

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,  
HELD A REGULAR COUNCIL MEETING IN THE THIRD FLOOR ASSEMBLY  
ROOM IN THE CITY/COUNTY BUILDING ON MONDAY, DECEMBER 5, 2016  
AT 7:00 P.M.**

**MEMBERS PRESENT:** Council Members Mr. Coffey, Mr. Caesar, Mr. Phipps, Mr. Nash, Mr. Blair, Mr. Aebersold, Mr. Barksdale, Dr. Knable and President McLaughlin.

**ALSO PRESENT:** Mr. Lorch, Mrs. Moeller, Mr. Gibson, Police Officer Davidson, Mr. Hall, Mr. Duggins, Mr. Sartell, Mr. Wilkinson, Mr. Warren Nash, Mr. Wes Christmas and Mrs. Glotzbach

**Mr. McLaughlin** called the meeting to order at 7:00 p.m.

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:**

**Mr. Caesar moved to approve the Regular Meeting Minutes for November 17, 2016, Mr. Barksdale second, all voted in favor with the exception of Mr. Phipps who abstained.**

**COMMUNICATIONS – PUBLIC (AGENDA ITEMS):**

**Mr. Randy Smith** thanked the city's press operation for making the public aware of the index implementation of adoption on sewer rates. He doesn't have any objections to additional expenditures to the sewers or complying to get out from under the consent decree but he has a serious problem with the CPI. He said that the Bureau of Labor Statistics produces the CPI and is not an economical variable and is just a statistic that can be used to drive things. He would rather see the CPIU used but there are still serious problems with that because procedurally you are taking a marble and setting it rolling and advocating the responsibility of your regulatory responsibility. He said that as legislators you are setting rules that you as regulators aren't allowed by state law to follow. He said that you can't just set the ball rolling and say see you later because next year if the sewer board comes to you for a rate increase and you've set CPI in motion it may be way too high or may be way too low. He submitted a chart from the Institute of Public Utilities, MSU to the council and reviewed it with them. He pointed out that the blue line represents water and sewer CPI over the years which has gone up considerably and the other lines represent other utility services including postage which have almost all stayed flat lined. He showed that the difference in other utility CPIs is almost zero and if you used a CPI from 2015 which was 0.1% then he would like to ask the experts that are going to speak if they would've been content with that rate increase. He then explained that he objected for 10 years to the subsidizing of sewer rates because it is against the law to take EDIT funds or any other money you get to pay sewer bonds. He also explained that if CPI isn't sufficient to meet all of the statutory requirements for reserve then what you are doing tonight is just purely and simply a cowardly political ploy to push down the road that you don't make that decision and it is established by CPI.

**Mr. Roger Baylor** stated that he couldn't help but notice that the sections on CPI were pasted into the ordinance and it underscores that he doesn't think what you do with CPI

and what you do with the bond should be in one package and feels they are two separate items.

#### **COMMUNICATIONS – COUNCIL:**

**Mr. Blair** stated that he is concerned about the reconstruction of Mt. Tabor Road and the possible flooding effect to the Woodfield Manor/Farmgate neighborhood so he took the initiative to call three different engineering firms to ask about a storm water study. He said that two of the engineers felt that there could be problems in the area and one didn't think there would be a significant amount of water added to the area. He said that he is planning to bring a resolution forth to appropriate funds up to \$8,000.00 for a storm water study and wanted to get the council's feedback on it.

**Dr. Knable** stated that if it will help that area then he has no problem with supporting it.

**Mr. Blair** stated that he thinks that if the study concludes that there are no issues from the road construction then that will relieve us of any liability. He also stated that if it does conclude that there will be possible increased flooding around the creek then he is hoping that some retention can be built into the project or possibly a retention pond upstream.

**Mr. Coffey** stated that he thinks it is worth the money for peace of mind of the residents in that area.

**Mr. Aebersold** asked if he is sure that we haven't had one.

**Mr. Blair** stated that he has asked enough questions, sent emails to our attorney and spoke with the engineers and they cite a storm water study in their construction plans but when he asked the engineers they said it wasn't really a study but just staff notes. He also stated that he has been told that this is a road construction project and not a storm water project and he feels that anytime you do a project you need to take into consideration the effects of the surrounding community to this type of project. He then said that he has requested information and has been stalled on it.

**Mr. Aebersold** asked if there were notes and what the notes indicated.

**Mr. Blair** stated that they say that there is no significant impact.

**Mr. Aebersold** asked if he has seen the notes.

**Mr. Blair** stated that they won't provide the notes to him. He also stated that he has been stalled on it and doesn't believe that there has been a study done but even if there was one done by the engineers doing the construction project then it is self-perpetuating. He said that he has an email from the city engineer stating matter of fact that this is a road project and not a storm water project and he just doesn't buy that because the road sits above that neighborhood and the water is being dumped over the top of the cliff into the creek. He feels that there is potential for increased flooding in that neighborhood.

**Mr. Phipps** stated that there has been flooding in that area for a long time and knows several people that have been impacted by it and he wouldn't have any objections to doing the study independently of the road project but not if the goal is to simply stop the road project.

**Mr. Blair** stated that he doesn't want to stop the road project but wants to make sure that the road project doesn't contribute to increase flooding.

**Mr. Phipps** stated that as long as there is nothing in the appropriation that says the road project has to be put on hold and it is a totally independent study of Slate Run Creek and how it affects those neighborhoods, he feels it is a minimal cost given the fact that there have been numerous complaints in that area.

**Mr. Blair** stated that he is just concerned that an increase of water because of the road project will just overflow the creek even more.

**Mr. Aebersold** asked if it could be done after the road project is done since it is going to separate anyway. He said that they could do a study on it right after the project is done so if there are any issues they can be addressed.

**Mr. Phipps** stated the issues can then be addressed particularly if they are worse after the road construction.

**Mr. Blair** stated that he doesn't want to get into a situation like we did on Martin Drive where we are reacting after the fact.

**Dr. Knable** asked what if the engineers can cite something in the study that can be implemented during the road construction.

**Mr. Blair** stated that they will review the existing plans and documentation from the engineering firm to see so they may be able to recommend something that could help us.

**Mr. Caesar** stated that he thinks he needs to be really specific on the wording of what we want done and asked if it is going to be a before and after study and how long will it take. He also asked if they will give an estimate on a retention pond if they recommend a retention pond. He then asked what the depth of the study would be.

**Mr. Blair** stated that he does have the proposal and should've brought it in. He said that it does give the water flow before the project and an estimate of water flow after the project. He said that if they would give recommendations on retention then we would have to go back to storm water to request additional projects.

**Mr. Phipps** stated that he wonders if the council approves this \$13M project tonight if that will help alleviate part of the problem too.

**Mr. Blair** stated that he doesn't know enough about the project being proposed tonight to know that.

**Mr. Coffey** stated that to him the road is a separate issue but it would be nice to have a study done to see if there is something we can do to alleviate problem because they have had major problems over the years.

**Mr. Blair** stated that there is a request for a study from the Army Corp of Engineers for that area.

**Mr. Coffey** stated that there is a request but it would be nice to have a study.

**Mr. Blair** stated that there is a storm water masterplan and we have priority over what projects are done in a certain order and this is a very low priority compared to other places in the city.

**Dr. Knable** stated that it sounds as if there is some support so Mr. Blair may want to refine a resolution and bring it back to the council.

**Mr. Aebersold** stated that if the study comes back that the road reconstruction will not have an impact on what's going on already, we still need to take care of what's going on already. He added that if this study will help us do something like that then he feels we need to move forward on it.

**Mr. Phipps** stated that he is not sure that it is going to do that based on what Mr. Blair is saying. He added that he doesn't know if it will be a comprehensive enough study to determine how to fix it.

**Mr. Blair** stated that he thinks they will have some thoughts and recommendations but it won't be like build a retention pond at IUS or that kind of stuff.

**Mr. Caesar** stated that he is not sure that the road construction is going to make that much difference but he is in for the study if they provide solutions although the solutions may be beyond our pocket book.

**Mr. Blair** stated that he, Mr. Aebersold and Mr. Nash met with city planners on the comprehensive plan and there will be a public meeting at YMCA on Thursday, December 8th at 6:00 p.m. He stated that the word funky is used a couple of times while referring to downtown and he is going to ask for that word to be taken out of the plan because it is slang. He also stated that there are some other areas that he would like to have more clarification on.

**Mr. Aebersold** said that he thinks it is fine and didn't think that was a bad word because it brought some color to it.

**Mr. Nash** stated that he saw a couple of things that could be touched up but for the most part, he liked what he read.

**Mr. Phipps** stated that he is on the plan commission and it received a unanimous approval at their meeting last week. He said that he did make one suggestion when they were talking about access to the river. He suggested being a little more specific and say in the future if there is a feasible way to maybe get through the flood then maybe we should consider it.

**Mr. Blair** stated that was reflected in the plan.

**Dr. Knable** stated that he would like to see the word compassionate or caring in the vision statement. He also stated that he thought it was much more detailed and a much better piece of work than he anticipated. He said that he thinks there needs to be an emphasis on public when it comes to transportation and in the utilities section we need to embrace renewable energy technologies when possible including various recyclables. He also said that he thinks we need to add something about caring for the homeless and addicted as well as add big ticket items like the library, the jail and the animal shelter and things that we think of as shared entities with the county that should have some mention. He said that he is only mentioning this tonight because time is of essence and they want to bring it back at the December 15<sup>th</sup> meeting.

**Mr. Coffey** stated that he doesn't know if he can make the meeting but he does want something in it about Disabled Veterans because what they are going through is ridiculous because some are homeless and they served our country.

**Dr. Knable** said he thinks that comes under compassionate and caring.

**Mr. Coffey** said but that is not specific.

**Dr. Knable** stated that he didn't get into it too deeply because he has about seven pages of notes but he agrees.

**Mr. Caesar** stated that G-16-03 seems like it came on with no warning but there is no reason that this is a rush other than interest rates going up. He added that the other component is that sooner we get it done the sooner we are out from under EPA.

**Mr. Blair** encouraged Mr. Caesar to table it and stated that the timeframe between this meeting and the one next Thursday is a short period and from the view of transparency the public has very little chance to react to this and we are talking about an estimated \$12M project and sewer increases. He feels that it looks like we are trying to rush something through at the end of the year and there has been a pattern with that in the last few years. He said it would be bad policy to do a vote tonight because he is used to financial information and feels there is a lot of information missing in it. He said that he is really struggling with the current sewer financials because revenues are going down, expenses are going up and we are drawing out our cash balances and he doesn't see where we can do a project of this size without a substantial rate increase. He also said that typically when you do a project like this you do a rate study and have projections and they may have that but he doesn't know but just to put a small CPI you may be talking about \$140,000.00-\$200,000.00 and that's not a lot when you are talking \$14M-\$16M in revenue so he asked if that will be enough to fund this project. He then asked if this project is really necessary versus what we are already doing to eliminate overflows and get past the EPA mandate. He stated that something this complex should not be rushed through in a two week period and should be studied.

**Mr. Caesar** stated that he understands that but tonight all of the staff is here and after we hear all the presentations, if we want to slow down that is not a problem.

**Mr. Blair** stated that he agrees that we need to hear the information but feels it is too soon to vote.

**Mr. Nash** asked if there was any discussion about having this as two separate items or would that be a problem.

**Mr. Caesar** stated that there was not.

**Mr. Nash** stated that if the rate goes down eventually then we are tied to this. He also stated that we are signing off on a bond and in the same breath tying the rates to another index.

**Mr. Caesar** stated that if the revenues are not there then this council will have to take a serious look at it.

**Dr. Knable** suggested that this discussion be held off until that part of the agenda. He then stated that he wanted remind everyone publicly that when the appropriation was done at the end of the year last year for Blessings in a Backpack it was a one year issuance so if they wanted to get that on the agenda before the end of the year while they are working on their 2017 budget, he would like to see them bring that back before the end of the year so they don't get caught in a bind.

**Mr. Barksdale** stated that he just had a discussion with the lady that presented it last year and he believes that she has been in contact with Mr. Lorch.

**Mr. Lorch** stated that she asked him who to contact.

**Mr. Barksdale** said he told her that he would sponsor it but mentioned to her to get back with Mr. Lorch to get the writing of the ordinance taken care of.

**Dr. Knable** stated that he has had discussions about Narcan with Mr. Caesar, Mr. Phipps, Mayor Gahan and Fire Chief Juliot and the fire committee has recommended that we pursue that but it is being reviewed with the city insurance agency to see how that would affect our claims or potential liability in the year 2017. He said he would keep the council posted on that.

**Mr. Barksdale** stated that there is needed signage as you are coming into town on Spring Street and he also doesn't believe that the lane that ends at Silver Street has been taken care of yet.

**Mr. Phipps** stated that he spoke with Mr. Summers about that and he told him that we can't put designated turn arrows until you get past the last intersections so it can't be put in until you are past Spring Avenue otherwise it will appear as a required turn onto Woodrow Avenue and to Cost Avenue and then to Spring Street. He added that is according to road codes.

**Mr. Barksdale** stated that he understands but is wondering if there could be a sign saying that the right hand lane ends at Silver Street or something along those lines.

**Mr. Christmas** stated that there is additional signage that has not been installed yet but has been in the plans all along. He said there will be a sign saying that the right lane must turn right and asked if they feel that will address the issue.

**Mr. Caesar** replied yes.

**Mr. Christmas** stated that sign should be installed within the next week to two weeks.

**Mr. Phipps** stated that the street signs that indicate Spring Street are missing the city seal. He also stated that at Silver Street and Spring Street when you are going southbound on Silver Street the sign should say 2000 block of Spring Street but it says 2100 block.

**Mr. Christmas** stated that he would pass that along.

**Mr. Phipps** stated that East is missing off of Spring Street but he doesn't know if that is critical because there wouldn't be a 2100 block of West Spring Street.

**Mr. Barksdale** stated that as you are stopped in the right lane at Silver Street where you are supposed to turn right some people are continuing straight and he feels that there needs to some type of designation of the parking spots there because the way it is now, it looks like it could be a lane. He also stated that if those spots were striped perhaps that could help. He added that the constituent that he spoke with about this said that there were people passing in the area where there are supposed to be cars parked and he thinks it could be a potential hazardous area.

**Mr. Aebersold** stated that going east you can turn left onto to Woodrow Avenue and there have been signs there for years that indicate no left turn but people have always turned and we have had some bad accidents there. He said there is now a left turn arrow in the median almost up to that point and there was nothing put in to stop them from turning. He asked if anything different is going to be done there.

**Mr. Christmas** stated that there hasn't been anything different planned but it can be discussed.

**Mr. Caesar** stated that it is confusing and dangerous.

**Mr. Barksdale** stated that there has been a lot of graffiti or possible gang signs around Bank Street, Main Street and E. Third Street. He said that he has seen some of the signs on traffic signal boxes, walls, buildings and things along those lines. He did get in touch with Mr. Joe Ham and he wasn't aware that this is going on but will look into it to see what has been done in the past. He added that there are about six tags down there and he thinks if we continue to let this happen then we will see more and more of it so we need to nip it in the bud. He also added that Mr. Joe Ham is going to speak with the police department as well to see what may be able to be done.

**Mr. Coffey** stated that some of the symbols that are being painted are not gang signals but are actually pick up points to buy drugs and if they are on vacant properties that's considered a place where they can do drugs.

**Mr. Barksdale** stated that is not something we want in our community.

**Mr. Coffey** said it is here and is going to get worse if we don't do something about it.

**COMMUNICATIONS – MAYOR:**

**Mr. Hall** stated that the rental registration program began today so Mr. David Brewer and his office are accepting those forms which are on the front page of the website and very easy to find.

**COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:**

**REPORTS – COMMITTEES, BOARDS OR OTHER OFFICIALS AS REQUESTED BY A MAJORITY VOTE OF THE COUNCIL:**

**APPROVAL OF CF-1 FORMS:**

**INTRODUCTION OF ORDINANCES:**

**READING**

<b>G-16-03</b>	<b>Ordinance Approving and Authorizing Sewage Works Revenue Bonds and Bond Refinancing and an Index Implementation and Adoption</b>	<b>Caesar 1&amp;2</b>
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**Mr. Caesar introduced G-16-03 and moved to approve the first and second readings, Mr. Phipps second, all voted in favor with the exception of Mr. Blair and Dr. Knable who voted no.**

**Mr. Caesar** stated that the sewer board has been looking at this since 1992 and we have had to play catch up and are really far ahead of the curve now. He said that this project could be extremely beneficial for the city and it is proving to be a good deal to refinance the 2006 bonds which would be paid off in 2018 anyway and it will be a savings of \$80,000.00-\$100,000.00.

**Mr. Blair** asked if he is increasing amortization on those bonds.

**Mr. Caesar** stated that they will still mature at the same time which was very important. He then said that the main project is the sewage piping that will be put underground which will cost approximately \$7M. He said there are two lift stations that need to be improved as well as a pump at the plant that needs to be updated. He stated that the third thing is that rate wise we have been behind the ball and in 2010 we had to make some really hard choices and make large sewer rate increases and by using the CPI to go up 2%-3% per year then we don't have to raise the rate to an exurbanite rate to catch up.

**Mr. Gibson** stated that Mr. Christmas and Mr. Sartell are present to speak about the projects.

**Mr. Christmas, Clark Dietz,** stated that we have been dealing with EPA and IDEM since 1992 and under a consent decree and sewer ban for connections to the sewer system since then. He explained that in the late 90's there were various improvements and studies were done in 2001 with significant improvements made to the collections system and the wastewater treatment plan. He said those projects wrapped up in 2005 and 2006 and made significant improvements to the system and reduced the overflow volumes 97%. He stated that there were 66 sites at that time and EPA required that the city monitor the overflows and since the completion of those improvements, the number of sites has been reduced to 13 sites today. He stated that those 13 remaining sites are what brings us here today and discuss what we can do to eliminate them.

**Mr. McLaughlin** asked if the largest number of sites we had was ~88.

**Mr. Sartell** replied that before 2005 it was probably in the 80s.

**Mr. McLaughlin** stated that shows how far we have come.

**Mr. Christmas** stated that in January of 2000, which was the storm that they used to analyze the system and base future improvements off of, there were 15M gallons of sewage that was either bypassed at the treatment plan or overflowed into the streams. He said that in storms today of similar size, we are just talking thousands of gallons. He explained that the improvements have been significant but in order to comply with Clean Water Act and the consent decree and hopefully get EPA out of town that volume has to be zero. He added that we want to get out from under the EPA when it comes to development in New Albany. He stated that in order to eliminate the remaining SSOs we can implement underground storage which is oversized piping or actual tanks buried in the ground and when the water and sanitary sewer system levels rise then instead of exiting through manholes it's dumping into a tank where it is held until the levels lower and can then be released back into the system. He explained that implementing this project will eliminate the remaining SSOs and will bring us into compliance and allow us to file for petition of release from the consent decree. He added that the area where we have the remaining SSOs lies between New Albany Springs Golf Course and goes northeasterly to Korb Avenue between Charlestown Road and Slate Run Road.

**Mr. Caesar** asked if he would be correct in saying that where these underground storage tanks are located can't be built on but is usable ground on top of them which could be used for something like a golf course.

**Mr. Christmas** replied yes.

**Mr. Blair** asked if these tanks are holding sewage only or sewage and storm water.



**Mr. Christmas** replied that technically New Albany's system is a sanitary system so it is holding sanitary sewer but the reason we have these problems when it rains is because we have some storm water getting into the system so it is diluted sanitary sewage.

**Mr. Blair** asked if this will help any flooding issues.

**Mr. Christmas** replied no.

**Mr. Nash** asked what the capacity of a tank is.

**Mr. Christmas** stated just under 2M gallons worth of storage in a couple of locations in the problem area but specific sites have not been identified yet.

**Dr. Knable** asked about the lifespan on the tanks and if there are any comparable communities that have used these. He also asked about maintenance costs.

**Mr. Christmas** stated that the detail design will dictate exactly what these consist of but they could be very simple gravity in and gravity out as far as flow which is very low maintenance. He said there may be some times due to failure of slopes that flushing mechanisms will be used to drain it so that it won't have solids accumulating. He then said that potentially if they are not gravity in and gravity out there may be small pumps to drain it and pump it back into the system but we won't know those details until final design is done. He also said that as far as lifespan, we are looking at large pipes of high density polyethylene or concrete so it would be approximately 75 years for design life.

**Mr. Aebersold** asked if this plan is being put in to eliminate maybe 10, 11 and 12.

**Mr. Christmas** stated that this project will eliminate the remaining 13 sites.

**Mr. Aebersold** asked him if he came up with a plan in the last few months that would eliminate these in a hurry.

**Mr. Christmas** replied no and stated that after implementation of the original capacity assurance plan projects in 2006 there were some subsequent overflows at these locations that he is speaking about. He explained that in 2011 EPA contacted the city and asked what we were going to do to take care of these remaining sites. He said that storage was kicked around at that time but EPA directed the city to invest in renewing the system because there are obviously some leaky pipes in the ground so in 2011 there was an amended capacity assurance plan that focused on I&I removal which is where the city's lining crew came to be. He said that it is renewing the system as the lining is put in which basically creates a new pipe but 20,000 linear feet a year is not going to eliminate these SSOs in a timely manner even though that is great production.

**Mr. Blair** asked what the difference is in costs between what this project is versus continuing on the path that we are on.

**Mr. Christmas** stated that the path that they are on is important to invest in renewing the system but he couldn't tell him cost wise what the difference would be.

**Mr. Blair** asked if this will eliminate any other planned projects.

**Mr. Christmas** stated that he doesn't think it will eliminate any other projects that he is aware of.

**Mr. Sartell** stated that it wouldn't.

**Mr. Blair** asked if all of the projects in the plan still need to be done

**Mr. Sartell** replied yes.

**Mr. Christmas** stated that a lot of those projects involve normal replacement work.

**Mr. Aebersold** asked what this will do to help them out five years from now.

**Mr. Christmas** stated that it will allow for EPA to be gone and because they are designed for a 10 year storm it builds in a safety factor.

**Mr. Sartell** stated that it will also give them future capacity.

**Mr. Phipps** stated that if they go with the lining what they are saying is that it would not be completed fast enough which means they are indirectly losing future business because they can't invest here.

**Mr. Blair** stated that he agrees with that but on the other hand it may cost them a lot of money just to pick up additional business and he questions whether it is worth it.

**Mr. Phipps** stated that in his opinion it is worth it and he believes there are people waiting to invest.

**Mr. Aebersold** stated that in addition they will get out from under the EPA.

**Mr. Sartell** explained that unfortunately they can't line fast enough to stay in business and if they run out of credits there is no growth.

**Mr. Christmas** stated that it also adds certainty in reducing I&I in the system.

**Mr. Aebersold** asked if it will address any other areas such as the west end.

**Mr. Christmas** stated it will only address the where they currently have overflow.

**Mr. Caesar** asked if by addressing this areas it will slow down the rate that the flow is coming downtown.

**Mr. Christmas** replied yes.

**Mr. Barksdale** stated that he looks at this as being proactive because they can't run out of credits.

**Mr. Coffey** asked what happens if it is over a 10 year storm.

**Mr. Christmas** stated that they will continue to have a SSO however they are only required to capture a 5 year storm according to the consent decree which means if it is about that they are not in violation. He explained that with changing weather patterns they tried to think ahead a little bit and not design it to be right on the cusp.

**Mr. Coffey** stated that he wants to get ahead of the game but he has heard presentations before that promised to fix the issue and here they are again playing catch up. He asked if the EPA will be back in five years saying something different and requiring more of them.

**Mr. Christmas** stated that he can't speak to what the EPA is going to require in the future.

**Mr. Coffey** asked what their pattern has been.

**Mr. Christmas** stated that they haven't changed their requirements since they entered into the consent decree.

**Mr. Sartell** stated that the first consent decree was in 1992 and the amended consent decree was 2001, and that is what they are working off of.

**Mr. Coffey** asked if they need to go to a higher capacity because he is in favor of this resolution but he wants it to be done right and he wants it to be something that will last.

**Mr. Aebersold** asked if they can add to this in the future.

**Mr. Christmas** replied yes.

**Mr. Coffey** asked how many 100 year events they have had in the last five years.

**Mr. Sartell** stated that he isn't sure.

**Mr. Coffey** stated that he should be able to because it is part of this issue.

**Mr. Phipps** asked to clarify if they meet the 5 year plan and they do have a 10 year rain would they get fined but not be out of compliance.

**Mr. Christmas** stated that they wouldn't be out of compliance and they wouldn't be fined. He explained that the to step up to the 10 year storm is because they had some issues defining exactly what the 5 year storm consists of for evaluating whether or not they are in violation of the consent decree.

**Mr. Sartell** stated that the only way the EPA would come back to New Albany is they knew of problems and didn't address them.

**Mr. Christmas** stated that they now have the problem spots down to such a small window that this project was geared specifically for those sites. He explained that in the past they were making large improvements to try to solve everything and now it is more targeted.

**Mr. Coffey** stated that he just doesn't want to go through this again.

**Mr. Sartell** stated that the three other projects that are included in this resolution are Jacobs Creek Lift Station, Uphill Run Lift Station and squircle rehab (square clarifiers at the treatment plant).

**Mr. Blair** asked if he has a cost estimate on these projects.

**Mr. Sartell** stated that the stations are \$1.8M with two options for Jacobs Creek to rebuild or eliminate and the squircles are \$1.5M

**Mr. Blair** asked about the cost estimate on other outstanding project that he knows of.

**Mr. Sartell** stated that the other projects are probably 10-15 years away.

**Mr. Blair** asked about the projects that are listed on their financial statements.

**Mr. Sartell** explained that those are projects that are already under way and the money has already been dedicated.

**Mr. Blair** asked if that money is coming out of reserves or cash balances.

**Mr. Sartell** stated that it is coming out of the EPA reserve.

**Mr. Barksdale** asked how long ago the squircles were rehabbed or replaced.

**Mr. Sartell** stated that the tanks went in in 1974 and were rehabbed to turn into clarifiers in 1994 and have been used as clarifiers for 20 years.

**Mr. Aebersold** asked how long the station on Payne Koehler has been there and if they plan to keep it.

**Mr. Sartell** stated that the station was built in 1990 and explained that they can't eliminate that station because it is used to pump up over the hill to Prosser

**Mr. Caesar** asked if there is a different kind of system they could use in place of the clarifiers.

**Mr. Sartell** stated that they don't use them a whole lot so it would be cheaper to rehab what they already have in place.

**Mr. Blair** asked for the cost on the storage tanks.

**Mr. Christmas** replied \$7M.

**Mr. Gibson** stated that the last time they were here part of the reserve was built up and was used to specifically fund the projects that they are currently working on. He explained that this resolution will address the last remaining SSO's to meet the consent decree.

**Ms. Jennifer Wilson, Crowe Harwoth**, explained with regards to the \$13.5M they plan to pay interest only until 2023 and that is when the 2014 funding bonds mature as well as the 2006 SRF loan. She stated that they are only adding about \$500,000.00 worth of interest payments through the year 2023 when ~4.5M worth of debt rolls off.

**Mr. Blair** asked if that means they have \$13.5M worth of debt and it is going to stay consistent.

**Ms. Wilson** replied yes.

**Mr. Blair** stated that they aren't going to be paying debt down but stretching it out.

**Ms. Wilson** stated that this is just on the new money portion. She explained that on the 2006 refunding bonds they are proposing up to \$3.5M for that portion and they will go out to 2017-2018 and will be replacing the 2006 refunding bonds.

**Mr. Blair** asked if there will be reduction of principal during that time.

**Ms. Wilson** replied yes and explained that it will be ~1.8M each.

**Mr. Caesar** stated that the refinancing will be less than \$3.5M and they aren't going any longer which will create a savings.

**Mr. Blair** asked for clarification on the new bonds.

**Ms. Wilson** stated that the new bond is \$13.5M and the first principal payment wouldn't be until the year 2024. She explained that until that time they are paying interest only which they estimate will be about \$500,000.00 per year, and the bonds will be until the year 2036. She stated that at that time they tried to wrap the debt around the existing debt and they estimate the total debt to be close to \$6M which will be reduced in 2024 to \$1.9M.

**Mr. Blair** asked for a schedule that would show this.

**Mr. Wilson** stated that she will make copies for them.

**Dr. Knable** asked if they considered options that would allow them to begin paying principal on the new debt immediately.

**Ms. Wilson** stated that they did but they wouldn't be able to issue \$13.5M at this point and time because their coverage would go below the minimum requirement.

**Mr. Blair** stated that the alternative is to do a rate increase because going 20 years without paying principal is a long time.

**Dr. Knable** stated that there could obviously be a rate increase to offset this.

**Mr. Blair** stated that if other bonds are paying down at the same time and they are still reducing overall debt that might be acceptable. He asked what assurances they have that they aren't going to be looking at a rate increase in the near future because he doesn't see how they have enough cash and reserves in order to pay for the projects they have now.

**Ms. Wilson** stated that when they look at rates they look at operating first and they use the balance that they have built up for capital improvements.

**Mr. Blair** stated that only works as long as the reserve is adequate. He asked if they have a run rate for operating expenses because right now it isn't broken out in the financials.

**Ms. Wilson** stated that they did prepare a report that was required by a state revolving fund earlier this year and they did separate out operating expenses from capital expenses.

**Mr. Blair** asked if she could explain the decrease in revenue.

**Ms. Wilson** stated that she isn't completely aware of what he is saying because in according to her report in 2013 they had about ~14.1M worth of sewer revenues and in \$14.3 in 2014, and \$14.1M in 2015.

**Mr. Blair** stated that a CPA compiles the information for him that comes from the administration and that is where he is getting his information.

**Mr. Gibson** stated that he has previously explained these different areas that Mr. Blair continuously wants to go back to. He explained that EDIT has been pledged in the past and was part of those numbers and stated that over the last year or two the sewer board has released the city council of that obligation.

**Mr. Blair** stated that if this is the case then the financial statements are incorrect.

**Mr. Gibson** stated that Ms. Wilson runs her reports based upon the aspects she is given. He explained that if Mr. Blair wants to sit down and go over specifics he is fine with that but Ms. Wilson is reporting what she is required to report.

**Mr. Blair** stated that he doesn't understand why the numbers don't match because it is the same revenue and expense dollars that are coming in.

**Ms. Wilson** stated that some of the numbers that she would put into operating revenue would be sewer revenue which occurs every year, but some of the other items that Mr. Gibson is talking about such as EDIT they might consider below the line and not part of the operating revenue.

**Mr. Blair** stated that his contention is that if the information isn't presented correctly they need to get them corrected.

**Ms. Wilson** stated that she wouldn't say it is incorrect but it is just different from what they are showing.

**Mr. Blair** stated that he has an issue with the consistency in how it is being reported and he doesn't see how they can do an analysis based on the information if it isn't reported the same way. He added that he is more than happy to sit down with her and work through the numbers. He stated that he believes the project is worthwhile and something they need to do he just wants to make sure they can afford it. He explained that until they understand what they have and make sure they aren't burdening the next council with a possible rate increase he doesn't know how they can make a decision.

**Mr. Gibson** explained that is one reason they have included the consumer price index increase and this is the first proactive approach to ensure that rates are at what they should be and should have been.

**Mr. Aebersold** asked if there has only been one rate increase in 15-16 years.

**Ms. Wilson** stated that there have been 3.

**Mr. Blair** stated that he views the CPI increase as a way to pay for normal operating increases but if it is based on what it has been the last two years that is not going to be much money for them to use for anything.

**Dr. Knable** stated that he thinks there are merits to having a CPI because the consumer gets a feel for what their rate will be from year to year. He asked if there is a negative CPI will they lower their rate or would they do it at a five year rolling average. He stated that they could also include escapes so if they felt like they needed a higher increase or if they don't need the CPI any longer they could make that decision then. He asked Mr. Gibson if they have the right to set the rate with the CPI.

**Mr. Gibson** stated that the council is under the obligation to make sure the rates are fair and supply the utility with the resources it needs.

**Dr. Knable** stated that he thinks for expediency it needs to be broken into two items for them to vote on.

**Mr. Coffey** stated that he has been here when the rates have increased and because it wasn't done every year they go into trouble. He explained that the bottom line is that they

can't compare a sewer rate to other utilities and he supports a yearly rate increase. He stated that he is open to how they want to figure in the increase but costs go up each year and they have to make sure they take that into account. He explained that in the past 6-7 years the sewer utility has operated better than it has at any other time and they can pick this apart and separate it but at the end of the day they need to vote to move forward instead of continuing to pick it apart.

**Mr. Gibson** introduced the council to Mr. Tom Pittman and explained that he is an expert in the field and will be happy to answer any questions they may have.

**Tom Pittman** stated that the ordinance authorizes two series of bonds and \$13.5M of new money maturing no later than September 1, 2036, and there will be a series that will refund the 2006 refunding bond. He pointed to the first page of the ordinance and explained that they will see a recitation of the bond issues that have been done in recent years which is a complete listing of all the current sewage works bonds. He stated that there are blanks in the middle of the ordinance but once the bond is sold it will be filled in. He explained that the new money bonds will be sold through a competitive process that is designed to get them the absolute best possible rate that the market can provide. He stated that the maximum interest rate on the new bonds will be 5% but they are project that it will be much less than that and the interest rate on the series will be negotiated and they will be well protected. He explained that procedurally this will require a third reading and then an official statement will be drawn up that will be used to describe the bonds to potential buyer and a sale date will occur. He asked if they had any questions.

**Mr. Blair** stated that they do not have a study showing how the cash flow is going to work and until they get that information he doesn't think they should be making a decision. He explained that he is concerned about what management is presenting to them as far as the numbers are in connection to what the consultants are presenting and he would like to be able to reconcile between the two. He stated that if there are things that are wrong on the statements they need to redo them but until they get the correct information he doesn't see how they can make a decision.

**Mr. Caesar** stated that he thinks with the minimal amount that they are raising until 2023 he is okay with it. He added that he believes the CPI is the way to go because voting on the previous large rate increases were tough but they were so far behind it had to be done.

**Mr. Blair** stated that they are going to continue to have wage increases along with increase in costs of goods and services so he doesn't see how they can make a decision without seeing projections that show that the CPI will be enough to cover it. He added that they have explained that the interest is going to go up to \$500,000.00 and the CPI increase will not even cover that.

**Mr. Pittman** state that that they will not be able to sell bonds unless they are able to project that for every \$100 of bond payments there is an expectation of at least \$125 of revenue.

**Mr. Coffey** stated that they went 10 years without a rate increase and they kept going backwards so he doesn't understand saying it isn't enough when it is at least something. He added that it comes down to do they want development or not because they are ready to move for the first time to get ahead of the curve and they need to keep that momentum.

**Dr. Knable** asked if the city has ever taken on a project of this kind without a study being done and stated that he would like to see the numbers before him and he thinks that it needs to be separated out.

**Mr. Phipps** asked if they use the CPI Index are they tying their hands from having a rate increase if they need it.

**Mr. Gibson** stated that they always have the right to do that.

**Dr. Knable** stated that Mr. Caesar indicated that they weren't in any hurry on this so if there is a difference of opinion he would love to hear it.

**Mr. Gibson** stated that since 1992 they have been under a sewer credit ban where the EPA controls how much development happens in the city. He explained that their credits are getting tight with the new developments coming and the interest that has been shown in the city. He stated that when Georgetown went off the system they only received 20% of the credits and they were expecting 100% so that hurt them as well.

**Dr. Knoable** asked if they are going to run out if this decision goes into January or February.

**Mr. Gibson** stated that the timing does matter.

**Ms. Wilson** explained that when they issue new debt they have to do a coverage report and if they flow into January they have to wait until the books are done and they probably won't go to market until March or April. She stated that they have the books done and the report ready so now would be the best time to take care of it.

**Mr. Gibson** stated that this will push back construction time and exhibition time as well.

**Dr. Knable** stated that with the time limitations he would have loved to have started this conversation a lot earlier.

**Mr. Blair** stated that he would rather make sure they are making an informed decision and he would like the public to be able to weigh-in.

**Dr. Knable** stated that he would like to have time to talk with his constituents about it before a vote.

**Mr. Gibson** stated that there would still be a public hearing in the beginning of 2017 and would be part of the final adoption.

**Mr. Blair** stated that they need rate increases to pay their bills and they need projects to show if they can really afford this which they haven't seen.

#### **INTRODUCTION OF RESOLUTIONS:**

**R-16-17      Resolution Concerning Statement of Benefits for      Nash**  
**K & K Property, LLC on Behalf of W. M. Kelley**  
**Company, Inc. by the Common Council of the**  
**City of New Albany As Amended**

**Mr. Nash** introduced R-16-17 and moved to approve, **Mr. Phipps** second,

**Mr. Phipps** withdrew his second,

**Mr. Nash** reintroduced R-16-17 as amended, **Mr. Phipps**, all voted in favor.



**Mr. Duggins** stated that last year the council approved R-16-09 that listed the tax abatement schedule and explained that the legislature allows them to adjust abatement to any date. He stated that they set up the same standard and it needed to be referenced in the resolution and it wasn't added. He presented them with a corrected version that adds "refer to resolution R-16-09 for percentage breakdown". He explained that this company is adjacent to industrial park and is a great company.

**Mr. Barksdale** thanked the Kelly's for all that they have done for the city.

**Mr. Duggins** stated that he did the same thing on the last resolution that was passed and asked if they can add a line to a resolution that has already been passed or does he need to bring it back.

**Mr. Blair** asked if they did it at the next meeting if it would be too late.

**Mr. Duggins** stated that would be fine.

**Mr. Coffey** stated that once it passed it would replace the first one.

**BOARD APPOINTMENTS:**

**COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):**

**Mark Cassidy** stated that he doesn't have any issues with what they are doing with the sewer resolution but he is tired of having things come up at the end of the year and not having any time to talk with the residents. He asked how having a bond that only pays interest for the first 7-8 years affect it and if they are paying a higher interest rate.

**Roger Baylor** stated that they mentioned something about a comprehensive plan meeting and asked if that was a public meeting.

**Mr. Blair** replied yes and stated that it is at the YMCA.

**Mr. Roger** asked if that was something that was announced because he hadn't seen anything about it. He stated that he finds it disturbing that they don't get to the point in these meetings about each item on the agenda without going back and forth about it for so long.

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 9:20 p.m.

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Pat McLaughlin, President

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Vicki Glotzbach, City Clerk