



Board of Works Meeting – Minutes from September 13, 2021

Board of Works Members in Attendance: Mayor Phil Jenkins, Wayne Scheumann, Rod Stump.

Also Present: **City Attorney:** Brian Hoffer (OL), **Clerk-Treasurer:** Jeff Knight, 15 guests (10 in person and 5 online), and 1 member of the press.

- Call to order: Mayor Jenkins called the meeting to order at 3:30 pm.
- Roll call: All members were in attendance as stated above.
- Approval of the Minutes from August 23, 2021: CT Knight submitted the minutes for the previous BOW meeting. Mr. Stump motioned to approve the minutes as presented. Mr. Scheumann seconded. The minutes were approved unanimously by voice vote.
- Petitions and Comments by Citizens: There were none.
- Reports of Committees, Boards, and Commissions: There were none.
- Unfinished Business: There was none.
- New Business
 - Commonwealth Engineers – Indiana Earth Water Main Replacement (Division C) Change Order #4: Mr. Robarge (Commonwealth Engineers) made the presentation. The items included in the change order are primarily due to the underground configuration being different than what was thought during the engineering process. The additional cost is \$86,972.82 of which \$81,108.92 is associated with the new water mains and \$5,863.90 is related to the water service replacements. No additional time will be added to the project. These costs will remain within the budget. Mr. Scheumann inquired about line item #12 of the change order pertaining to an additional two tree removals. He asked if it should not have been known during the engineering phase of the project that these trees would be too close to the bike path. Mr. LaReau (Commonwealth Engineers) commented that it was hoped that the trees could be saved, but it did not work out that way. The Arborist looked at the trees and thought they should come out due to the excavation next to them. Mr. Stump motioned to approve the request. Mayor Jenkins seconded. The request was approved unanimously by voice vote.



- Commonwealth Engineers – Indiana Earth Water Main Replacement (Division C) Change Order #5: Mr. Robarge presented this request. There is a chain link fence in the right-of-way that will need to be removed and relocated back to the right-of-way line allowing the installation of the new water main as planned. The cost of this work is \$2,170.92, which includes the contractor's 10% markup. Mr. Scheumann asked about why the fence was in the City's right-of-way, but the City is being requested to pay for the relocation of the fence. Superintendent Gerber noted that the City has assumed the cost in other similar circumstances. Mr. Scheumann requested that Commonwealth pay for this item predicated upon the mistake they made. Mr. Robarge said that he would need to discuss the request internally. Mayor Jenkins sought procedural clarification from City Attorney Hoffer regarding the approval or denial of the change order. City Attorney Hoffer asked if a decision was required at the meeting. Superintendent Gerber said yes, or the project will be paused. After further discussion it was decided to pursue a Change Directive instead of a change order with the intent to have Commonwealth absorb the cost. Mayor Jenkins made the motion to pursue the change directive by the City for the purpose of reserving responsibility for payment which will allow the work to continue in the interim. Mr. Scheumann seconded. The motion to pursue a change directive was approved unanimously by voice vote.
- Commonwealth Engineers – Caldwell Tanks, Inc. Partial Pay App #4: Mr. Robarge presented the request. This is for Division A of the project pertaining to the new airport water tank. The costs contained in this partial pay application are associated with the fabrication of the tank. While they have some sickness issues, they are expected to be on sight later this week to begin erecting the tank. Mr. Scheumann motioned to approve payment of Partial Pay App #4 in the amount of \$558,276.43. Mr. Stump seconded. The request was approved unanimously by voice vote.
- South Park – Partial Pay Application #1: Mr. Mike Reese with the Troyer Group made the presentation. This is for work completed through August by R. Yoder Construction. They will begin pouring concrete this week. There is a 10% retainage included in the application. Mr. Scheumann motioned to approve payment of Partial Pay App #1 for \$52,290. Mayor Jenkins seconded. The request was approved unanimously by voice vote.
- Power from the Past – Noise Ordinance Variance: Mr. Tristan Ramer made the request to allow for a firework display and an antique tractor pull. The fireworks will take place at dusk. The initial phase of this request took place over the weekend with the tractor/truck pull that takes place the weekend prior to the Apple Festival. The only reason this was not submitted sooner was due to the three-week delay between BOW meetings. Mayor Jenkins



motioned to approve the variance. Mr. Stump seconded. The variance was approved unanimously by voice vote.

- Excavating in Public Right of Way:
 - 553 E. Indiana Avenue – Driveway: Planning Superintendent Nunemaker presented the request including required specifications. Mr. Scheumann motioned to approve the requests as submitted. Mr. Stump seconded. The excavation request was approved unanimously by voice vote.
 - 458 E. Van Buren - Driveway: Street Superintendent Warren gave the first part of the presentation noting that the driveway was not built to City required specifications. Planning Superintendent Nunemaker concurred and showed a diagram with City required specifications for the driveway and the sidewalk. Mr. Johnny Hunter (homeowner) was unaware of the circumstances and said he ordered a permit prior to completing the work, but it became more extensive and included the sidewalk after it became damaged. Mayor Jenkins restated the circumstances for clarity purposes. Superintendent Warren noted his concern with the sidewalk area only having 5" thick concrete and that it needed to have a 2% max slope for ADA compliance. Thus it could crack under the weight of traffic. Mayor Jenkins commented that the remedy is to replace the concrete back to the right-of-way concrete 6" deep. Mr. Hunter asked if he had to replace the entirety of his driveway. Mayor Jenkins replied only the part back to the right-of-way. Mr. Hunter asked for something in writing to present to his attorney. City Attorney Hoffer said he could put something together. Mayor Jenkins thought it best to give a recommendation based upon the City standards. Mr. Scheumann motioned to approve the request. Mr. Stump seconded. The request was approved unanimously by voice vote.
 - Blackstone Entry on CR 54 – New Pillars and Gate: Mr. Randy Raasch with the Blackstone Subdivision presented the request to install new pillars and a gate. According to Planning Superintendent Nunemaker, the layout meets the requirements of the city. His initial concerns were visibility and access to the fire hydrant. These issues have been resolved by this layout. However some of this will be in the City's right-of-way and so it will be a build at your own risk. There is an 8" water line running under this area. Mr. Stump motioned to approve the construction. Mayor Jenkins seconded. The request was approved unanimously by voice vote.



- Newmar Corporation – 13200 Pioneer Trail – Driveway: Planning Superintendent Nunemaker presented the request by Newmar for a 120' by 120' gravel parking lot across from the service center on Stahley Drive. They will be providing a new curb cut for a new driveway roughly 300' to 400' from the intersection. Mr. Brandon Woodward of B&M Services indicated they would like to get onto the property and get started later this week. Utility Supervisor Gerber reminded the BOW's that the Apple Festival parade is this Saturday. Mr. Woodward said that would not be a problem. They would work up to Friday and then stop until Monday. Mr. Scheumann motioned to approve the requested parking lot and driveway. Mr. Stump seconded. The request was approved unanimously by voice vote.
- New Light Poles in Alley from Williams to Guiss – Century Link: Utility Superintendent Gerber presented the request. New poles will be put in thus the request for permission to excavate in the right-of-way. Mayor Jenkins motioned to approve the request. Mr. Stump seconded the request was approved unanimously by voice vote.
- R&R Visuals – Cleaning and Televising Sewers for SWIF Grant: Utility Superintendent Gerber told the BOW's members that the City has applied for a SWIF grant to help with the lining of the City's larger sewer lines. By hiring R&R for this process, the City will be able to tell how extensive this task will be. R&R would be hired to view 7,000' of sewer lines and do some light cleaning of the lines with the cost not to exceed \$25,000 which will be recovered via the grant. Mr. Robarge said this was included in the budget for the SWIF grant. CT Knight voiced his concern regarding doing a lot of work under the assumption that the City will receive the SWIF grant. There is the possibility that the City puts the work in and then has to pay it out of pocket should the grant not come through. Mr. Robarge discussed the need to be ready for either this round or the next round of the grant. Mayor Jenkins commented that there is always the possibility that the City does not get the grant, but the work still needs to be completed. Mr. Scheumann motioned to approve hiring R&R Visuals. Mr. Stump seconded. The request was approved unanimously by voice vote.
- Remove Light Pole on West Indiana Ave: Planning Superintendent presented the request. The request comes from Thomas Mast. A new home is being built and one of the poles is in the way of the driveway. The proposal is for lamppost lights be installed by the homeowner. In the future, with further development a new streetlight would be placed on the corner along with lamppost lights on properties with new homes. Mr. Mast contacted



NIPSCO, but because the City pays the bill, the City needs to request the removal. Mr. Scheumann motioned to approve the connection. Mayor Jenkins seconded. The request was approved unanimously by voice vote.

- Pavilion Rental for inTech Trailers: Mr. Jeff Kitson (Director of Chamber of Commerce) presented the request from inTech. They would like to use the Pavilion from Wednesday (9/29/21) at 9:00 am until Thursday (9/30/21) at noon in order to show some trailers to their dealers and then take them across the street for lunch. InTech will pay the City \$500 for the use of the Pavilion. Mayor Jenkins noted that it would be good to draw up a rental agreement for future use. Mr. Scheumann motioned to approve the request. Mr. Stump seconded. The request was approved unanimously by voice vote. Mr. Scheumann also requested that a future use policy be developed for the pavilion.
- Sewer Connection – FM Group/Scooter’s Coffee: Utility Superintendent Gerber presented the request. The new coffee shop will be at 100 Family Fair Drive. Mayor Jenkins motioned to approve the request. Mr. Stump seconded. The request was approved unanimously by voice vote.
- Approval of Accounts Payable Vouchers:
 - 2021 Water APV’s Totaling \$210,075.27: Mr. Stump motioned to approve the Water APV’s. Mr. Scheumann seconded. The Water APV’s were approved unanimously by voice vote.
 - 2021 WWTP APV’s Totaling \$99,376.03: Mr. Stump motioned to approve the WWTP APV’s. Mr. Scheumann seconded. The WWTP APV’s were approved unanimously by voice vote.
- Reports of City Officers:
 - Fire/EMS: Chief Lehman informed the BOW’s members that the ambulance that was damaged in the accident is still able to be used. There is a cut in the tire that will need to be fixed, but otherwise, it is serviceable. He also commented that the Chief’s new Durango has arrived. Mr. Scheumann noted his appreciation for the work the Fire and EMS staff does on a daily basis.
 - Police: Chief Rulli requested approval to promote Patrolman Casey Livengood to the position of Sergeant effective August 2, 2021. Mayor Jenkins motioned to approve the promotion. Mr. Stump seconded. The request was approved unanimously by voice vote.



Chief Rulli made a second request to approve the promotion of Patrolman Ethan Taylor to the position of Sergeant effective September 1, 2001. Mr. Scheumann motioned to approve the promotion. Mr. Stump seconded. The request was approved unanimously by voice vote.

Chief Rulli concluded by requesting that the members accept the resignation of Reserve Patrolman Michael Johnson. Mayor Jenkins motioned to approve the acceptance of his resignation. Mr. Scheumann seconded. The request was approved unanimously by voice vote.

- **Street Superintendent:** Superintendent Warren requested to use the Loader offsite in order to spread fill dirt at 25431 US 6. Mr. Scheumann motioned to approve the use of the loader offsite. Mayor Jenkins seconded. The request was approved unanimously by voice vote.

Secondly, Superintendent Warren submitted new truck specification for approval. Mayor Jenkins asked if Superintendent Warren was going to go through the QPR process. Superintendent Warren said he would be getting proposals as well as going through Sourcewell. Mayor Jenkins motioned to approve the specifications that will allow for proposals to be obtained. Mr. Stump seconded. The specifications were approved unanimously by voice vote.

- **Water/WWTP:** Superintendent Gerber gave an update of the status of the Water Project and said there was a press release noting that the hydrants will be flushed on the 23rd.
- **Mayor:** Mayor Jenkins thanked all of the department heads for their work on cleaning up the downtown area for the Apple Festival.
- **City Attorney Hoffer** gave an overview of the status of Aero Ranch. The property was recently platted. The owners have purchasers for four out of the five lots. The City has a mortgage on the entirety of the property in order to ensure that the water services extended to this property in 2014 are repaid. Revenue from the existing buildings is there and recurring. Any additional building would generate additional revenue. The request is for the release of lots 2, 3, and 4 along with the outlot. Mr. Scheumann motioned to approve the sale of the lots mentioned. Mr. Stump seconded. The request was approved unanimously by voice vote.



Adjournment: With no further business to discuss, Mr. Scheumann motioned that the meeting be adjourned. Mr. Stump seconded. Adjournment was agreed to by voice vote and the meeting was adjourned at 4:49 pm.

Phil Jenkins, Mayor

Attest: _____
Jeff Knight, Clerk of Board of Works