attend the site visit.

Each building permit application in Michigan City is evaluated for MS4 requirements. Therefore, you cannot build anything and not be caught by MS4. The same is true with stormwater retention. Each building permit application is evaluated for the stormwater retention ordinance as well.

Mr. Phelps thanked Mr. Hoffman for his report.

**Jim Kintzele**

Mr. Kintzele advised that he is requesting a major fund transfer explaining that there is an excess of funds in the Diesel Fuel line item and there is a need for an increase in the Overtime line item. He explained that any holiday results in overtime for the Refuse Department.

Mr. Kintzele explained that there are still holidays coming for the remainder of the year such as Veteran's Day, two days for the Thanksgiving holiday, two days for the Christmas holiday and one day for the New Year's holiday, as well as the Refuse Department assisting the Street Department with the removal of leaves.

Mr. Kintzele further explained that the Street Department dumps the leaves at different areas in the city and the Refuse Department compact the leaves at those areas and then hauls them to the Hitchcock Dump.

Mr. Kintzele also explained that the Franklin Street snow that is plowed to the center of the street is ultimately removed by the Refuse Department. Additionally, he is assuming that the same thing may occur now that the City will be taking over the maintenance of Michigan Boulevard. Although he is unsure how this snow removal will be done, he anticipates that his department will probably be involved.

Mr. Kintzele stated that this fund transfer request should carry the department well through the end of the year without worrying about overtime funds if other departments need assistance.

Mr. Phelps advised that he would entertain a motion on the matter after Mr. Kintzele completes the rest of his report.

In reference to tonnage, Mr. Kintzele advised that there was a reduction of compacted trash in the amount of 1,536 tons and an increase in loose trash in the amount of 274 tons for the year.

Mr. Kintzele advised that the Refuse Department has been involved in many demolition debris removals with the Planning/Inspection Department after which the Refuse Department is reimbursed into the Non-Reverting Fund.

Mr. Kintzele explained that the tonnage averages at approximately 140 tons less per month for this year. Therefore, they are still in good shape.

Mr. Kintzele advised that the Refuse Department will be picking up compost until Thanksgiving week after which all of the trucks will assist with leaf pickup until the snow falls.

Mr. Kintzele advised that we have been very lucky in our contract with Waste Management because we had an agreement that would not allow them to charge us extra fees. The extra fees started out as administrative fees, environmental fees and fuel fees, resulting in another good savings for the department.

Mr. Kintzele advised that there will be a hearing held on November 4<sup>th</sup> regarding the permanent disability of an employee, at which time the matter will hopefully be settled.

Mr. Kintzele asked Mr. Walus to address the matter of a new refuse truck.

Mr. Walus explained that Mr. Kintzele expressed an interest at last month's Board Meeting, to investigate the possibility of purchasing a replacement for the Refuse Inspector's truck.

Mr. Walus explained that Mr. Kintzele met with Central Maintenance Superintendent Charlie Cate and requested that some quotes be obtained for that equipment as well as inclusion of a trade-in value back to the Sanitary District for the old truck.

Mr. Walus advised that we received, via e-mail this morning, the recommendation of Mr. Cate that he provided to Mr. Kintzele. Mr. Cate is recommending that the Harbor bid for a new 2009 truck was the lowest option, which was a 2009 Chevrolet Silverado.

The original price was \$30,117.61. There is a \$5,200 GM Bid Assist that brought the price down to \$24,917.61 as well as a trade-in value of \$2,500 for the refuse truck that would bring the cost down to \$22,417.61.

Mr. Walus advised that, if the Board of Commissioners were to move forward, the physical truck would most likely be kept by Central Maintenance and assigned possibly to the Inspection Department inspectors. Central Maintenance would then provide a credit back to the Sanitary District of the \$2,500 trade-in value.

Mr. Kintzele believed that there would be a \$700 trade-in using the truck from the Inspection Department and the Central Maintenance would use up the rest for a credit back to the District in the approximate amount of \$2,000.

Mr. Kintzele advised that this figure is approximately \$4,000 less than what he was originally told. They forgot about the bid assist from GM, which resulted in another mark down.

Mr. Walus advised that the City Controller John Schaefer confirmed that Mr. Kintzele does have remaining funds in the 2009 budget Equipment line item for vehicle

purchases. Additionally, this would allow Mr. Kintzele to not have to use money from his non-reverting fund, which could be saved for potential use in 2010.

Mr. Phelps asked about the Dodge truck referenced in the quote and whether the Silverado is an extended cab. Mr. Kintzele explained that the Dodge has a back seat but it is not a full double-door extended cab. He further explained that this is the truck that was bought with non-reverting funds and was purchased as a used truck.

Mr. Phelps asked what the final recommendation is. Mr. Kintzele requested that the Board authorize the purchase of the 2009 Silverado through the local Chevrolet dealer.

Mr. Phelps entertained a motion on the matter.

Dr. Jones made a motion to approve the purchase of the 2009 Chevrolet Silverado from Harbor in the total amount of \$22,417.61, as requested – seconded by Mr. Strauss. No discussion or comment on the matter.

Mr. Kintzele advised that we have had the new toters for a little over a year now and there are still toters at the Sanitary District sludge lagoon so we are in very good shape.

Mr. Kintzele advised that the Refuse Department will be taking care of the new housing unit on Cleveland Avenue (Rittenhouse Assisted Living Complex) as soon as they fill the units. There are 30 units in the back that will be added for trash collection. Additionally, there should be enough toters to hopefully get the department through at least another year without replacement.

Mr. Kintzele advised that he also put out a news release today regarding the wooden trash can holders that his department built with the UEA (Urban Enterprise Association). The UEA has agreed that they will do all of the pickup of the wooden holders so the Refuse Department will not have to remove them.

Mr. Kintzele advised that the wooden holders that are being brought in are being disassembled and the wood is being used for other projects in the city.

Mr. Phelps entertained a motion on the following proposed resolution:

**BEFORE THE BOARD OF )  
COMMISSIONERS OF THE ) RESOLUTION NO. \_\_\_\_\_  
SANITARY DISTRICT OF )  
MICHIGAN CITY, INDIANA )**

**RESOLUTION FOR MAJOR TRANSFER**

**WHEREAS**, the Board of Commissioners has determined that it is now necessary to allow a major transfer of previously appropriated funds between certain fund accounts for the 8203 Refuse Fund.

**IT IS HEREBY RESOLVED** by the Board of Commissioners of the Sanitary District of Michigan City, La Porte County, State of Indiana, that the following major transfer between the named funds, for the purposes specified, is approved, subject to the laws governing the same:

**DECREASE:**

8203-0000-02-422.025, Diesel Fuel \$40,000.00

**INCREASE:**

8203-0000-01-411.016, Overtime \$40,000.00

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by the Board of Commissioners of the Sanitary District of Michigan City, Indiana.

Dr. Jones made a motion to approve the resolution, as presented – seconded by Ms. Simmons. No discussion or comment on the matter. Motion carried 5 – 0 in favor.

Mr. Phelps thanked Mr. Kintzele for his report.

**Attorney Payne**

Attorney Payne advised that there are ten delinquent accounts to be recorded as liens, in the total amount of \$1,857.50, which requires Board action.

Mr. Phelps entertained a motion on the matter.

Mr. Strauss made a motion to approve the delinquent accounts to be recorded as liens, in the total amount of \$1,857.50 as submitted – seconded by Dr. Jones. No discussion or comment on the matter. Motion carried 5 – 0 in favor.

Attorney Payne then submitted three liens to be released due to satisfaction of the liens, in the total amount of \$577.13 and advised Board action is necessary.

Mr. Phelps entertained a motion on the matter.

Ms. Simmons made a motion to approve the Releases of Lien, in the total amount of \$577.13, as submitted – seconded by Ms. Paul. No discussion or comment on the matter. Motion carried 5 – 0 in favor.

Attorney Payne 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.

Ms. Simmons 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 to be paid by the Board of Public Works & Safety.

Mr. Strauss made such a motion – seconded by Ms. Paul. 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 –  
**November 18, 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.

          / J. Jeffrey Jones /  
J. Jeffrey Jones, PhD, Vice President