

BOARD OF PUBLIC WORKS AND SAFETY MINUTES
April 25, 2006

Approved at the May 3, 2006, Board of Works meeting.

The Board of Public Works and Safety of the City of West Lafayette, Indiana met in regular session in the Board of Works Room at City Hall on April 25, 2006, at 11:00 a.m. Present were Janet L. Broyles, Gilbert T. Satterly, and Mayor Mills, who presided.

Street Closure Request: Cumberland from Soldiers Home Road to Salisbury Street – May 12, 2006 – Police

Police Chief Marvin said we have a request for a street closing. This would be for the Taulman Mile, the annual walk that they have out at Cumberland School. This would be from 1:00 p.m. to 3:00 p.m. on May 12. It would be Cumberland Avenue between Soldiers Home and Salisbury. This did go through Deputy Chief Walker who's communicated with them, and they will have the usual safety precautions in place. The contact person is Amy Fisher. We would recommend approval of that.

Ms. Broyles said I move that we approve the road closure on Cumberland Avenue between Soldiers Home Road and Salisbury Street on May 12, 2006, from 1:00 p.m. to 3:00 p.m. for the Taulman Mile. Motion was seconded by Mr. Satterly, and the vote was AYE.

Information for Board: "Every 15 Minutes Program" at Harrison High School – Police

Police Chief Marvin said I don't have anything else, other than just to remind people to watch the news this evening. I'm sure you're going to notice the "Every 15 Minutes" Program that's going on with the area law enforcement agencies, taking place out at Harrison today. We're participating as well.

Request for Approval: West Lafayette Personnel Manual – Human Resources

Human Resources Director Foster said I'd like to request Board of Works approval for a revision to the City personnel manual, with an effective date of May 1, 2006. This revision incorporates the policies of the Wastewater Treatment Utility and Street & Sanitation Departments, thereby eliminating two separate departmental manuals. This revision was also reviewed by all City employees. I'd really like to express my thanks for the cooperation by all the department heads. The feedback from the employees was really valuable in working on the final draft, and hopefully making it a clear, consistent document for all employees.

Mayor Mills said Diane [Human Resources Director Foster] has worked very hard on this for quite a long time this year. We've had varying policies in different departments, and we are trying to really revise and get everybody on the same page. We still have a couple other areas to go, that we will be completing this year, but this is the main body of the personnel manual. We feel good about finally making them more concise, consistent document. So thank you, Diane, for all of the hard work, and there's been a lot of it.

Public Works Director Downey said I'd also like to thank Diane [Human Resources Director Foster] for putting up with me, seeing as how it affects my two department areas.

Mayor Mills said and that's a big job.

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Public Works Director Downey said trying to coordinate the Wastewater employees and Street & Sanitation all in one unit is going to be very helpful. There are still some problems, but we're working on those.

Ms. Broyles said I move that we approve the revised personnel manual dated May 1, 2006, as distributed. Motion was seconded by Mr. Satterly, and the vote was AYE.

Mayor Mills said thanks again, Dianne.

Human Resources Director Foster said you're welcome.

SRF Request No. 23: Greeley and Hansen, LLC – Engineering Design Services for Western Interceptor – WWTU

Public Works Director Downey said I have a request of the Board for approval of the Mayor signing an SRF payment to Greeley and Hansen for Western Interceptor services, in the amount of \$26,974.00. This is SRF Loan so-and-so, and I'll let you read that.

Mr. Satterly said I move that we approve the 23rd request on the SRF Loan No. CS1240001, and this is with Greeley and Hansen, and the amount is \$26,974.00, and this is on the Western Interceptor. Motion was seconded by Ms. Broyles, and the vote was AYE.

Public Works Director Downey said we're still in design on that project, but we hope to dig up the golf course in October or November, to get that portion of the first phase through the golf course area, from Cherry Lane and McCormick down Cherry Lane, through the golf course, through Lindberg and over to Windsor. We're still shooting for that date, and it still looks hopeful

Contract: Greeley and Hansen, LLC – Wastewater Collection System Master Plan Update – WWTU

Public Works Director Downey said I also have this contract that I brought to you last week for the Wastewater Collection System Master Plan Update. I do have Exhibits A and B.

Ms. Broyles said do we have to approve it again?

Mayor Mills said I think so.

Ms. Broyles said I move that we approve the agreement for professional engineering services between the City of West Lafayette and Greeley and Hansen, in connection with the Wastewater Collection System Master Plan Update. The total compensation is \$56,100. Motion was seconded by Mr. Satterly, and the vote was AYE.

Contract: Greeley and Hansen, LLC – North River Road Interceptor Condition Assessment Project – WWTU

Public Works Director Downey said and I have the Exhibits A and B for the contract that I brought to you last week with Greeley and Hansen for the North River Road Interceptor Condition Assessment Project for \$47,000, I believe. Again, this is to investigate the interceptor that runs between State Road 43/231 North, all the way from Catherwood clear up

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past Soldiers Home. As you can see, there's quite a few manholes to investigate and about 13,000 linear feet of 30-some inch pipe, that's to clean it, televise it, appraise it, and give us an idea of what we need to do to bring it up out of the flood plain to prevent I and I, infiltration, into our system.

Mr. Satterly said I move we approve the agreement for professional engineering services between the City of West Lafayette, Indiana, and Greeley and Hansen, for the North River Road Interceptor Condition Assessment, and it's in total compensation, \$47,800, as indicated in Exhibit B. Motion was seconded by Ms. Broyles, and the vote was AYE.

Amend Wastewater Utility Salary Schedule – WWTU

Public Works Director Downey said I would like the Board to approve a change in the salary ordinance for the Wastewater Utility Treatment Plant employees. In the personnel manual that you approved earlier, part of that was taken out, that there is a half-hour paid lunch in there, because the employees aren't allowed to leave the plant. It was felt that it would be better served to be into the schedule of salary ordinance, and so it has been placed in there. We request that approval to take to Council for approval.

Mr. Satterly said and you're also including something about Sacramento courses?

Public Works Director Downey said yes, about the courses. There was a little confusion about when they're effective and stuff, so Diane [Human Resources Director Foster] has reworded that to try to take some of that confusion out. It's still the same amount of money, it's just a little better wording.

Mayor Mills said Diane [Human Resources Director Foster], do you want to comment on that, any of this, for the Board?

Human Resources Director Foster said yes. Actually, the Section 4 on the amended was not a part of the personnel manual, and the City doesn't have a one-size-fits-all workday when it comes to its individual departments, in terms of work hours and lunch periods and so forth. There's a situation that's kind of unique to the Wastewater Utility employees that needed to be included in the salary ordinance about the 30-minute paid lunch period, which has been added. And the other statement regarding the IDEM and Sacramento courses, it's just for further clarification. Clerk-Treasurer Rhodes and I worked on the wording on that. We think it's a lot clearer to employees on the effective dates and so forth.

Mayor Mills said any other questions?

Mr. Satterly said we just need to approve this to send this onto the Council?

Clerk-Treasurer Rhodes said I want the Board to understand, in terms of the paid lunch hour, that that policy which has been in effect for a great length of time, of course, has pervasive effects on compensation, because it means that, after 37.5 hours of work, in addition to the half-hour paid lunch, employees receive time and a half. That covers clerical and administrative employees, as well as operations personnel.

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Public Works Director Downey said excuse me? I didn't quite understand what you just said. Could you repeat that just a little louder?

Clerk-Treasurer Rhodes said the half an hour lunch hour is counted as hours worked, in terms of calculating compensation, in terms of calculating overtime and compensatory time earned. That's what the statement says in the salary ordinance, which I believe to be the fact.

Mayor Mills said and that is one of the issues that we will be addressing this next year, when we look at vacation time and starting dates. But for now, we're dealing with it in salary ordinance. As Diane said, we have different situations in different departments. It's very difficult to have across-the-board policies, because so many departments work under different conditions, and there are some people that cannot leave the job to go to lunch. So, we are trying to carefully look at all those and deal with them through the personnel manual, through the salary ordinance, and there are a few other items that we have yet to address but are going to.

Mr. Satterly said so you just need a motion to—

Mayor Mills said approve the changes—

Mr. Satterly said approve the changes in the ordinance and—

Mayor Mills said that are highlighted.

Mr. Satterly said and go on to the Council. I move we approve the changes in Ordinance No. 15-06, that's An Ordinance To Amend Ordinance No. 18-05, 2006 Wastewater Treatment Utility Salary Schedule, as submitted by the Board of Public Works and Safety, for approval by the Common Council of the City of West Lafayette, Indiana. And the changes, there's additional statements in Section 1, item 1 on page 2 of 5 concerning the Sacramento courses; IDEM Certification Pay and there's Section 4 on page 3 of 5, concerning the 30-minute paid lunch period. Motion was seconded by Ms. Broyles, and the vote was AYE.

Land Acquisition for Salisbury Street Safety Improvements: 10-foot Strip at 1611 North Grant Street – Engineering

City Engineer Buck said I have a couple items this morning. The first I have is in regard to the Salisbury Street Safety Improvements Project, a part of the land acquisition phase of that project. We have a parcel, a part of 1611 North Grant Street, it's at the northwest corner of Grant and Salisbury, where the City would like to widen the street in that location, to create a right turn lane. We have the warranty deed, the sales disclosure form, and, I believe, the other appraisal information attached there for the Board's approval. Judy [Clerk-Treasurer Rhodes] pointed out to me after yesterday's staff meeting that this particular house has been for sale for some time now, and there is an accepted offer on this house, so there has been some confusion of the rights of the existing property owner. We've been provided a copy of that sales offer, and legal has reviewed it and feels that it's an issue between the existing owner and the potential buyer. It's not something that needs to delay the City at this point in time in acquiring the right-of-way, so we would recommend the Board approve this purchase

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of this 10-foot strip off of this lot, basically, and sign the warranty deed so that it may be recorded. Mr. Parker is here, representing the prospective buyers, his daughter and son-in-law.

Mayor Mills said Mr. Parker, do you want to say something?

Mr. Al Parker [900 Lindberg Road] said yes, I'd like to address the Board. The prospective buyers of this property are my daughter and her fiancé. This purchase agreement for the purchase offer was written on 4/10/06. It was accepted by the owner of the property on 4/11/06. It's set for closure on the 28th of this month. Friday, we had found out on 4/11, four days after he accepted the offer and finances in place and it's been appraised and researched and inspected, four days after he accepted the offer, he signed a deal with the City, to sell off 10 feet of it. This was a surprise to us. We didn't find out about it until 4:30 last Friday, that, although we knew that this area was going to be in question, to have it already sold seems to us that the property is being sold twice. We had earnest money down on the property. We have the dimensions of the property. The realtors were just as surprised as we have. We have legal counsel that's involved in on our side as well. As to the realtors, walking into this meeting just a few minutes ago, I had a call from a realtor that had talked to the title company, Dave Poelstra, who said that they will not be titling this piece of property to the City, because it's still in question. He suggested that it just be retitled to the proper owners, which looks like it's going to be my daughter and her fiancé, come Friday. I had met with the City Engineer yesterday and the Clerk-Treasurer, bringing this up to them, asking what we can do about it. I have requested a one-week extension on this matter, to give us a chance to sort through the legal haze surrounding this. This is unusual to have someone essentially selling the property twice on this. To stop any kind of impropriety on this, I would strongly suggest a one-week delay. It's not going to delay your project, and give us a chance to get all the legal ducks in the order. It was suggested to me as I walked in here today, by the City Engineer, that perhaps the seller would write us a check for that amount of money that the City would do. We haven't talked to them; we have no agreements at this time. We're still looking at when we put earnest money down and it's accepted on the 11th, it was a closed deal, and that's usually the standard practice of the real estate industry. I would question whether or not you want to go into a policy where accepted offers on properties with earnest money down don't necessarily hold true, that the land can be sold again. What kind of precedent are you setting for the City? So I would request at this time to have a one-week delay, allowing us to sort through this thing, and at the end of that week, next Tuesday's meeting, then you go ahead and vote on it.

Mayor Mills said Mr. [City Engineer] Buck?

City Engineer Buck said yes, I'd like to respond to that. I spoke to our buyer's representative that the City's hired with to acquire to these property purchases. Her first contact with Mr. Heitman, the existing owner, was on April 4. At that time, he did not know, it was not disclosed, the amount that the purchase would be offered for. On 4/11, he did accept their residential purchase agreement offer, and on 4/12, he was mailed the City's right-of-way offer. Having received it on the 14th, he signed and returned it on the 15th of April. That's the first he knew how much the offer was. On 4/5, he actually lowered \$5,000 his asking price of the house. This is before he knew any number. 4/9 he had an open house, apparently

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where the realtor was letting folks know that the money from the sale of that right-of-way would go to the potential buyer, the future homeowner, whoever it may be. So the very next day after the weekend is when he received this offer. She talked to him then yesterday afternoon again, and over the phone he told her that, as of yesterday afternoon, he conveyed to his realtor that he would indeed turn over this purchase sum to the future owners, and so—

Mayor Mills said regardless of who it is—

City Engineer Buck said regardless. He's agreeable for the \$7,340, I believe is what the amount is, to turn that over. So rather than have the City go back through again—we'll probably have to reappraise this strip with the new owners, certainly, go back through the negotiating and purchasing phase. I don't see this being in the best interests of the City, since there's what I think would be an agreeable solution anyway for the purchase with the existing landowner. They have some rights, as far as the purchase agreement goes, of whether or not they actually want to purchase the land, but basically this is just an agreement that allows him not to be outbid, and that if they come to the table on said date with said appraisals and other things, surveys if they need them, things of that nature done, that they can purchase this property from him and he can't sell it to somebody else. But he is the only owner of the property at the current time. Unfortunately, I would say, I would certainly agree that this is a rare situation and not something that is very desirable, but this is an issue between the potential buyer and an existing homeowner.

City Attorney Bauman said legally, this is between the current owner and the buyer who's made an offer. That transaction has not closed. The person who has the right to sell that right-of-way to the City now is the person who owns the property. As Mr. [City Engineer] Buck has related, the City would incur additional expenses and possible reappraisal, and certainly renegotiating the offer and purchase of the right-of-way, because that's on a per-unit basis. I strongly recommend that we go ahead, approve this, and complete this transaction.

Mayor Mills said and it sounds like, Mr. Parker, that the current owner is willing to give that money to your daughter and son-in-law—

Mr. Parker said we have no—

Mayor Mills said if they purchase the property.

Mr. Parker said we have no current offer of that from him to me or the family directly. The realtor, as I said, walking in here was not of the opinion that that was going to go forward that direction. The title company is not of the opinion it's going that direction. I can see how it may seem to be easier for the City to let us fight it out, but the bottom line is that we had rights to that property and he has resold a portion of that property, after our agreement, to the City. And for the lack of one week—it's not going to delay your project—for the lack of one week, it gives us some opportunity to get to the bottom of this very gray area. I don't think that the City wants to get tied up in this thing, when there's question of the ownership of this land, particularly the title company saying that the City's going to have to have this retitled through our family name, instead of the original seller's.

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City Attorney Bauman said now we're dealing with Heitman who's the record owner of the property at this time. There's no question we should go ahead and do that.

Mayor Mills said questions from the Board?

Mr. Parker said is one week going to hurt?

Mayor Mills said well, I guess from our perspective, it's not the week, it's the possibility of additional cost to the City, when the current property owner, the owner of record, has agreed to sell to us.

Mr. Parker said you may be facing that anyway.

City Attorney Bauman said well, it's probably not a possibility, it's a certainty under the terms of our agreement to pay for the right-of-way acquisition services. So we need to get on with this.

Mr. Parker said would one week change that position?

City Attorney Bauman said yes.

Mayor Mills said our legal opinion thinks so, Mr. Parker.

City Engineer Buck said unfortunately, I believe that it would damage us. We have been working on numerous parcels, eight or nine in total, and obtaining—and this is one of the larger ones, and it has taken some time to get to where we are. It may be a week delay, but it doesn't necessarily guarantee the City that's it's not going to be another three weeks, two weeks, ten weeks in dealing with any future owners. That's my concern.

Mayor Mills said okay. Do you want to make a motion, or—

Mr. Satterly said I move we approve the warranty deed and the sales disclosure form. Do I need to mention the amount?

City Attorney Bauman said yes, certainly.

Mr. Satterly said and this is a part of 1611 North Grant Street in West Lafayette, \$7,340. Motion was seconded by Ms. Broyles, and the vote was AYE.

Mayor Mills said thank you.

Maintenance and Traffic Plan: Chipotle Restaurant – Engineering

City Engineer Buck said a couple gentlemen from the Schneider Corporation are here, representing the Chipotle Restaurant. Chipotle is a planned development on Chauncey Avenue, between State and South Streets, and they are getting ready to start their construction. They have a maintenance and traffic plan that they'd like approval on from the Board. They have attached a letter requesting two phases of construction, one phase to

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allow traffic to stay open on Chauncey the entire time. They would like to phase the construction, so that they are building a loading dock on the, I guess it's the east side of the street, and maintain traffic on the west half of the street northbound only. And then, after they finish that, open the east side of the street back up for phase two, encompass the rest of the remaining street, future parking spaces in phase two, and keep it open again northbound only on the east side of the street. After completion of the project, the plans call for the street to be one-way northbound, whereas this section of Chauncey is two-way currently. Basically at the start of construction, begin becoming one-way northbound. They've requested a start date of April 27, which is this Thursday, and I have a little bit of hesitation with that. I don't know if they're agreeable to delaying a week, but certainly the difference between this Thursday of "dead week" and next Thursday of finals week, I think would be a more appropriate time to get this going in earnest. There'll be more people already moved out, and less congestion in the area. If they'd be agreeable to that, I'd recommend this for the Board's approval. Josh, can you speak on their behalf to that?

Mr. Joshua Nixon [Mr. Joshua Nixon, Schneider Corporation] said I'm not sure that I can. We have the contractor here, Mike [Goins] from Perry Construction, and he's probably more in tune with the schedule side of things.

City Engineer Buck said can you delay the implementation of the maintenance and traffic plan for a week?

Mr. Mike Goins [Perry Building Contractors] said as far as putting the fence up on the following Thursday?

City Engineer Buck said right. Basically, putting the fence up for the loading zone area until Thursday of next week.

Mr. Goins said until Thursday of next week?

Mayor Mills said it makes a huge difference in the number of cars that are in town.

Mr. Goins said yes, that'll work for us, too. I mean, the less traffic we're dealing with, the better. I can't speak for Chipotle, but I know they're interested in us getting started. So I don't think seven days is going to—

City Engineer Buck said the part that's on the lot, the fencing and everything with that, I don't think that is impacted. It's just the fencing around this phase one on the east half of the street for the loading zone. Really, all we'd ask is a week—

Mr. Goins said okay—

City Engineer Buck said a week's delay on it, so that the students will clear out that much more. So with that change, I'd recommend this for the Board's approval.

Ms. Broyles said I move that we approve the traffic maintenance plan for the Chipotle Restaurant, with the change that instead of on April 27 it will start one week later.

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Mayor Mills said for just the one section.

Ms. Broyles said for the first phase. Motion was seconded by Mr. Satterly, and the vote was AYE.

Agreement: Nauman, Desmond & Associates – Grant Preparation – Mayor

Mayor Mills said I have one thing today. I would like to make a request to enter into an agreement with Nauman, Desmond & Associates. Mary Nauman is a grant writer with a good deal of experience, and she is putting together a USDA grant for us. There are monies available in a first year of a grant program from the U.S. Department of Agriculture for farmers' market marketing. We think we have a good shot at that with our year-old farmers' market to get some of this money. Grant money is available up to \$75,000, so she is working on it now, as we speak. We started last week, and she's doing a great job of putting it together. She will be working by the hour at the rate of \$50 per hour, and we don't imagine it's going to take that many hours, but she will notify me when she hits the \$500 mark. We're going to try to keep an eye on the costs.

Mr. Satterly said I move we approve the agreement between the City and Nauman, Desmond & Associates to prepare a grant application with the USDA. The fee is \$50 per hour, with no additional costs or charges. Motion was seconded by Ms. Broyles, and the vote was AYE.

Mr. Satterly said are we going to mention the limit of \$500 or are you just going to watch it?

Mayor Mills said no. I have a limited amount of money in my budget for it, so I'll know when she has to quit.

Ms. Broyles said as treasurer of that whole thing, we could use the money.

Mayor Mills said it would be a great addition.

The vote was AYE.

Claims

Mayor Mills moved to approve the claims as submitted in two dockets in the following amounts:

Accounts Payable	\$45,365.81
Accounts Payable	\$87,739.45

Motion was seconded by Mr. Satterly, and the vote was AYE.

Minutes

Mr. Satterly said I move we approve the minutes of the April 18, 2006, Board of Works meeting.

City Attorney Bauman said there should be a correction in here. Well, I was trying to correct it last week. Somebody said there was a release from insurance company, and I said no—

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Clerk-Treasurer Rhodes said you did correct it in your statement.

City Attorney Bauman said well, but it isn't in there right. I said it was the Crane Company, it was the Maxim Crane Company. They hit a controller box at the corner of Stadium and University. So it's not a claim company, it's the Crane Company.

Mayor Mills said a big crane.

City Attorney Bauman said yes.

Mr. Satterly said well, okay then, we stand corrected. "Claim" on page 1 of 10 to read "Crane Company." Motion was seconded by Ms. Broyles, and the vote was AYE.

Information for Public: Red Cross Heroes Campaign Last Day

Mayor Mills said I do have one other item, just to remind people that this is the last day of the Red Cross Heroes Campaign, or the official day. People will still be doing Heroes work in the next few weeks. Today at Applebee's 15% of all your purchases, lunch and dinner, will be going to the Red Cross, so I encourage people to go to Applebee's. A few of us are heading there after the Board of Works.

Adjournment

There being no further business at this time, Mr. Satterly moved for adjournment. Motion was seconded by Ms Broyles, and the vote was AYE.

Respectfully Submitted,

Jan H. Mills, Mayor
Presiding Officer

Judith C. Rhodes, Clerk-Treasurer
Clerk of the Board