

City of West Lafayette, Indiana  
Board of Public Works and Safety  
MINUTES

AUGUST 29, 2011  
8:30 a.m.  
City Hall Council Chambers

Members present were Sana G. Booker, Bradley W. Marley, Jonathan C. Speaker, Elizabeth Mr. Stull, and Mayor John R. Dennis, who presided.

1. APPROVAL OF MINUTES

a. August 22, 2011, Meeting

Ms. Stull moved to accept the minutes of the August 29, 2011, Board of Works meeting. Mr. Marley seconded the motion. The motion was adopted.

2. NEW BUSINESS

a. Escrow Agreement: Atlas Excavating for Western Sanitary Sewer Interceptor-Division V Project – WWTU

Wastewater Utility Director Henderson explained that the agreement deals with retainage during the construction, setting up the escrow. It is typical for larger projects.

Mr. Marley moved that the escrow agreement be approved. Mr. Speaker seconded the motion. The motion was adopted.

b. Grants of Easement: Western Sanitary Sewer Interceptor-Division IV Project – Engineering

City Engineer Buck stated that there are several easements with Purdue and PRF. There is a letter of agreement dated August 19, 2011, between Purdue University, PRF, and the City, spelling out the stipulations and requirements that have been agreed to, to have and maintain the easement where the sewer pipe is located through the Purdue area by the airport. This section is being built with the US231 relocation project. The Board is ratifying the agreement, which has already been agreed to by Purdue.

Ms. Stull moved that the grants of easement be approved. Mr. Marley seconded the motion. The motion was adopted.

Ms. Booker asked what a tap fee is. City Engineer Buck answered that tap fees are charges for connection to the City's sanitary sewer system, based on water meter size. Clerk-Treasurer Rhodes said it was in the letter of agreement with Purdue. Mr. Buck added that part of the agreement with Purdue is that the City would not charge Purdue tap fees.

City Attorney Burns stated that, for clarification of the record, when the Board of Works approved the letter with Purdue University for the easements, there were two grants of easements. He asked that the Board specifically approve the two grants of easement for Parcels 17 and 17A, and Parcels 18, 18A, and 18B.

Ms. Stull moved to approve the grants of easement. Mr. Speaker seconded the motion. The motion was approved.

c. Agreement: American Structurepoint – Yeager Road Construction Inspection, Utility Coordination – Engineering

City Engineer Buck explained that this agreement is for utility coordination, not eligible for federal aid. This agreement and the next one were approved by the Redevelopment Commission at their meeting last week. The original contract for the engineering was between the Board of Works and American Structurepoint. The Board of Works is to ratify the agreements. As the project begins, there will be a lag time between when the bids are opened at INDOT and the road contractor is selected and hired. The utilities begin moving relatively soon. Some of the work is in Division V of the Western Interceptor Project with Atlas Excavating, the City's sanitary sewer relocation work. The private utilities—Indiana-American Water, Comcast, Frontier, Vectren, Duke, Zayo Bandwidth, Purdue fiber—will be a quilt underground and above ground when everything is done. Given the complexity and the sensitivity of timing and the density of the work area, City Engineer Buck said it was important to have some on-site assistance. This contract for utility coordination services is not to exceed \$16,000, and would bring American Structurepoint's people to the project before the road contract gets underway. The company would be on site each week as needed, to monitor construction and make certain the utilities are going where they are supposed to be going.

Mayor Dennis asked City Attorney Burns if he had reviewed the contract. Mr. Burns said that he had, and that it was fine.

Mr. Speaker moved that the contract with American Structurepoint be approved. Mr. Marley seconded the motion. The motion was adopted.

d. Amendment No. 4: American Structurepoint – Yeager Road Project – Engineering

City Engineer Buck explained that this amendment amends the original contract, for the inspection that is part of the road and is part of the federal aid project that will be reimbursed 80/20. This is for \$206,875 and is funded through the Redevelopment Commission.

Mr. Marley moved that Amendment No. 4 with American Structurepoint be approved. Ms. Booker seconded the motion. The motion was adopted.

e. Change Order No. 7: INDOT – Perimeter Parkway, Phase 1A, Part 1 – Engineering

City Engineer Buck explained that this is for additional storm sewer lines that Purdue wanted to add while the contractor was working in the Discovery Park area, at the west end of the project, to serve additional stormwater needs as the Discovery Park area continues to develop. The initial work has not yet begun. It will be 100% paid by Purdue, and adds \$228,491.40 to the contract.

Mr. Speaker moved that Change Order No. 7 be approved. Ms. Stull seconded the motion. The motion was adopted.

f. Contract: Atlas Excavating – KCB Water Quality Improvements-Phase I and Payment Agreement – Engineering

Assistant City Engineer Susong requested the Board of Works to approve the contract with Atlas Excavating for the KCB Water Quality Improvements-Phase I Project. The amount is \$231,487.50.

Mr. Speaker moved that the contract with Atlas Excavating be approved. Mr. Marley seconded the motion.

Assistant City Engineer Susong said there is also an agreement from Atlas to pay to their funds management account, which is included, so that also needs Board approval.

Mayor Dennis said that the vote is for both the contract and the escrow agreement.

The motion was adopted.

Assistant City Engineer Susong said that a notice to proceed would be sent to Atlas Excavating.

g. Requests for Street Closure – Police

Mayor Dennis read the streets to be closed and the dates for each.

Sergeant Watson said that the closures are as outlined by the Mayor, and the Police Department had no objections. Mayor Dennis asked Fire Chief Drew if the Fire Department was okay with these, and Fire Chief Drew answered yes.

i. Garden Street between Summit and Sheridan: Monday, September 5, 2011, 3:00 p.m. to 7:00 p.m. – Northwestern Heights Neighborhood Association Block Party

ii. South Street from Northwestern to Chauncey and Chauncey from South to just before the Library Garage: Friday, September 23, 2011, 3:00 p.m. to Midnight – Greyhouse Coffee Starry Night Music and Arts Festival

iii. Linda Lane from Soldiers Home Road to Reba Drive: Sunday, September 4, 2011 [rain date September 5, 2011], 4:00 p.m. to 7:00 p.m. – Neighborhood Block Party

Ms. Stull moved that the requests for street closure be approved. Mr. Speaker seconded the motion. The motion was adopted.

h. Lease/Purchase Supplement: Huntington National Bank – Equipment Schedule No. 002 and Related Documents – Clerk-Treasurer

Clerk-Treasurer Rhodes explained that, on April 25, 2011, the Board accepted the bid from Pyramid Equipment for the combination trash/recycling vehicle that was bid. Subsequent to that time, the Street Commissioner has been able to review the accessories and has concluded that the amount needed to acquire the equipment is \$182,325, slightly less than the \$183,607 bid that was accepted, which included five accessories. Through the Bond Bank, Clerk-Treasurer Rhodes determined that Huntington Bank's financing was the least cost. There was a delay of entry into the escrow agreement, to reduce the City's interest obligation for this equipment. Delivery is expected in October or November. Huntington has honored the rate originally proposed, 2.73%. The terms of the payment schedule have been slightly changed to make one

payment in advance and the rest in arrears, in order to accommodate budgeting. Clerk-Treasurer Rhodes said she is asking the Board to accept Equipment Schedule No. 002, which is the lease for this piece of equipment that the City is obtaining from Pyramid Equipment, and that the Board authorize the Mayor to execute documents necessary for the lease.

Mr. Marley moved that Equipment Schedule No. 002 be approved. Ms. Stull seconded the motion.

Mr. Marley asked about the cross-collateralization language and the right of set-off language on the assignment of the deposit account, whether City Attorney Burns had reviewed that and is comfortable with it. City Attorney Burns said that he had, and asked if Mr. Marley had concerns. Mr. Marley said the language, "whether now existing or hereafter arising, whether related or unrelated to the purpose of the Schedule," presupposes that any other indebtedness between the City and that party would be cross-collateralized. City Attorney Burns asked if there were others. Mr. Marley said the phrase, "Lessor reserves a right of setoff in all Lessee's accounts with Lessor (whether checking, savings, or some other account). This includes all accounts Lessee holds jointly with someone else and all accounts Lessee may open in the future," is very broad. City Attorney Burns asked what else the City has with Huntington. Clerk-Treasurer Rhodes said that we have a money market account with them, and have had for over a year. Clerk-Treasurer Rhodes said her concern is reduced because the lease obligation is theoretically one that is subject to annual appropriation, but, for all intents and purposes, it is an obligation of the City. One way or another, it will be paid. The City will make the lease payments, but, in her opinion, if for some reason an appropriation were not approved, the account would stand to guarantee. They would collect, one way or another. The practical implications, to her, are moot, but she said that she is not a lawyer. It did not concern her. City Attorney Burns said that it does exactly that, makes sure that they are paid, no matter what occurs on the annual appropriation. Clerk-Treasurer Rhodes said that lease-purchase agreements with municipalities are peculiar, in that the City does not actually pledge anything more than saying that there is an appropriation this year, and there is an appropriation next year, but there is not an actual guarantee. The City cannot legally guarantee that there is an appropriation. The language is a way the bank is trying to assure their underwriters that they will be paid. City Attorney Burns said, on that basis, he has no problem with the language. It is very broad and it does guarantee that the bank will be paid. Given the rate the City is paying, that may be part of the reason. Mr. Burns asked Mr. Marley if he could live with that. Mr. Marley answered that he could live with it, but he just wanted to point it out. City Attorney Burns said it was a good point. Clerk-Treasurer Rhodes added that the City does not have the same kind of surety that other commercial transactions would have in their view.

The motion was adopted.

i. Claims

i. AP Docket	\$238,642.89
ii. AP Docket	91,913.94
iii. AP Docket	77.00
iv. PR Docket	327,817.89

Mr. Marley moved that the claims be approved. Ms. Booker seconded the motion.

Questions raised about individual claims were answered by department heads, department representatives, and Clerk-Treasurer Rhodes.

The motion was adopted.

j. Informational Items

i. Project Payment Listing – WWTU

k. Other Items

i. Police Chief Dombkowski announced that, for the Purdue home football game over Labor Day Weekend, they would not put out the barricades in the Village, because of the holiday.

ii. Wastewater Utility Director Henderson announced that Saturday is Global Fest, and the dinnerware that will be used is compostable, which will be fed into the digesters with the food waste. More waste, more power. Mayor Dennis said less going to the landfill. Mr. Henderson said that this is a project in the City's "Clean Community Challenge," which has just completed its first year. Progress is being made.

Wastewater Utility Director Henderson said that today Merrell Brothers' tanker trucks are taking treated biosolids from the Utility to farmland, to use as fertilizer. From all the wastes taken in at the Plant, they make electricity, they heat the digesters, and, in the end, they finish the cycle with the treated biosolids applied to farmland, starting the cycle again.

iii. City Engineer Buck announced that drivers may want to avoid Stadium Avenue today and tomorrow, as paving will be done. Robinson Street was completed Friday afternoon, although there are tie-ins to be completed. Paving operations in the near-campus will be wrapping up early this week, although contractors will continue with other streets in the contract. Decatur Street is one of those, as there has been substantial damage to it in the last few years.

City Engineer Buck reported that Lindberg Bridge is progressing. The second deck pour for the walkway was poured last week. Two crews continue to work at various times, to maximize efficiency during the workday, depending on what has to be done. Mayor Dennis interjected that he was in Blackbird Farms over the weekend, and he was amazed at the level of understanding that citizens there have about the project and the technology involved. He said that City Engineer Buck has done a good job of explaining the technology. City Engineer Buck said that, now that the students are back, the level of traffic at the intersections west of Blackbird Farms will be as it was in the spring, with the number of cars increased at the intersection of Lindberg and McCormick. Mayor Dennis asked if an officer is needed there. Mr. Buck answered that they will monitor the situation and that he will work with Police Chief Dombkowski as needed.

iv. Street Commissioner Downey stated that the traffic markings and manhole adjustments in the newly-paved areas of the City would continue for at least a couple more weeks.

v. Parks Director Booth announced that Global Fest is Saturday. The naturalization ceremony is Friday at 2:00 p.m. at Morton Center. Mayor Dennis said that the naturalization ceremony has an impact on new citizens and is worth experiencing.

3. ADJOURNMENT

There being no further business to come before the Board, Mr. Marley moved that the meeting be adjourned, and Mayor Dennis adjourned the meeting.