

**BOARD OF PUBLIC WORKS AND SAFETY
CITY OF NOBLESVILLE
AUGUST 24, 2010**

The Board of Public Works and Safety met in regular session on Tuesday, August 24, 2010. Mayor Ditslear called the meeting to order pursuant to public notice with the following members present: Lawrence Stork and Jack Martin.

Also present were Clerk-Treasurer Janet Jaros, City Attorney Michael Howard, and department directors.

APPROVAL OF MINUTES: AUGUST 10, 2010

Mr. Stork moved to approve the minutes as submitted, second Mr. Martin, three aye.

PETITIONS OR COMMENTS BY CITIZENS WHO ARE PRESENT

There were no petitions or comments by citizens.

APPROVAL OF AGENDA

Mr. Howard requested the Board add item #16 – Board to Consider Acceptance of Warranty Deed and Acknowledgement of Gift – to the agenda. This is for Union Chapel Road, Phase 5 right-of-way. Mr. Martin moved to approve the agenda as amended, second Mr. Stork, three aye.

BID OPENING FOR WEST HAVEN INTER URBAN TRAIL PROJECT

Mr. Howard stated the first bid packet is from E & B Paving, Inc. They have included their bid bond, form 96, financial statement, and non-collusion affidavit. Mr. Howard asked if they had previously acknowledged receipt of the 3 addenda. Mr. Gray responded yes, they have acknowledged receipt of the addenda in emails. The base bid is \$196,675.50.

The next bid packet is from Grady Brothers, Inc. They have included their bid bond, form 96, non-collusion affidavit, and financial statement. The base bid is \$141,000.00.

Mr. Howard stated that appears to be all of the bids for the West Haven Inter Urban Trail project. Mr. Howard asked if anyone present knew of any other bids. There were none appearing. Mr. Howard recommended the bids be referred to the Engineering Department for review and recommendation for the next Board of Public Works and Safety meeting. Mr. Martin so moved, second Mr. Stork, three aye.

NEW ITEMS FOR DISCUSSION

#1 BOARD TO CONSIDER OPENING OF THE SICK BANK FOR A CITY EMPLOYEE (HOLLY RAMON)

Mrs. Ramon stated the employee making this request is a full-time employee that has been off from scheduled work due to their own serious health condition. The request is for 80 hours of sick time to be donated to the employee from the Sick Bank. Any unused hours will be returned to the Sick Bank. The employee will also be required to use any accrued benefit time prior to using the Sick Bank hours. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

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**#2 BOARD TO CONSIDER STREET CLOSURES FOR WHITCOMB
RIDGE BLOCK PARTY AND FILMING ON LOGAN STREET
(STEVE HUNTLEY)**

Mr. Huntley stated the first request is a routine neighborhood block party. The closure is for the Whitcomb Ridge subdivision. They are requesting the closure of part of Stockton Drive on September 11th from 3:00 p.m. until 11:00 p.m. They have notified all of the adjacent homeowners. Police and Street have been notified. Mr. Stork moved to approve as requested, second Mr. Martin, three aye. Mr. Huntley stated the second request is for the closure of Logan Street between 10th and 14th Streets on September 23rd from 10:00 a.m. until 6:00 p.m. A production company out of Boston is filming a video for Conner Prairie and would like to use that area in a mock 1913 era parade. The focus will be in the 1200 block of Logan Street. They will be working with the homeowners. They hope to put out some flags and banners on the homes. Mayor Ditslear asked if school buses used Logan Street. Mr. Huntley replied they should not unless there is local pick-up specifically on that street. Mrs. Jaros asked about Randall & Roberts Funeral Home. Mr. Huntley responded they are primarily focused on the 1200 block, but want to restrict noise as much as possible. Mr. Huntley stated he would have them coordinate with the area. The filmmaker is due in town tomorrow to coordinate with the homeowners. Mr. Stork stated the Planning Department's letter requests 10th Street through 14th Street, but their application only requests 10th Street through 13th Street. Mr. Huntley stated he would get that clarified. Mr. Beery stated some paving of the cross streets will have to be rescheduled. Mr. Stork moved to approve, subject to sign-off from all residents in the affected area, schools, and Randall & Roberts, second Mr. Martin, three aye.

**#3 BOARD TO CONSIDER CONSTRUCTION CONTRACT WITH A
JOINT VENTURE OF E & B PAVING, INC. AND GRADEX, INC.
FOR UNION CHAPEL ROAD PHASE 3 & 4 (JIM HELLMANN)**

Mr. Hellmann stated at the July 27th Board meeting, bids were opened for the Union Chapel Road Phase 3 & 4 project. A joint venture with E & B Paving, Inc./Gradex, Inc. was the apparent lowest responsive, responsible bidder. They have submitted the contract, required certificate of insurance, and bonds. It is the Engineering Department's recommendation to award the contract for Union Chapel Road Phase 3 & 4 to E & B Paving, Inc./Gradex, Inc. Mr. Martin moved to approve as requested, second Mr. Stork, three aye.

**#4 BOARD TO CONSIDER CONSTRUCTION CONTRACT WITH A
JOINT VENTURE OF E & B PAVING, INC. AND GRADEX, INC.
FOR UNION CHAPEL ROAD PHASE 5 (JIM HELLMANN)**

Mr. Hellmann stated at the August 10th Board meeting, bids were opened for the Union Chapel Road, Phase 5 project. A joint venture with E & B Paving, Inc./Gradex, Inc. was the apparent lowest responsive, responsible bidder. It is the Engineering Department's recommendation to award the contract for the base bid and the alternate bid for the Union Chapel Road, Phase 5 project to E & B Paving, Inc./Gradex, Inc. The alternate bid is for water main relocation. It is in an easement, so the City would be responsible for the costs. Mr. Hellmann stated he has received the contract and certificate of insurance. The bonds are scheduled to be delivered today. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

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- #6 BOARD TO CONSIDER CHANGE ORDER NO. 1, ACCEPT PROJECT, AND CLOSEOUT CONSTRUCTION CONTRACT WITH POINDEXTER EXCAVATING FOR PLEASANT STREET SANITARY SEWER EXTENSION AS PART OF THE UNION CHAPEL ROAD OVERALL PROJECT (JIM HELLMANN)

Mr. Hellmann stated an early item was to extend the sewer along Pleasant Street and then north, along Union Chapel just short of S.R. 32. That work has been completed. The asbuilts have been accepted. This Change Order is primarily for seeding and restoration. A clearing contract was closed out last time. Seeding was going to be added, so it was put into the scope of this project. This request is for the approval of Change Order No. 1, acceptance of the project, and release of retainage. Mr. Martin moved to approve as requested, second Mr. Stork, three aye.

- #5 BOARD TO CONSIDER UTILITY AGREEMENT WITH AT&T FOR UNION CHAPEL ROAD PHASE 5 (JIM HELLMANN)

Mr. Hellmann stated AT&T has an 8 duct line that includes fiber optics that is in an easement. They are eligible for reimbursement. This agreement is \$130,735.78. They are actually relocating from Union Chapel to Promise Road. The City is only responsible for the portion that is in our project. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

- #7 BOARD TO CONSIDER ACCEPTANCE OF RIGHT-OF-WAY FROM ARBOR INVESTMENTS FOR UNION CHAPEL ROAD PHASE 5 (JIM HELLMANN)

Mr. Hellmann stated this is one of the right-of-way parcels for the Union Chapel Road Phase 5 project. This is owned by Arbor Investments and is a Waterman Farms subdivision. They have granted the City right-of-way to make the necessary roadway improvements. It is part of a planned development. Mr. Stork asked if this is to widen the road. Mr. Hellmann responded this is for the extension of Union Chapel Road, south to Promise Road. Additional right-of-way was needed on the east side of the road where Union Chapel ties into Promise Road. Mr. Beery stated the development did not initially dedicate all of the right-of-way that was needed. Mr. Martin moved to accept right-of-way from Arbor Investments for Union Chapel Road Phase 5, second Mr. Stork, three aye.

- #8 BOARD TO CONSIDER CHANGE ORDER NO. 3 WITH GRADEX, INC. FOR UNION CHAPEL ROAD PHASE 2 (JIM HELLMANN)

Mr. Hellmann stated this is a Change Order for Union Chapel Phase 2 which is the construction between 166th Street and Town & Country Boulevard. The bulk of the Change Order is for adding sidewalk to a cul de sac that did not have any pedestrian access. There was some modification of the storm sewer. There was also a BMP access drive added to a water quality structure. The total Change Order is \$51,200.58. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

- #9 BOARD TO CONSIDER CHANGE ORDER NO. 1 FOR CLOVER ROAD AND TOWN & COUNTRY BOULEVARD ROUNDABOUT (ANDREW RODEWALD)

Mr. Rodewald stated the bulk of this Change Order is related to a repair to the traffic signal line that controls the signal at S.R. 37. The line was unmarked and unlocated. The State typically has their service point within 100 ft. This was over 600 ft. away, around the Wendy's. Costs were for traffic control during emergency repairs. The next Change

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Order should be for the close-out. Mr. Stork asked if the City knew about this line ahead of time, would the costs still be involved. Mr. Rodewald responded the costs still would have been involved, but not the emergency traffic control. The line would have still had to have been relocated. Mr. Martin moved to approve as requested, second Mr. Stork, three aye.

**#10 BOARD TO CONSIDER CLOSURE OF 141ST STREET AND
MARILYN ROAD INTERSECTION (ANDREW RODEWALD)**

Mr. Rodewald stated this request is for the roundabout construction. Construction started this week with clearing. The contractor allotted 45 days to close the project. They are looking at the closure to begin September 7th. Some of the detour route will go through the town of Fishers. Mr. Rodewald stated he has been in contact with Fishers regarding this and they are in complete cooperation with the detours. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

**#11 BOARD TO CONSIDER CLOSURE OF 156TH STREET BETWEEN
BODEN AND SUMMER ROADS (ANDREW RODEWALD)**

Mr. Rodewald stated this closure actually starts at the William Lehr Ditch. It will completely reconstruct the road. The closure is necessary to do the work. Signs are in place. Construction should begin Friday. Paving will be done Monday and Tuesday and the road will be open again on Wednesday. It does affect 1 entrance into Deer Path. This still leaves several other entrances in and out of Deer Path. The 1 affected homeowner will have access. Mr. Martin moved to approve as requested, second Mr. Stork, three aye.

**#12 BOARD TO CONSIDER THE AGREEMENTS WITH BMI AND
ASCAP (JANET JAROS)**

Mrs. Jaros stated the City has been contacted by both of these companies concerning a contract to pay royalties to musicians for any copyrighted materials. There are only 3 companies in the country that offer these contracts. The position of the City has always been that it is the performer's responsibility to have these agreements. The City has not had these agreements in the past. The City does play music at the pool and carousel and other such things, so the City may not be in compliance. It is better to have the agreements than fight a lawsuit in court. Mrs. Jaros stated this issue has been coming up across the state. The cost is not substantial. Mr. Stork asked if this would be an annual fee. Mrs. Jaros replied yes. Mr. Martin moved to approve as requested, second Mr. Stork, three aye.

**#13 BOARD TO CONSIDER CONTRACT FOR THE DESIGN OF A
ROUNABOUT AT PLEASANT STREET & MERCANTILE
BOULEVARD (JOHN BEERY)**

Mr. Beery stated this is a request for a design contract to finish design work on a new roundabout in front of the entrance where Kahlo Jeep Eagle is located on Pleasant Street and Mercantile Boulevard. This roundabout will be similar to the one that was just put in at the front of the Wal-Mart. Mr. Beery stated there have been many complaints about that intersection, especially regarding right turns from Pleasant Street onto Mercantile Boulevard. This will make traffic move much smoother. There were also concerns as to how traffic would move on Pleasant Street after all of the phases of Union Chapel Road opened up. There were some underruns on some of the construction bids on the Union Chapel phases and this is in the same TIF, so the Department thought this would be a good project for next year. Mr. Stork asked how much the engineering services were for the Wal-Mart roundabout. Mr. Beery responded they were in the \$75,000.00 –

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\$80,000.00 range. Mr. Martin asked if they were doing the engineering study on both roundabouts. Mr. Beery replied no. The roundabout to the east was originally to be constructed as a part of the Target project, which is no longer on the table. That roundabout is now on hold. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

**#14 BOARD TO CONSIDER FAÇADE GRANT IMPROVEMENT
AGREEMENT FOR 809 CONNER STREET (CHRISTY LANGLEY)**

Mrs. Langley stated this façade improvement agreement is with Jay and Anne Merrell for their property located at 809 Conner Street, otherwise known as the Uptown Café. The total project cost is a little over \$42,000.00, with a grant request of \$20,042.50. Improvements will include taking down the mansard roof and the entire brick store front, replacing it with partial glass store front and stained glass transoms, tuck pointing, repainting, and awnings. Mr. Martin asked if they are keeping the neon sign. Mrs. Langley responded yes. Mr. Stork asked if they are taking the roof out over the entrance. Mrs. Langley responded yes. Mr. Stork asked if they are putting up an awning there. Mrs. Langley replied no, historically it did not have an awning there. The actual entrance was recessed, because of the layout they can't recess the entrance now. Mr. Martin moved to approve as requested, second Mr. Stork, three aye.

**#15 BOARD TO CONSIDER ACCEPTANCE OF LIMITED WARRANTY
DEED (MIKE HOWARD)**

Mr. Howard stated these next two items are serpentine right-of-ways. The first item is an acceptance of right-of-way from Marilyn Bubenzer as part of a development agreement that was approved by the Council months ago. The right-of-way will connect the stub of Brooks School Road and Boden Road, allowing the Corporate Campus to be connected to Brooks School. This helps because of the bridge over I-69. The right-of-way was granted in exchange for land that was transferred to the Bubenzers. That land is in the flood plain. They have the right to bring it up if they can. Mr. Martin moved to approve as requested, second Mr. Stork, three aye.

**#16 BOARD TO CONSIDER ACCEPTANCE OF WARRANTY DEED
AND ACKNOWLEDGEMENT OF GIFT (MIKE HOWARD)**

Mr. Howard stated this transaction is also the result of a negotiated development agreement with the Reynolds Farm Limited Partnership. This right-of-way connects the roundabout that is part of Phase 5 at Greenfield Avenue and Union Chapel Road and connects over to Promise Road. Under the development agreement, the Reynolds family was to be paid \$200,000.00 for this right-of-way and any additional amount of appraised value would be acknowledged as a gift. An appraisal was prepared. The value of the land was appraised at about \$66,000.00 per acre, for a total value of \$705,000.00. A copy of the appraisal has been provided to the Clerk-Treasurer's office and will be kept on file. Mr. Howard stated by the document, the City is accepting the deed of the entire 10.75 acres of right-of-way. The City will be wiring \$200,000.00 to the title company within the next couple of days. The City is also acknowledging a \$505,000.00 gift. Mr. Martin moved to approve as requested, second Mr. Stork, three aye.

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ADJOURNMENT

There being no further business before the Board of Public Works and Safety this 24th day of August, 2010, Mr. Martin moved to adjourn the meeting, second Mr. Stork, three aye.

JOHN DITSLEAR, MAYOR

ATTEST:

JANET S. JAROS, CLERK-TREASURER