

**THE SEWER BOARD OF THE CIVIL CITY OF NEW ALBANY, INDIANA,
HELD A MEETING IN THE THIRD FLOOR ASSEMBLY ROOM OF THE CITY-
COUNTY BUILDING ON THURSDAY FEBRUARY 14, 2013 AT 9:15 A.M.**

PRESENT: Mayor Gahan, Ed Wilkinson, Gary Brinkworth

ALSO PRESENT: Mary Ann Prestigiacomo, Wes Christmas, Rob Sartell, Jim Garrard, Stan Robison, April Dickey and Vicki Glotzbach

CALL TO ORDER:

Mayor Gahan called the meeting to order at 9:15 a.m.

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Brinkworth moved to approve the January 24, 2013 Regular Meeting Minutes, Mr. Wilkinson second, all voted in favor.

BIDS:

COMMUNICATIONS - PUBLIC:

Mr. Bolin stated that he was present representing Stantec and passed out a report of the sanitary sewer overflow monitoring that they did for the board to review. He went over the report with the board. He also stated that their contract has expired and would like to request that the board to continue it.

Mr. Wilkinson stated that he would like to set up a work session at the plant. He then asked Mr. Bolin if he remembered what the dollar amount of the contract represented in 2012.

Mr. Bolin stated that the contract was for \$50,000.00 and it is set up for six months. He said that he came back to the board in June for an extension but no increase in the price and thus far they have spent about \$45,000.00 so there is still about \$5,000.00 left in the contract. He added that they have done two overflow events this year and that is included in the \$45,000.00.

Mr. Wilkinson asked if there was a separate contract for MS4 activity.

Mr. Bolin replied yes.

Mr. Wilkinson stated that there are 24 manhole SSO inspection sites on the new approval from EPA and six of them haven't overflowed in five years. He also said that the agreement needs to be restructured and made simpler.

Mr. Bolin said that is fine with them.

Mr. Mattingly stated that he has some vacant property in New Albany and that he doesn't think that it is right to bill for sewage and sanitation on vacant properties. He said that he asked for an exemption. He added that he does understand the drainage charge and has been paying it. He stated that now they are going to put a lien on the property to go on his taxes and he does not feel that it is fair. He also stated that he had rented a property and the tenant left an unpaid bill and feels that is not right that he is responsible. He explained that he thought the amount owed was \$167.00 because that is what the delinquent notice said but she actually owed \$500.00 or \$600.00. He suggested

that there be a deposit required and have a large reinstatement fee.

Ms. Dickey stated that according to statute they can only put a lien on 90 day or over balances so that is why when they receive a delinquent notice it only includes that 90 day balance not the whole balance.

Mayor Gahan asked Mr. Robison and Ms. Dickey to meet with Mr. Mattingly after the meeting.

Ms. Smith explained that her sewer line meets the neighbor's sewer to form a Y connection and then goes across the street. She said that she had a new sewer line put through her yard because of tree roots so that is in good shape but she still gets sewage water in her basement. She stated that the day after Christmas there was a sewer clog up and it came into her house and never goes into her neighbors. She stated that she feels that when they put the sewer line in it should've gone straight across the street instead of connecting with someone else. She said that she has now been told that there is a clog out in the street. She was also told that she is responsible for the line all the way across the street.

Mr. Brinkworth stated that isn't true and that she is only responsible to her property line.

Ms. Smith asked if there is a mess up in the middle of the street then it is not her problem.

Mr. Brinkworth replied that is correct except if it was something that the neighbor did then they need to clean the line.

Ms. Smith stated that she had a plumber in last night and they did a temporary fix and they went out 90 ft. so that would've put it out in the street.

Mr. Brinkworth stated that she might speak to her plumber about installing a backflow preventer.

Ms. Smith stated that they have talked about that and didn't fully understand what a backflow does. She said that if she puts one in and then there is a clog between where the backflow is and what she is responsible for then she has no way to get to it.

Mr. Brinkworth stated that the neighbor's basement must be higher than hers and the backflow preventer would at least keep it from getting into her basement. He then asked Mr. Sartell if they should take a look at the line.

Mr. Sartell stated that they could take a look at the line but it sounds like the reoccurring problem is past the Y connection. He also stated that he thinks the best solution for her is to put in a backflow preventer and then there needs to be a cleanout so that if there is a backup her plumber can go through the cleanout and get to the clog. He explained that she would probably want to put the cleanout at the Y connection.

Ms. Smith asked who would be responsible for putting the cleanout at the Y connection.

Mr. Sartell stated that it would be the homeowner's responsibility.

Ms. Smith stated that she is requesting that the city put in the cleanout at the Y connection and she will put in a backflow preventer.

Mr. Sartell stated that they will go out and televise the lines to see what the situation is and then present a solution.

COMMUNICATIONS - CITY OFFICIALS

SEWER ADJUSTMENTS:

Mrs. Dickey presented an adjustment request for Thomas Pope in the amount of \$868.89. She explained that the leak was in front of the house and the water went into the yard and in the driveway. The leak was repaired by Greenwell Plumbing and supporting documents were provided.

Mr. Brinkworth moved to approve, Mr. Wilkinson second, all voted in favor.

Mrs. Dickey presented an adjustment request for Katherine Newbanks in the amount of \$852.27 for a leak on the side of the main and explained that the water went down a hole under the meter. The leak was repaired by Alliance Comfort Systems and supporting documents were provided.

Mr. Brinkworth moved to approve, Mr. Wilkinson second, all voted in favor.

Mrs. Dickey presented a request for P.M.L. Properties in the amount of \$1,520.85 for a leak that was caused by a tampered with outside hose spigot. She stated that they explained that they were unable to ascertain for certain that this was the source of the leak but their usage has returned to normal so it appears to be a one-time incident.

Mr. Wilkinson moved to approve, Mr. Brinkworth second, all voted in favor.

FINANCIAL REPORT:

Mr. Wilkinson stated that \$17,000.00 come in to finalize the manhole repairs from the Georgetown contract which is a one-time event. He stated that the engineer fees number is a little higher right now and when Ms. Prestigiacommo gets the budget installed for 2013 then we are going to assign project numbers to Old Ford, Chapel Creek and move those engineering fees for those projects because right now they are all under one line item so it makes it look like we are over budget and we are not. He also stated that the board approved a large \$17,000.00 refund at the last meeting and as we go through the year that will catch up.

NEW BUSINESS:

Mr. Garrad stated that there is an agreement that is still being finalized with Crowe Horwath to do a financial analysis of the sewer utility that looks at historical spending, past financial reports, anticipated spending, etc. and puts together a financial picture of the utility. He said they will also take a look at potentially removing the EDIT funds and the TIF funds and see what the impact of that would be on the utility. He stated that the cost estimate is \$12,000.00-\$16,000.00 for financial analysis which is phase 1 of their scope of work. He said that phase 2 would be if they are required to attend a public meeting to do a presentation for the board or city council and that would be potentially another \$4,000.00-\$6,000.00. He then recommended approval.

Mr. Wilkinson asked if that is temporary for a period of two or three years or is it a waiver completely of the TIF and EDIT funds.

Mr. Garrad replied that it wasn't specific and he thinks that is just looking generally at the impact of doing that.

Mr. Brinkworth asked if they would include, in that same impact, how much it would lessen it if we were to get a 2.5% increase every year for cost of living.

Mr. Garrard said that he thinks that as they look at this analysis they will make those suggestions as well but he will make sure that is in there.

Mayor Gahan asked how long it would take to do the analysis.

Mr. Garrard replied that they were hopeful that it would take two to three weeks.

Mr. Wilkinson move to approve Crowe Horwath to move forward with its study, Mr. Brinkworth second, all voted in favor.

Mr. Fifer stated at his request they had an executive session regarding pending litigation on the property at 1219 Beechwood Avenue. He explained that there is a line that comes down Beechwood that carries sewer water for about 30 homes and the line was actually constructed back in the 1920s by whoever built the house. He said that there is a clay pipe from the manhole in Beechwood Avenue in front of the house that turns to cast iron under the house and then back to clay through the remainder of the rear yard. He stated that the litigation stems from the fact that the easement that is recorded for that line is outside of the chain of title of the current homeowner. He added that he asked Mr. Kraft who is representing the homeowner and Ms. Homrighausen to attend today's meeting. He showed the board a WPA maps that were done back in the 30s and according to it if you go towards Depauw Avenue from Beechwood there is an alley between 1219 and Depauw. He said that whoever developed Beechwood did a different sanitary sewer set up for that part of the area. He then explained that a 21" line goes down the alley and carries additional sewer water from upstream and then picks up the houses where the grade starts to go back up Depauw. He stated that Mr. Christmas has now determined that we can eliminate the manhole in front of 1219 and turn the pipe out of the rear of the house and continue down to Vance Avenue. He said that they could construct a 205' extension that would allow that water to come to that 21" line and would eliminate the risk of similar event occurring. He added that this claim arose because of the August 4, 2009 rain event and if we were to have another rain event like that he could not say that a similar occurrence could not occur in the future. He said that this would help reduce that risk of backup but there also is a storm water structure on the property that probably contributed to that damage as well. He also stated that in order to TV and verify that the line under the house was in good shape, we have to finish out a manhole that was in the rear but was not visible from the surface. He said that if the homeowner desire for that to be removed we can do that. He stated that if they want to dedicate from the manhole to the rear property line and the city maintain the line we can do that. He said that he thinks it would be in the city's best interest to construct this and allow Mr. Sartell to get three quotes to build that.

Mr. Brinkworth stated that if the manhole is eliminated then it will be a little more difficult to maintain.

Mr. Fifer stated that is a lateral and she will have to maintain it all the way to the rear property line at her expense if it's is not there so if it were him, he would dedicate it but that is a judgment call that they have to make.

Mr. Christmas stated that this improvement eliminates public flows passing through the line beneath 1219 Beechwood Avenue and takes those flows and continues down Beechwood Avenue to the alley that Mr. Fifer mentioned and dumps those into the existing 21" public sewer. He said that the line at 1219 Beechwood Avenue would then only convey flows from that structure and would be a private lateral at that point.

Mayor Gahan asked if this is the only situation like this on Beechwood Avenue.

Mr. Fifer replied that it is possible because these houses were built before the city had a municipal sanitary sewer utility and before it had zoning so it is not to say that it couldn't

have happened.

Mr. Kraft stated that Mr. Fifer just presented this to him this week so he has not had a great opportunity to look at it. He also stated that he is not in the position say that this settles anything because ultimately there is still pending litigation. He said that he knows the numbers that the city did settle for flooded basements after this rain but you chose not settle with Ms. Homrighausen. He also said that the problem was exasperated by the fact that you have a line under her house without an easement. He stated that the city recently trespassed on her property and built a structure on her property for a manhole that was underground. He added that he not going to say that today they are prepared to accept anything based upon the fact that the city as well as the sewer board will not take it upon themselves to take responsibility for the actions that it took with respect to the flood. He implored upon the board to look closely at this because ultimately not only has she had to deal with flooding but because the line is illegally placed, she has been unable to obtain any title insurance, she has been unable to refinance because you have a line that runs under the house without an easement. He said that he is not in the position today to say yes or no but he does feel that further consideration should be taken for the fact of what Ms. Homrighausen has been put through as it relates to three ft. of sewage water in her basement and she is still living in that house. He added that he can't believe that the city has not stepped to the plate to address that.

Mr. Fifer stated that this isn't the place to try to address the litigation but he does think that constructing this line improves the city's position with respect to the risk presented by that litigation. He said that he has no idea how long it will take for that to be fully resolved and he is in no way suggesting that the approval of building the rerouting of the sanitary sewer requires them to dismiss any portion of their claim.

Mr. Brinkworth moved to pursue building the 205 ft. line and making sure that everyone in that area remains connected to a sanitary sewer line abandoning the line to 1219 from the manhole to her front yard and sealing that off and authorize Mr. Sartell to get three quotes to do that work and Mr. Christmas to go verify that it doesn't require an IDEM construction permit, Mr. Wilkinson second, all voted in favor.

OLD BUSINESS:

Item #1 - Clark Dietz Update

Mr. Christmas stated that the system lining and rehabilitation of basin 16 is entirely complete. He then stated that the final plans and specifications for the Old Ford lift station have been completed. He said that Mr. Sartell is doing a final review of those and anticipate coming before the board at the next meeting to request authorization to bid that project. He then moved on to the Chapel Creek Interceptor improvement and said that the topographic survey was completed last week so they are beginning preliminary plans and preparation on that project. He said that on the SRF projects, he provided the board with a summary of the loan funds to date which should really be final. He said that he is going to confirm that number with Ms. Prestigiacomio and SRF. He then stated that he will probably recommend a work session to discuss the use of those remaining funds.

Mr. Wilkinson asked Mr. Christmas how much time he would need before setting up the work session.

Mr. Christmas replied that he would like a week at the earliest because he wants to do some confirmation of the numbers and is going to make initial contact with SRF as well.

Item #2 - Rob Sartell re: ProLiance Energy

Mr. Sartell stated that he would like to table this item because a couple of issues have come up that he would like to look into.

UTILITY REPORT:

Mr. Sartell stated that they do not have the report completed at this time but will have it at the next meeting.

CLAIMS

Mr. Sartell presented the following claims for approval:

Vender Name	Amount	Department
Ace Hardware	\$96.28	WWTP
Indiana American Water	\$4,023.00	SEW
Rinky Dinks	\$43.00	WWTP
Keystone Automotive	\$46.14	SEW
Post Master	\$7,000.00	SEW
Clark-Floyd Landfill	\$4,392.66	WWTP
Ferguson Waterworks	\$62.00	WWTP
Cintas	\$1,625.98	WWTP
Culligan Water Systems	\$80.00	WWTP
Brown Equipment	\$3,716.37	WWTP
Vectren Energy Delivery	\$7,792.51	WWTP
Whayne Supply Co.	\$580.23	WWTP
Frakes Engineering	\$615.00	WWTP
Rawdon Myers Inc.	\$2,232.00	WWTP
Spectra-Tech LLC	\$1,125.00	WWTP
Duke Energy	\$6,844.48	WWTP
Applegate, Fifer, Pulliam	\$1,649.98	
IDEM	\$4,200.00	WWTP
S & M Precast	\$328.00	WWTP
Delta Services	\$2,297.50	WWTP
Spencer Machine & Tool Co, Inc.	\$1,458.97	WWTP
Metro Answering Svc	\$76.28	WWTP
Souths Cleaning Service	\$800.00	WWTP
The Home Depot	\$9.44	WWTP
Ernst Concrete	\$264.50	WWTP
Hawkeye Security & Electronics	\$75.00	WWTP
Xerox Corp	\$94.57	WWTP
Crum's Heating & Cooling	\$143.75	WWTP
Julie Voyles	\$683.19	SEW
OneSource Water	\$360.00	WWTP
NCL of Wisconsin	\$88.29	WWTP
James A. Garrard	\$6,250.00	WWTP
Purchase Power (Pitney Bowes)	\$36.60	WWTP

Sherry Laboratories	\$228.40	WWTP
R. Davis Family Enterprises	\$76.38	SEW
DXP Enterprises	\$3,523.65	WWTP
Total	\$62,919.15	

Mr. Wilkinson moved to approve, Mr. Brinkworth second, all voted in favor.

Ms. Prestigiacomio presented SRF Disbursement Request for System Lining & Rehab – Division 2 – Pay 2 in the amount of \$431,151.00

Mr. Brinkworth moved to approve, Mr. Wilkinson second, all voted in favor.

ADJOURN:

There being no further business before the board, the meeting adjourned at 9:35 a.m.

Jeff M. Gahan, Mayor

Vicki Glotzbach, City Clerk