



BOARD OF TRUSTEES MEETING

Monday, January 11, 2010 @ 7:00 P.M.

Minutes

ROLL CALL

Present: President Ron Houck, Vice President Marilyn Anderson, Treasurer Michael McDonald, Secretary Eric Hand, Ron Hagan, Jane Merrill, Sam Mishelow, Courtney Schaafsma, Greg Starleaf, Legal Counsel Anne Poindexter, and Utility Director Andrew Williams. The audience sheet is attached.

ELECTION OF OFFICERS

The current officers are: President Ron Houck, Vice President Marilyn Anderson, Secretary Eric Hand, Treasurer Michael McDonald, Member At Large Greg Starleaf. Mr. Houck asked for nominations for the office of President. Ms. Merrill nominated a slate of officers: Marilyn Anderson for President, Ron Hagan for Vice President, Greg Starleaf for Treasurer, Michael McDonald for Secretary, and Ron Houck for Member At Large. A motion was made by Ms. Merrill to accept the slate of officers, and was seconded by Mr. Mishelow. The motion was unanimously approved. Mr. Houck expressed his pleasure working with the Board members before turning the meeting over to President Marilyn Anderson.

COMMITTEE APPOINTMENTS

Ms. Anderson asked the Board members to let her know by the end of the meeting or email her no later than tomorrow which committee they wish to serve on. She believes the Board is a wonderful pool of intelligent people with a variety of skills and leadership abilities to fill the committees and chair positions. She reminded the Board that there is also a Safety Committee that meets quarterly if anyone is interested.

APPROVAL OF MINUTES

A motion was made by Mr. Mishelow to approve the December 14, 2009 Board of Trustees Meeting Minutes, and was seconded by Mr. Houck. The motion was unanimously approved.

ATTORNEY'S REPORTS

Project Updates

Mrs. Poindexter updated the Board on the Carmel Wastewater Service Agreement.

Report of Pending Litigation

Mr. Houck asked for an update on the Concrete Price Fixing Lawsuit. Mr. Williams responded that he has a packet of information to give Mrs. Poindexter for her review and comments.

UTILITY DIRECTOR'S REPORT

Director's Report and Selected Statistics

This month's Director's Report includes a Summary of 2009 Statistics for each department. Mr. Williams stated that the District is continuing to grow but at a slower rate. Ms. Merrill commented that she likes the format of charts and graphs included in Mr. William's report as they are visually easier to read. Mr. Williams stated that the Lift Station #1 pump went back into operation on January 7, 2010 and now all four pumps are in operation. The bids for the new electronic equipment which will allow the lift station pumps to maintain more steady flows to Carmel are due back on January 22, 2010 and will be discussed at the next C&C committee meeting.

COMMITTEE REPORTS

BUDGET & FINANCE COMMITTEE

First Reading of Ordinance 01-11-2010: An ordinance establishing the requirements and fees for the quarterly reading of exit meters for the purpose of providing consumption credits. The Board approved moving forward with the Public Hearing and Second Reading of Ordinance 01-11-2010 at next month's Board meeting.

PERSONNEL & BENEFITS COMMITTEE

There were no action items for the Board.

CAPITAL & CONSTRUCTION COMMITTEE

Ms. Merrill stated that the C&C Committee is requesting the Board's approval of the following capital budget items:

1. Repair of the Vactor truck debris body for \$26,510; budgeted amount is \$28,000.
2. Purchase of five flow meters for locating I&I problems for \$51,810; budgeted amount is \$55,000.
3. Installation of an odor control unit at Lift Station #2 quoted at \$17,660; budgeted amount is \$40,000.

A motion was made by Ms. Merrill requesting the Board's approval of the capital budget items as listed, and was seconded by Mr. Mishelow. The motion was unanimously approved.

Ms. Merrill asks that the minutes reflect that the C&C Committee would like the Board to reconsider the policy of approving capital items in excess of \$10,000 which are part of a budget previously approved. This issue should be revisited by the B&F Committee.

The C&C Committee reviewed the proposals for the Design of Clarifier #5 and ranked them in the following order:

1. HNTB
2. AECOM
3. Strand Associates
4. Hannum, Wagle, and Cline

A motion was made by Ms. Merrill recommending the Board direct staff to negotiate a contract with HNTB for the design of Clarifier #5, and the contract would then be presented to the Board for approval at the February meeting. The motion was seconded by Mr. Mishelow. Before the final vote was taken, Mr. Hand and Mr. Houck questioned HNTB's scope of work compared to the other design companies being considered. Mr. Mike Seals of HNTB was in attendance and addressed the Board's concerns. He explained that HNTB is mirroring the District's existing

clarifier and adding a new pump and control panel. Mr. Seals noted that HNTB's fees did not include survey costs or geotechnical soil bores. Ms. Anderson noted that tonight's action includes approval of negotiations with HNTB, not actually approving the contract with HNTB. The motion earlier made by Ms. Merrill was unanimously approved.

OLD BUSINESS

Nothing to report at this time.

NEW BUSINESS

FOG Ordinance Enforcements

Lenny's Sub Shop

Sarah Helton, General Manager of Lenny's Sub Shop was in attendance. Jason Lewin, Pretreatment Compliance Specialist, gave a quick update on Lenny's Sub Shop and answered questions regarding Mr. Lencke's letter to the Board. It was noted that Mr. Sam Lencke is the owner of Lenny's and lives in Memphis, Tennessee.

Mr. Starleaf suggested that Lenny's skim twice a week and turn in quarterly reports, with the District scheduling an inspection once per month at \$100 per month for approximately three months and then review how this structure is working out.

Mr. Houck proposed reducing the assessed fines 50% with the provision that subsequent monthly inspections be done and paid by Lenny's and if the inspections are satisfactory, no further violations would occur. If inspections are not satisfactory, the full amount of fines would be levied.

After further discussion, Mr. Houck re-proposed forgiveness of the first fine, and reducing the 2nd fine of \$1,400 by 50%, with \$700 due contingent upon the next two inspections being satisfactory. If not satisfactory, the full \$1,400 would be due. For paperwork purposes, Mr. Williams clarified that the District is waiving that part of the fine and if Lenny's Sub Shop is in future violation, the original structure of fines will be enforced. Ms. Poindexter further clarified that \$700 is due and if there is another violation, they owe the second \$700 plus potentially the \$1,000 fine for a third offense. They will pay for monthly re-inspections. Mr. Lewin was requested to email Ms. Helton a copy of the FOG ordinance so that she can review the structure of fines. Ms. Merrill again clarified that the amount now due from Lenny's is \$700 plus \$200 for re-inspections totaling \$900.

A motion was made by Mr. Houck to forgive the first violation fine of \$500, and the second violation fine of \$1,400 would be reduced by 50% to \$700 subsequent to two satisfactory subsequent inspections, with each inspection at \$100 for a total fine to Lenny's Sub Shop of \$900. If the two subsequent inspections fail for either lack of maintenance or the amount of grease in the grease trap, then the 50% forgiveness on the 2nd violation would also be due which would change the amount due from \$900 to \$1,600 and cause for a notice for a third violation, which would also invoke the third violation penalty in the amount of \$1,000 plus re-inspection fees. The motion was seconded by Ms. Merrill and the motion was unanimously approved.

FOG Ordinance Revisions

Regarding Mr. Lewin's memo to the Board regarding the words "twice a week" and "biweekly", Mrs. Poindexter asked the Board to not take action on this item this evening, but to give her a month to review her notes with Mr. Lewin.

Pamfilio's and Starbucks

These two facilities received FOG violations and fines for the September 30, 2009 quarterly report. The facility managers tried to contact the previous PCS, but she would not stop by or return calls to answer any of their questions.

Pamfilio's paid their \$200 initial fine for the quarterly report and Mr. Lewin is asking the Board to waive the remainder of the fines of \$100 per day (totaling \$1,700) until compliance because there was no effort made to help the customer by the previous PTS.

Starbucks has not paid their \$200 fine for their first offense and Mr. Lewin is requesting that we keep the \$200 fine in place, but waive the remainder of the fines of \$100 per day (totaling \$1,500) until compliance because there was no effort made to help the customer by the previous PCS.

Mr. Hand would like to expedite an inspection for both Starbucks and Pamfilio's to see what shape the facilities are in. Mr. Lewin stated he has completed an inspection for Starbucks and they are in compliance.

A motion was made by Mr. Houck stating that both facilities are responsible for the \$200 fines for failure to submit, and the subsequent fines will be reduced 50% contingent upon successful inspections. If they fail either of the next two inspections, the full amount of fines will be due. The motion was seconded by Mr. McDonald and was unanimously approved.

Valvoline

Mrs. Poindexter suggests that this issue be set aside for another month to afford Mr. Lewin to go back to Valvoline to complete an inspection and get preferably two samples. Mr. Hand suggests that we change the title of the survey form to emphasize that it is mandatory and not an optional survey. Ms. Anderson would like the word "Survey" removed altogether. A compliance report or certification would indicate that it is mandatory and not dismissed or tossed aside by facility employees.

I&I Enforcements

Mr. Williams stated that six property owners in the Crooked Stick, Crooked Stick Estates, Spring Run Estates, and Bella Terra subdivisions have not scheduled an I&I inspection. One property owner's mail is being forwarded to Hawaii and we have yet to hear from him.

A motion was made by Ms. Merrill recommending that Mr. Hartman send another letter to the property owners requesting they schedule the I&I inspection by January 19, 2010, or be assessed \$100 per day fine for noncompliance. The motion was seconded by Mr. Starleaf and was unanimously approved.

Approval of Purchase Orders

Mr. Williams explained that four purchase orders from the 2010 Operating Budget were over the \$10,000 limit and must be approved by the Board per the Contract/Agreement Approval & Signing Policy:

1. BioChem, Inc.	\$24,000
2. Merrell Brothers, Inc.	\$95,598
3. ACE Technologies	\$36,000
4. SAL Chemical	\$29,430

A motion was made by Mr. Houck to approve the contract/agreement amounts as stated, and was seconded by Mr. Hagan. The motion was unanimously approved.

Claims Docket

A motion was made by Mr. Houck to approve the claims docket, and was seconded by Ms. Merrill. The motion was unanimously approved.

ADJOURN

A motion was made by Mr. Hagan to adjourn, and was seconded by Mr. Houck. The motion was unanimously approved. The meeting adjourned at 8:50 p.m.

The next Board of Trustees Meeting is scheduled for February 8, 2010 at 7:00 p.m.

Respectfully submitted,

Andrew Williams, Utility Director

Michael McDonald, Secretary

Marilyn Anderson, President

Accept the Meeting Minutes:

___ as Presented

___ as Amended

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