

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

December 19, 2011
8:30 a.m.
City Hall Council Chambers

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

Mayor Dennis announced that the next Board of Works meeting would be at 11:00 a.m. on Tuesday, December 27. That meeting will be the first one of the new schedule, 11:00 a.m. on Tuesdays.

1. APPROVAL OF MINUTES

a. December 12, 2011, Meeting

Ms. Stull moved to accept the minutes of the December 12, 2011, Board of Works meeting. Mr. Marley seconded the motion. The motion was adopted.

2. NEW BUSINESS

a. Contract: 2012 Crisis Center Support – Ms. Jane McCann, Executive Director

Ms. Jane McCann, Executive Director of the Crisis Center, introduced Eric Vandevoorde, the Crisis Center Board President. She thanked the Board for the support of the Crisis Center; it is truly appreciated, as is the opportunity to serve the citizens of West Lafayette. In 2011, the Center received its American Association of Suicidology accreditation, good for five years. On January 12, the Alliance of Information & Referral Services will make a site visit to the Center. The Center is still a part of the National Suicide Prevention Lifeline, which serves Tippecanoe and the surrounding counties for suicide prevention, the number for which is advertised frequently in media outlets, such as the Dr. Phil Show. Ms. McCann offered to answer any questions.

Ms. Stull moved that the 2012 Crisis Center contract be approved. Mr. Speaker seconded the motion.

Ms. Stull commended Ms. McCann and the Crisis Center for the work that they do. Ms. Stull said she appreciated the work that they do for the citizens of West Lafayette. Ms. McCann thanked Ms. Stull for her words.

Mayor Dennis said that he has a long history with the Crisis Center and recognizes that the Crisis Center is a great resource which continues to get better. Ms. McCann said that the Crisis Center Board of Directors and volunteers are keys to the Center's success. They should be thanked as well.

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

The motion was adopted.

b. Public Hearing: Update to Combined Sewer Overflow Long Term Control Plan – WWTU
Wastewater Utility Director Henderson said that representatives from Wessler Engineering are present and will update the Board on the status of the City's combined sewer overflow (CSO) work. The City has been ahead of the curve in CSO work, and has made huge impacts with the work that has been done. The old way of constructing sewers was to have stormwater and sanitary waste travel in the same pipe. It was easy to install the pipe. To prevent backups into homes and businesses, relief points were constructed along the river, CSO outfalls. During times of heavy rains, raw sewage and stormwater would spill out of these points and keep water from backing up into homes and businesses. West Lafayette is one of more than 100 cities in Indiana that has to deal with the legacy of that situation. With enactment of the Clean Water Act of 1972, combination sewers can no longer be constructed. Storm and sanitary sewers must be separated. The City has worked on separation projects—projects to upsize pipes and pump stations, projects at the Wastewater Plant, and construction of the wet weather facility. Much work has been done to treat CSOs and to reduce the amount of sewage that spills into the Wabash during storms.

Clerk-Treasurer Rhodes stated that the Utility is wrapping up its first CSO plan, and the City is under an agreed order with IDEM (Indiana Department of Environmental Management) related to activities prior to 2007. Wastewater Utility Director Henderson said that this was a Judicial Agreement. Clerk-Treasurer Rhodes asked how the City gets itself untangled from that, at what point would the City be "blessed." Wastewater Utility Director Henderson answered that the Judicial Agreement covers an implementation period ending in September 2027. As the regulations have changed, the endpoint has moved out further. The final milestone project of the long term control plan, the Western Interceptor, is finishing. Part of the new plan is to monitor the effects of that, before sizing what the next project is. IDEM wants the City to capture and give full treatment to 1¼ inches of rain in an hour. That is a lot of water. The State Judicial Agreement will live on, because EPA (Environmental Protection Agency) wanted IDEM to have judicially-enforceable mechanisms for implementing these long term control plans. If they are done within five years, it is in a permit period. If it takes more time, the State Judicial Agreement controls. Communities that do not work toward resolution of these issues are subject to consent decrees and more heavy-handed enforcement actions. The City's approach is more of a partnership. Mayor Dennis asked if the potential exists for someone actually going to jail. Wastewater Utility Director Henderson said that is a possibility for those communities that do not work with IDEM. Mayor Dennis said that IDEM and EPA have taken this very seriously, and it is justified. The way that public waterways were treated 20, 30, or 50 years ago is criminal, and now it is supported by criminal statutes. Wastewater Utility Director Henderson agreed.

Wastewater Utility Director Henderson introduced Mr. Gary Ruston and Mr. Bill Leber of Wessler Engineering, who provided background on their work on modeling and offering alternatives to the City's long term control plan for the next 15 years. Mr. Ruston distributed a handout (attached) of his and Mr. Leber's remarks, which included a map of selected projects of the CSO drainage areas.

Mayor Dennis announced the public hearing on the Combined Sewer Overflow Long Term Control Plan. He said that public input is sought.

Mr. Ruston outlined this City's history in addressing the long term control plan and CSO projects. In 1993, the City's Wastewater Treatment Utility facilities plan identified some CSO and wet weather deficiencies. That plan later developed into the WWTU plant expansion that was done in the mid-1990s, which added significant capacity to the Wastewater Plant, to treat higher wet weather flows. In 1996, IDEM issued the CSO strategy, including the

primary items: a low capital cost CSO operational plan; a stream-reach characterization evaluation, upstream, in the City, and downstream from the City; and a CSO long term control plan as part of the NPDES discharge permit renewal process, with emphasis on public education, participation, and involvement. In 1996, the City amended the facilities plan to be the long term control plan. In 1999, the River Road Interceptor was constructed as part of the River Road-US231 improvements project. In 2000, State Enrolled Act 431 was passed which allowed CSOs to occur if a community had an approved long term control plan and an approved use attainability analysis (UAA). In 2001, the City began construction on the wet weather treatment facility; the CSO long term control plan was updated to include wet weather treatment facility recommendations; and IDEM issued its CSO long term control plan and use attainability analysis guidance document. In 2003, construction on the Western Interceptor Project began. In 2007, the City's CSO long term control plan was approved through a State Judicial Agreement, and IDEM issued the CSO treatment design criteria, which defined the design storm approach that eliminated the need for the use attainability analysis. In 2010, IDEM requested that West Lafayette analyze the design storm approach, which brings the issues where they are today, looking at an amendment to the long term control plan, to update and recalibrate the combined sewer system model, analyze the one-year and ten-year design storms, and to prepare alternatives based on the 2007 guidance document.

Mr. Leber said that the City has been proactive and ahead of the game on CSO controls. The drawback is that many of the guidance documents and revisions to the plans occurred after West Lafayette's implementation. West Lafayette's plan was based on the presumptive approach, where if there are four overflows per year on an annual basis, it is presumed that the City meets quality standards. Now, there are two methods of analysis, the presumptive approach and the design storm approach. The presumptive approach considers alternatives, with a goal of having four or fewer CSOs on an annual basis. It requires use attainability analysis, which was outlined in the 2001 CSO guidance document. The West Lafayette plan started in 1996; the guidance document was issued in 2001. The purpose is to prepare a plan that has controls to reduce CSO discharges and meet the Clean Water Act. Use attainability analysis establishes a limited-use subcategory for the receiving stream, the Wabash River, adjacent to the City that says that the City will temporarily suspend the designated use of that stream during wet weather. The goal for all water bodies is full-body recreational contact, "fishable and swimmable." Rain events which would cause CSO discharges mean that the use attainability analysis is no longer attainable. For use attainability analysis, the City must have a long term control plan and be implementing it on schedule. There are specific procedures for conducting the use attainability analysis and the affordability. In order to eliminate CSOs or to treat them to a level where all the discharges meet all the requirements of the Clean Water Act, a substantial social and economic hardship might be created for a community. Under the presumptive approach, the City would have to prove that it is spending enough money on a big enough project so that sewer bills get to a level of widespread economic hardship. That is calculated to be about 2% of a median household income for the community. Some socio-economic factors, such as the bond rating, the tax collection rate, etc., are considered. For West Lafayette, that is about 1.8% of the household income for sewer bills, which is approximately \$48 per month. Translated into a project cost, that is about a \$50 million project in addition to what already been completed in West Lafayette. Mr. Leber said there was some pushback to that. It is not entirely logical, so the design storm approach was developed.

Mr. Leber said that the design storm approach is such that a one-year, one hour storm, which is about 1.2 inches of rain, can be fully treated in the Plant. Additionally, there is control for a 10-year storm, 2.1 inches of rain in an hour, from which any CSOs would at

least receive partial treatment, such as the wet weather facility—getting rid of the solids and doing disinfecting for bacteria. If both of these criteria are met, there is no need for use attainability analysis. It would be assumed that the City was meeting its water quality standards. The design storm approach was issued by IDEM in 2007, in their Nonrule Policy Water-16.

For the past year, Mr. Leber said, the Utility and Wessler Engineering have been reviewing what would have to be done to implement controls that would get to a design storm approach. Now, the three CSOs that remain in the system would overflow in the 10-year storm scenario. As Wastewater Utility Director Henderson has reported, the final phase of the Western Interceptor is being implemented. It is anticipated that will reduce the number of CSOs, but it is not anticipated that that would cover the 10-year storm situation. Wessler Engineering and the Utility have come up with an approach that would cost approximately \$24.5 million to get the City to the design storm level.

Mr. Ruston said that the design storm approach is about half the cost of the presumptive approach. Page 4 of the handout provides a summary of the alternatives and the probable costs. They are ranked in order of least cost to greatest cost. Wessler Engineering recommends Alternative 1A, which is the least cost. Green infrastructure, including rain barrels, rain gardens, etc., was considered. That is a more costly project, but it can be an option, if the opportunity arises, to solve other issues such as drainage problems. Every bit helps. The options go from having everything stored and treated at Plant to complete sewer separation, building completely new sanitary sewers throughout the combined sewer area. Alternative 4, the deep tunnel, is something that the City of Lafayette uses.

The primary alternatives are (1) full transport and treatment; (2) sewer separation, which involves new sanitary sewers; (3) interceptor and partial sewer separation, which is a combination of the first two alternatives; and (4) the deep tunnel storage. Alternative 1a, full transport and treatment at the wet weather facility for the one-year storm event, was selected as the recommended long term control plan. It involves three major projects, the wet weather treatment facility minor improvements, new combined interceptor to the Treatment Plant, and a major expansion of the wet weather facility to store the one-year storm and treat up to the 10-year storm.

Mr. Ruston explained that the map shows the combined sewer areas. The areas are shown as tributaries to CSOs, with the colored borders outlining the service areas, and the shaded areas being the actual combined sewer areas. The southern area is tributary directly to the Treatment Plant and is not tributary to any area. The proposed new sewer interceptor is shown as a black line and is not fixed at this time. When the time comes, further study will be done to specify the route. There is a note at the bottom about the expansion of the wet weather facility.

Mr. Ruston said that the proposed implementation schedule on page 3 shows that it is a long-range project. The State Judicial Agreement is set up with a schedule up to September 2027, and the schedule takes full advantage of that timeframe: (1) the wet weather treatment facility minor improvements would begin in 2013; (2) the new combined interceptor to the treatment plant in two phases beginning in 2016; and (3) a major expansion of the wet weather facility to store the one-year storm and treat up to the 10-year storm to begin in 2024 and complete in 2027.

Mr. Ruston said that the plan revised amendment is due to IDEM by the end of the year. There are some final changes to complete the report and prepare it for submission. The next step is approval by the Board next week.

Mayor Dennis said that there are many factors that affect governmental regulatory requirements and the philosophies involving those—the projected date for completion, things change, requirements change, leadership changes, priorities change. We start down a path and become very well invested in the direction. Mayor Dennis asked what assurance the City has that there would not be additional changes. Mr. Ruston said that we do not know. What Mr. Ruston foresees is that the amendment that the City submits ultimately, after rounds of comments, would be approved by IDEM, and the State Judicial Agreement would be revised to incorporate these changes. Once the City has the agreement, it is a good legal document. Mayor Dennis said that the presumption is that, once we adopt the amendment, it will be our own local process, statutorily supported, and therefore the potential for change is limited. Mr. Ruston answered that he would say yes. City Attorney Burns said that is an important distinction, that change would not be forced on us, once it is entered into the Judicial Agreement. If the City chose, for its own purposes, to make a change, that would be up to the City, as long as it fulfilled the requirements. If there was a better way to do it, we would pursue that, but it would not be imposed on us.

Mayor Dennis asked Mr. Henderson what the process of paying for this would be. Wastewater Utility Director Henderson answered that he would look at how the projects are funded throughout and looking when the rate impacts would hit. Mayor Dennis said that rate impacts is a way of saying rate increases. Mr. Henderson agreed, and said that they are trying to look at the next 15 years, comparing the projects and the costs. Mayor Dennis asked if the stormwater utility dovetails into these. Wastewater Utility Director Henderson answered that, if you have a funded stormwater utility, when you look at partial separation in the system, wastewater picks up the sanitary costs, and the stormwater utility picks up the costs of the new storm sewers. Cooperation is needed. With wastewater, there is more flexibility. Stormwater would have to be just the storm infrastructure, but that helps offload costs from the Utility.

Mayor Dennis complimented Wastewater Utility Director Henderson and Wessler Engineering for their help to get the City to this point. The City is now required to comply with specific regulations, whether it is funded or not. Philosophically things have changed. It is not just West Lafayette; it is everyone throughout the country.

Mr. Marley said that when he attended Purdue University, he lived in a fraternity on University Street that had backflow sometimes. He asked if the City has any citizens who have emergencies with backup problems. Wastewater Utility Director Henderson answered that there is a list that is maintained in the Engineer's Office of the storm-related problem areas. One of the areas that had problems no longer has a lift station that contributed to that. Problems are addressed on an ongoing basis. Backups are a priority.

Councilor Burch asked for clarification on the Wessler document where the statement, "Assumes project funding through State Revolving Fund (SRF) Loan Program," is included. She asked if the City would get money through that to pay for these projects. Wastewater Utility Director Henderson said that, as the City has done many times in the past, using the State Revolving Fund Loan Program for low-interest loans for projects would be considered. Those funds are set a federal level that are divvied out to the states, and the State takes the list of projects submitted and ranks them for funding. There is potential for SRF loans.

There were no other questions or discussion.

Mayor Dennis declared the public hearing closed. He thanked Mr. Ruston and Mr. Leber for their presentations.

c. Write Off Uncollectible Accounts: Total \$393.20 from 8 Accounts – WWTU

Clerk-Treasurer Rhodes said that the Board wrote off \$708.83 from seven uncollectible Wastewater accounts on May 31. This request is for \$393.20 from eight accounts. With the exception of one bankruptcy, these were all sales that occurred prior to the final bill. There is a timing issue, although the City sends letters to all the parties. There is no legal means to enforce payment, particularly for low balance accounts. The cost of attempting to collect these from legal means far exceeds the amounts due. The Utility revenue billing is about \$8 million, so the City is very effective in collections. She asked for Board approval for the write offs.

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

d. Salary Increase: Michael Rohler – Sacramento Course Vol. II Completion – WWTU

Wastewater Utility Director Henderson said that Michael Rohler is the newest operator, hired about eight months ago. He has completed another of the correspondence courses. The salary ordinance provides for increases for completion of these programs. The amount is \$9.62 biweekly, \$250.00 annually, and will be effective December 1, 2011. He requested Board approval.

Ms. Stull moved that the request be approved. Mr. Marley seconded the motion. The motion was adopted.

e. Contract: Motorola – 2012 Maintenance Services on Radios – Police

Police Chief Dombkowski said that this is a standard agreement with Motorola to service the 36 mobile and portable radios. These are the older radios that are not under warranties. The contract price is \$234 more than last year, for a total of \$3,153.48. Police Chief Dombkowski said that they have had repairs on radios that are not under warranty, and repairs can cost \$1,500 to \$2,000 per unit on a \$5,000 radio.

Mr. Marley moved that the request be approved. Ms. Stull seconded the motion.

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

Clerk-Treasurer Rhodes said that we are covering two more radios than we did in the last contract, so that may account for the price increase.

The motion was adopted.

f. Contract: Fast Eddie's – 2012 Vehicle Cleaning – Police

Mayor Dennis asked that this item be tabled until next week. Police Chief Dombkowski agreed.

g. Contract Task Order #1: ADA Consultants of Indiana, LLC – Engineering

City Engineer Buck said that this contract is part of the general services agreement with ADA Consultants of Indiana. Mr. Dave Miehl, president of ADA Consultants of Indiana,

was present to answer any questions. Mr. Buck said that this task order is to begin analysis and review of four City facilities—City Hall, Morton Center, the pool, and the Lilly Nature Center. Work will continue through the first quarter of 2012. It will identify any deficiencies and what course of action might be pursued. Mr. Miehl completed the review of the City of Lafayette facilities last week. Mr. Buck asked for Board approval.

Mayor Dennis said that this is a good step in the right direction.

Mr. Marley moved that the request be approved. Ms. Stull seconded the motion.

Mr. Marley asked what use would be made of the information, once the report is complete. City Engineer Buck said it would be updated to the transition plan that is currently in process. The report will be a working document. The program for funding and any work undertaken will be reviewed as high, medium, and low priorities. The City will find a way to make the high priority items happen. Medium priority items will be added to the capital improvements plan, and low items may be more programmatic and would be done in the course of the change of business moving forward. The report will be a tool to be used to make the facilities fully compliant.

The motion was adopted.

h. Claims

i. AP Docket	\$378,497.62
ii. AP Docket	89,873.58
iii. AP Docket	1,330.00
iv. AP Docket	70.00
v. AP Docket for Redevelopment Commission	3,186.84
vi. PR Docket	323,077.43

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

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

The motion was adopted.

i. Informational Items

i. Project Payment List – WWTU

There were no questions or comments about the list.

j. Other Items

i. Wastewater Utility Director Henderson reported that he saw four wastewater plants in Denmark and Sweden, with interesting technologies. He visited the Krüger, Inc. research facility and saw a variety of waste being treated in bench top reactors. There were some bench top digesters. Mr. Henderson said it was a good opportunity to learn what is going on in parts of the world where space is limited for landfills and electricity is very expensive. There is mandatory separation of food waste.

ii. Street Commissioner Downey said that due to City holidays, there would be no brush pickup on Friday, December 23, and Monday, December 26. There is no provision for drop-off of Christmas trees. They should be put out with brush, and they will be picked up and composted. Street Commissioner Downey said that he drove one of the two new

snowplows that would be used this season. The second plow will be delivered this week.

iii. Councilor Burch and Councilor Hunt wished happy holidays to all.

iv. Parks Superintendent Payne said that the final Park Board meeting of the year is at 4:30 p.m. today at Morton Community Center.

v. City Engineer Buck thanked Atlas Excavating and Milestone Construction for their efforts to pave Carlisle and Windsor on Friday and Saturday. The shoulder of Northwestern also was paved on Saturday morning, which was the final day of the asphalt plant being opened. The detour has been removed and Carlisle is open. There should be no snowplowing hazards for the Street Department. Mr. Buck urged caution in that area and on Northwestern. Work continues on the east side of Salisbury Street north of Sagamore Parkway. Indiana American water is replacing a main in the parkway between the curb and the sidewalk. About two blocks at a time in that area will be disrupted for about two weeks, as the boring machine works. In the spring, service connections will be done. They do not have to be completed until May or June. They are also working on a few cul-de-sacs at the end of Cumberland, Crimson Court among them. City Engineer Buck reported that there is a secondary main to be installed along Happy Hollow Road. Mayor Dennis said that this is not a City project.

vi. Police Chief Dombkowski stated that he returned from Quantico, Virginia, where he attended Captain Leroux's graduation from the FBI Academy. Captain Leroux said that it was a great experience, and he thanked the Chief and the Mayor for the opportunity. There were people there from 50 states and 25 countries, and there was a lot of networking.

vii. Mayor Dennis made several announcements, subject to Council approval:

1. An IT director position will be created. This will be a department head position.
2. The Human Resources Director will be elevated to a department head position.

Other announcements from the Mayor:

3. City Engineer Buck will be named as Public Works Director, coordinating the work of Wastewater Utility Director Henderson and Street Commissioner Downey
4. At 1:00 p.m. today, department heads will be sworn in, including Captain Leroux as Deputy Chief for the Police Department
5. Fire Chief Drew will be stepping down as Chief, effective December 31. Assistant Chief Jeff Holder will be Acting Fire Chief. Mayor Dennis said it is his intention to hire a new Fire Chief from within the Fire Department.

viii. Fire Chief Drew thanked the Board for their service and for their support of the Fire Department.

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.