

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

AUGUST 10, 2009

8:30 a.m.

City Hall Lower Level Conference Room

Members present were Sana G. Booker, Bradley W. Marley, and Mayor John R. Dennis, who presided.

1. APPROVAL OF MINUTES

August 3, 2009, Meeting

Ms. Booker moved to accept the minutes of the August 3, 2009, Board of Works meeting. Mr. Marley seconded the motion. The motion was adopted.

2. NEW BUSINESS

a. Contract: IKON Office Solutions, Inc. – City Hall Copier Lease – Clerk-Treasurer

Clerk-Treasurer Rhodes requested approval of a 60-month lease with IKON Office Solutions, Inc. for a new Ricoh photocopier. She reported that the current copier has made poor quality copies, if at all, for several months, and that the cost to repair it is approximately \$2,500. The copier lease is under the State Participation Agreement. Mr. Russell Trudeau is the IKON representative, and he was present to answer questions. Per copy service costs on the Ricoh copier would be about half the price of the current City copiers. Additionally, the new copier would support the main City Hall network and the Clerk-Treasurer's network, providing scanning and faxing capability to all City Hall offices. Within one to two years of the end of the lease, the City can renegotiate and consider other equipment, allowing the City to keep current with technology. An important provision is that there is an opt-out if the City does not have the appropriation to support the lease payment; the contract would terminate, if the City could not afford the copier. Clerk-Treasurer Rhodes spoke to the increased productivity that would result from a new copier, because of additional features, such as hole-punching and receiving secure faxes.

Mr. Marley moved that the contract with IKON Office Solutions, Inc. be approved. Ms. Booker seconded the motion.

City Attorney Burns indicated that he had reviewed the contract and found it in order.

There was discussion of financing costs and the quarterly payments with Mr. Marley. Ms. Rhodes reported that she had not provided the cost analysis sheet that she had created. Ms. Booker asked if the machine would fit where the current one is. Clerk-Treasurer Rhodes responded that it would. Ms. Booker asked if the copier would be affected by temperature. Mr. Trudeau said that the biggest concern is the paper itself, and keeping humidity low in the storage area.

Mr. Marley asked to allow Mr. Trudeau to calculate the financing costs on the quarterly payments, and return to this item later in the meeting. Mayor Dennis agreed.

b. Bid Opening: 2009 Street Resurfacing and 2009 ADA Universal Access Ramp & Sidewalk Spot Repair Project – Engineering

City Engineer Buck said that the project includes the street resurfacing list, as well as spot sidewalk repairs and ADA handicap ramps.

Clerk-Treasurer Rhodes read the bids aloud:

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternate No. 1</u>
Milestone Contractors, L.P.	\$843,456.90	\$42,525.00
Rieth-Riley Construction Co., Inc.	660,405.15	31,500.00

Mr. Marley moved that the bids be taken under advisement. Ms. Booker seconded the motion. The motion was adopted.

c. SRF Payment Request and Related Listings – WWTU

i. Payment Request No. 95 - \$366,606.00 to Atlas Excavating for Construction Services – Western Interceptor-Div III

Wastewater Collection Systems/GIS Supervisor Van Allen was present to answer any questions.

Mr. Marley moved that SRF Payment Request No. 95 be approved. Ms. Booker seconded the motion. The motion was adopted.

ii. Listings

- (1) Western Interceptor SRF Payments Listing
- (2) WWTU Projects Payments

There were no comments or questions about the listings.

d. Contracts: Capital Recovery Systems, Inc. – Debt Collection – Clerk-Treasurer

i. City Collections

ii. City Court Collections

City Attorney Burns explained that the contracts are for collecting past due judgments and other items from the City Court. There are significant amounts that have gone uncollected. This company specializes in these types of collections. Mr. Burns reported that he has reviewed the contract and met with the vendor. The company takes only those items given by the City. The rollout will begin with a public education phase, with collections beginning in September. Clerk-Treasurer Rhodes added that State statute allows municipalities to utilize collection agencies, and most county courts in Indiana and many municipal courts in Indiana and throughout the Midwest use them. The statute provides that the City receives the full fine due, and the collection agency receives a surcharge for having performed the service. West Lafayette has carried unpaid parking and court fees that are not subject to expiration. Collection steps have been limited to mailing notices to individual parties. In some cases where infractions result in consequences from the Bureau of Motor Vehicles for Indiana drivers, there are notifications that go through the BMV. However, those notification processes take time to carry out, and collection depends on using the address that was filed with the BMV. A collection agency has databases that make contacting people much more effective, so that people know they have an obligation that needs to be paid. The intent is to provide a next step in collections for individuals who may carry larger balances of unpaid fines and who have not attempted to contact the City and have not responded to notices. The

greatest challenge is with out-of-state drivers, where it is very difficult to utilize any of the Indiana BMV mechanisms. Surprisingly, the City has a significant amount of unpaid bench fines in City Court. A suspended driver's license is apparently not a sufficient motivation to deal with these obligations. The City is not staffed to perform these kinds of services, and it does not have access to these resources. Capital Recovery Systems, Inc. is highly recommended by the Tippecanoe County Clerk and others across the State as being very professional and effective. The City has the ability to decide which cases the company will pursue, and when we wish to take those cases back. The company does not own the City's cases, and the City controls the length of time they have for collection. West Lafayette is not selling receivables. One of the advantages is that Capital Recovery Systems can structure payment plans; the City Court is not able to manage installment plans on fines. Clerk-Treasurer Rhodes emphasized that there would be an information campaign with facts in mailings and the media. The City Court Judge has reviewed and approved the use of a collection agency for court cases as are determined to be appropriate. The higher dollar cases and repeat offender cases will be pursued.

Ms. Booker moved that contracts with Capital Recovery Systems be approved. Mr. Marley seconded the motion.

Mr. Marley asked about the fees, the greater of \$30 or 30% on parking, and Court fees are also \$30 or 30%, but all other debt as listed under the parking section shows 33⅓ percent, which is inconsistent with 30%. City Attorney Burns responded that was the difference for those items that are not parking tickets.

Mr. Marley asked about the amount of outstanding receivables. Clerk-Treasurer Rhodes answered that the total receivables, including Court and parking, is in the range of \$500,000. City Attorney Burns added that most of that would not be collectable as they are very old, so that is part of the reason that only selected items would be given to the collection agency. Clerk-Treasurer Rhodes said that the collection company would also assist in keeping utility bills current. Other than delinquency notices, the only recourse now is to file a lien on property, which is an expensive and cumbersome process for the property owner as well as the utility billing office. The collection agency will enable the City to keep collection costs minimal and not pay additional sums to the County for liens. The Clerk-Treasurer's Office is not staffed to perform the duties of a collection agency.

Mayor Dennis asked how long the contract runs. City Attorney Burns responded that it is a three-year contract, but it is terminable at any time with no cost. Clerk-Treasurer Rhodes added that the City is not obligated to provide the company any specific dollar amount or cases.

The motion was adopted.

e. Request for Approval of Advertising and Bid Opening Dates: Lease/Purchase Financing of Police Squad Cars and Pickup Truck, and Street Department Hook Hoist Truck – Clerk-Treasurer

Clerk-Treasurer Rhodes stated that bids had recently been received and one bid was accepted for the Street Department's hook hoist truck. That vehicle will be financed through equipment lease/purchase financing. It would be advantageous to bundle other equipment that the City plans to acquire through this method, specifically five Police

squad cars and one truck for Police Department animal control from the State QPA bid list, along with the hook hoist truck. The total is \$254,338. This same process was used earlier this year. Responses will be solicited from about 30 firms, then a negotiation process with the lowest and most responsive proposal will be undertaken. Lease payments will require an escrow, because the equipment will be delivered over the next several months, as we have done in the past. The first lease payment on this deal would not be due until March 2010.

Mr. Marley moved that advertising and bid opening dates for the lease/purchase financing of certain vehicles be approved. Ms. Booker seconded the motion.

Mayor Dennis pointed out that the Police Department will be changing vehicles from Ford Crown Victorias to Dodge Chargers. Police Chief Dombkowski added that the Sheriff's Department made the switch this year, and the Purdue Police changed their cars earlier. Crown Victorias are being phased out by Ford Motor Company and are not guaranteed after 2011.

Mr. Marley asked if the equipment in the vehicles is part of the lease/purchase plan, or if the lights and the radio are not eligible. Police Chief Dombkowski answered that it is not part of the lease/purchase, as most of it is not newly purchased equipment. Clerk-Treasurer Rhodes added that normally the Police do move equipment from one vehicle to another, although there may be some equipment that needs to be replaced or reworked into the new vehicle. It is not possible to estimate in advance which items need to be purchased, and the lease/purchase agreement requires specifics of items and pricing.

The motion was adopted.

f. New Hire: Dale Dixon – Housing Program Director – Development

Director of Development Poole requested that Dale Dixon be hired as the Housing Program Coordinator, effective August 17 at the biweekly salary of \$1,730.77. Mr. Dixon has over 11 years experience in construction and the housing industry. He will be a great addition to the department.

Ms. Booker moved that Mr. Dale Dixon be hired as Housing Program Director. Mr. Marley seconded the motion. The motion was adopted.

g. Contract: American Structurepoint – Task Order No. 5, Cattail Trail – Engineering

City Engineer Buck reported that the local MPO, metropolitan planning organization, is allotted \$382,000 each year, and is taking applications for projects to be funded. The City will submit a proposal for an extension of the Cattail Trail, from the corner of Lindberg and Northwestern, along the west side of Northwestern to Yeager Road and to the Fairway Knolls Apartments, eventually. Many people walk from the apartments to Wal-Mart, so there might be a future phase of the connection through the apartment complex to Wal-Mart. But the first phase is the extension along the west side of Yeager Road. The contract is a part of the general services agreement with American Structurepoint and is a not-to-exceed amount of \$1,600.00.

Parks Superintendent Payne added that he believes this is one of two potential projects. Lafayette has a couple. It is timely to do this, with the Yeager Road and the North Point

PD projects both moving forward. Mr. Buck reported that American Structurepoint is the consultant on Yeager Road, so they have the artwork, the plan work, and the survey work.

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

h. Request for Street Closures – Police

i. Starry Night – South Street

Police Chief Dombkowski reported that the request for closure on South Street for the Starry Night event had been tabled last week, and they have more information. The rain date is September 25.

Police Captain Leroux stated that a couple of changes were made to the plan. The previous start time was 7:00 p.m., which is the start time of the event. The planners have requested to begin setup at 3:00 p.m. All the businesses have been contracted. Chase Bank had a concern about their drive-through being restricted at 3:00 p.m., so the stage will be repositioned the stage on the east end of South Street farther to the north. This will allow a 12-foot travel lane off the Chase exit, so drivers can go east to North Chauncey. That exit will remain open until the bank closes and employees leave at approximately 6:15 p.m. or 6:20 p.m. Chase has no issues with the change. The other businesses are in favor of and support the event.

Mr. Marley moved that the street closure, as amended to begin at 3:00 p.m., be approved. Ms. Booker seconded the motion.

Mr. Jason Tennenhouse, Director of Campus House, a nondenominational Christian ministry that has owned Greyhouse Coffee on Northwestern at State for about 14 months, commented that Campus House formerly held a street festival on First Street. Each year, a different community issue is supported with the proceeds; this year, the focus is on literacy.

The motion was adopted.

ii. 2009 Christmas Parade

Police Captain Leroux presented the request for closing Tapawingo Drive from State Street to Brown Street on December 6, from 1:00 p.m. to 5:00 p.m. for the community Christmas Parade. The request, as it was initially presented, proposed to close Brown Street from Tapawingo to Roebuck. Captain Leroux stated that he has been in discussion with the parade route coordinator. The Police Department objects to the closure of Brown Street from Tapawingo to Roebuck. It affects access from Brees Way, behind the hotel, as an egress, and it cuts off the Levee and creates too many traffic problems. The Police Department has asked, and the parade route coordinator has agreed, that Brown Street from Tapawingo to the east edge of the Wabash Landing garage entrance from 1:00 p.m. to 5:00 p.m.

Mayor Dennis asked if a modified Street Closure Request had been provided. Captain Leroux said that he did not have that document, nor did he have any map. The Mayor asked that this item be tabled, since there are not documents available.

Mr. Marley moved that the 2009 Christmas Parade street closure request be tabled. Ms. Booker seconded the motion. The motion was approved.

i. Claims

1. AP Docket \$1,412.87
2. AP Docket \$473,022.48

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

► Mr. Marley questioned whether the \$3,964.00 Wastewater payment to The Bank of New York Trust Co. for retainage belonged to a certain contractor. Clerk-Treasurer Rhodes answered that it is the construction contract for the WWTU digester, which is Bowen Engineering.

► Ms. Booker asked what the repairs were that generated the payment of \$330.54 to ASI System Integration, Inc. Clerk-Treasurer Rhodes responded that it was for a part for a printer in the Clerk-Treasurer's Office.

► Mr. Marley requested background on the \$2,172.65 Parks spent with DeHaai Industrial Sales for repair parts and equipment. Parks Superintendent Payne answered that the cost was for a Toolcat repair.

► Ms. Booker questioned the payment of \$380.18 to Earth Transport, LLC for Parks. Parks Superintendent Payne said replied that it was for sand for Happy Hollow Park, to improve the sand volleyball court. That court is being upgraded, since the one at Tapawingo Park was eliminated. The intent is eventually to create another sand volleyball court near the north shelter at Cumberland Park as well, reusing the standards that had been in Tapawingo Park.

► Ms. Booker asked about the \$1,127.00 payment to Gran-It Consulting for computer services. Director of Development Poole answered that it was for work on the network in City Hall. Clerk-Treasurer Rhodes added that a significant amount of the charges related to server maintenance and email maintenance, with a small charge for an AutoCAD engineering task.

► Ms. Booker requested for additional information about the \$429.32 payment to Hack Company for Wastewater. Wastewater Collection Systems/GIS Supervisor Van Allen answered that the expense was for chemicals for lab analysis.

► Ms. Booker asked about the \$205.84 payment to Northern Safety Company for Wastewater. Clerk-Treasurer Rhodes responded that the expense was for a supply of disposable exam gloves.

► Mr. Marley questioned the Parks Department \$1,995.00 payment to Miracle Recreation Equipment for a slide in Happy Hollow Park. Parks Superintendent Payne answered that the payment was for repair to a slide. The playground equipment there cost about \$150,000.00.

► Ms. Booker asked for information about the payment of \$25.00 to Becky Roeder for "Cosmetic/Travel Bag." Clerk-Treasurer Rhodes replied that it is a refund for a

cancelled class. Parks Superintendent Payne added that when there is not enough demand for a class, the instructor has the option to cancel it.

► Ms. Booker requested information about the \$6,750.00 payment to Unison Solutions, Inc. for Wastewater. Clerk-Treasurer Rhodes answered that it was gas testing at the Wastewater Treatment Utility.

The motion was adopted.

[return to item a. Contract: IKON Office Solutions, Inc. – City Hall Copier Lease – Clerk-Treasurer]

Clerk-Treasurer Rhodes requested that this be withdrawn from the agenda, because there is a sheet, which will show the analysis but was not provided to the Board.

Mr. Marley moved that the contract with IKON Office Solutions, Inc. be tabled until the next meeting of the Board of Works. Ms. Booker seconded the motion. The motion was adopted.

j. Informational Items

i. Update: Request for Quotes – Wabash Commons Erosion Control and Site Cleanup – Engineering

City Engineer Buck reported that he brought information on the quotes received for grading and erosion control correction work at the Wabash Commons Subdivision site. The Board asked that he review those and bring a recommendation back to the Board. Fairfield Contractors is the lowest responsive and advantageous quote for the City, and Mr. Buck recommends that the Board name that company as the low quote. He updated the Board, noting that he was contacted by The Swiss Group on August 4 and they had a site meeting on August 6. The result of that meeting was a request that the City allow The Swiss Group to complete the work. Mr. Buck requested that The Swiss Group provide a surety for \$50,000.00, which is nearly the total of the work as was quoted, or a performance bond or cashier's check, to provide guarantee that they would do the work. As of Friday [August 7], the surety had not been received, so the memo was sent to the Board. Mr. Buck noted that Mr. Swiss was present, but pending any surety, Mr. Buck's recommendation was to hire Fairfield to do the work.

Mayor Dennis asked what the timeline is for cleanup. City Engineer Buck answered that, in his discussion with Mr. Swiss at the site, he stated that the City would like to move forward immediately. Fairfield Contractors is available to move forward immediately. In discussion allowing Swiss Group to do the work, a start date of August 17 and a completion date of September 11 were set. The understanding was that, if Swiss Group were to do the work and if work did not start on the August 17, the surety would be used to do the work, and if work were not completed satisfactorily by September 11, the surety would be used to complete the work. Mr. Buck said that he and Mr. Swiss reviewed the details of the quote, such items as amount of fencing necessary, driveway construction, etc. The main issue, correction of the erosion violations, was not a topic for discussion.

Mr. Frank Swiss (The Swiss Group) acknowledged that he had met with Mr. Buck, Director of Development Poole, and Assistant City Engineer Thompson last Thursday [August 6]. Originally, he had planned to recycle the materials, such as the aggregate,

to be as environmentally friendly as possible. The cost to put the site in condition that the City is asking is extra money that he would not have normally spent, had the development process gone forward. He asked the Board to give The Swiss Group. He said he was prepared to start the site work Tuesday, or Wednesday [August 12] at the latest. Mr. Swiss reported that he had attempted to get a surety bond or performance bond on Thursday and Friday [August 6 and 7], but the type of bond necessary to perform the work is a commercial subdivision bond and is not written by his carrier. He believes he can get the work done for half the amount of money the bids offer. Mr. Swiss felt that three things demonstrated his desire to complete the project. He observed that he took the K-Mart building down, which was an eyesore, and he re-skinned the existing building to bring it up to the standards of what he would like to replicate on the site. Additionally, he was attempting to be as environmentally friendly as possible, recycling the materials on the lot as backfill. He said the site contractor could start as early as the next day [Tuesday, August 11], and he does not foresee a problem meeting the deadline. He asked for the opportunity to complete the cleanup, if the Board would give him one last chance.

Mayor Dennis responded that the City is not happy, that the area in question is a gateway to the community, and it looks hideous. It needs to be rectified now. The terms of the contract allow the City to ask the contractor to start immediately, if the Board chooses to select a low quote now.

City Engineer Buck asked the Board to continue to hold the quotes and not formally award to any company at this time. City Attorney Burns offered another suggestion, to accept the low quote, but make that subject to a notice to proceed to be issued by the City Engineer. Mr. Buck responded that that was fine, so long as the notice of award does not guarantee the work.

City Attorney Burns recommended that the Board table this item, which would give the maximum flexibility.

Mayor Dennis told Mr. Swiss that if the matter is tabled, The Swiss Group has a week to get some activity. Fences need to be corrected; the hills need to be leveled. He added that the neighborhood is a very proud neighborhood with a very active neighborhood association. He said the neighbors are correct, they don't like what they look at, what they drive by every day.

City Engineer Buck asked for a site meeting to be scheduled with Mr. Swiss, either later today or tomorrow.

Mr. Marley moved to table the item until next week. The motion was seconded by Ms. Booker.

Ms. Booker asked whether Mr. Swiss would need the commercial subdivision bond. Mr. Swiss responded that that is why he came to the meeting, because it is another cost, and the bond would add more cost to the project. He is willing and ready and able to start the project tomorrow, if his site contractor can mobilize today, they will begin today.

The motion was approved.

k. Other Items

i. Mayor Dennis announced that *Journal and Courier* reporter Mike Malik is leaving our area and moving to Bloomington, Indiana. In recognition of his accurate reporting and as a farewell, the Mayor presented a plaque from the City and the Police Department to Mr. Malik.

ii. Parks Superintendent Payne reported that the pool closes on Sunday.

iii. Police Chief Dombkowski mentioned that County schools begin Thursday, full move-in of Purdue freshmen will be this Saturday with Boiler Gold Rush starting, and next Monday, West Lafayette schools open.

iv. City Engineer Buck reminded those present to slow down in construction zones and yield to pedestrians.

v. Street Commissioner Downey commented that the tonnage of trash last week was 114 tons. A regular trash week is about 60 tons. He added that work at the Cherry Lane-Northwestern sewer is nearly completed, but the gas company will shut down various parts of the northbound lane on Northwestern.

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.