

**BOARD OF PUBLIC WORKS AND SAFETY  
CITY OF NOBLESVILLE  
JUNE 29, 2010**

The Board of Public Works and Safety met in regular session on Tuesday, June 29, 2010. In Mayor Ditslear's absence, Deputy Mayor Hendricks 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: JUNE 15, 2010**

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

**PETITIONS OR COMMENTS BY CITIZENS WHO ARE PRESENT**

There were no petitions or comments by citizens.

**APPROVAL OF AGENDA**

Mr. Howard stated he would like to add an item to the agenda. This would be item #22 – Board to Consider Permit Request for a Hot Dog Stand on County Property. Mr. Stork stated he would like to add an item to the agenda. This would be item #23 – Board to Consider Road Closures for Holiday Parades. Mr. Stork moved to approve the agenda as amended, second Mr. Martin, three aye.

**BID OPENING FOR L.E.D. STREET LIGHTING**

Mr. Howard stated the first bid packet is from The Hoosier Company, Inc. They have included their Form 96, non-collusion affidavit, and bid bond. The materials total cost per unit price is \$732.70. The total cost per cobra unit is \$841.01.

The next bid packet is from Custer Electric, Inc. They have included their bid bond, Form 96, and non-collusion affidavit in the packet. The cost per unit base bid is \$360.00. The cost per cobra unit is \$1,632.00.

Mr. Stork asked if either bid so far has recognized the three addendums. Mr. Finchum stated all 13 contractors confirmed receipt of the addendums. There is nowhere on the forms to acknowledge the addendums. Mr. Stork asked if the Department had those confirmations in writing. Mr. Finchum replied yes.

The next bid packet is from Gaylor Electric Supply, Inc. They have included their Form 96, non-collusion affidavit, and bid bond. Gaylor does acknowledge receipt of three addendums. The base bid cost per unit is \$460.00. The cost per cobra unit is \$1,565.00.

Mr. Howard stated there are two packets from Clean Light/Green Light Solutions. One packet appears to be a copy. There does not appear to be a bid bond, Form 96, or non-collusion affidavit. Mr. Howard asked if there was anyone at the meeting representing Clean Light/Green Light Solutions. No one came forward. There is a quote in the packet for cobra head materials only. The quote is for \$20,850.00.

Mr. Howard stated that appears to be all of the bids for the L.E.D. Street Lighting 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 Street Department for review and recommendation for the next Board of Public Works and Safety meeting. Mr. Martin so moved, second Mr. Stork, three aye.

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**NEW ITEMS FOR DISCUSSION**

**#1                   BOARD TO CONSIDER WRITE-OFF OF UNPAID DEBT IN THE  
WASTEWATER DEPARTMENT (RAY THOMPSON)**

Mr. Staley stated this request is for the approval of the write-off of unpaid sewer debts in the amount of \$5,503.81. These debts were accrued in 2007. Mr. Martin moved to approve as requested, second Mr. Stork, three aye.

**#2                   BOARD TO CONSIDER APPROVAL OF EASEMENTS FOR WEST  
HAVEN/INTERURBAN TRAIL CONSTRUCTION (ANDY WERT)**

Mr. Wert stated this request includes 11 different easements. Five of these are permanent easements recorded against the respective lots, six are temporary construction easements. This section of trail has appeared on the City's NAT plan for many years. It was shown on the preliminary plan for Noble West, however the City failed to get the proper access easements when West Haven was recorded. There was a section of land that was dedicated and deeded to the City through the condo development, but we still need access easements from 5 west lots of West Haven to get the trail in. The developer of West Haven also installed a mound that was in violation of Duke Energy's policies. The mound has to come out as part of this project. Mr. Wert stated these easements will get the project moving forward. Mr. Stork asked who is going to pay for the removal of the mound. Mr. Wert responded the project will be a cost share between the City and Mayfield. The trail will be the responsibility of the City. The removal of the mound would be Mayfield's responsibility. Final numbers are not yet available. It will all be done under one project. Mr. Martin moved to approve as requested, second Mr. Stork, three aye.

**#3                   BOARD TO CONSIDER A SECONDARY PLAT FOR "THE RIDGE  
SECTION 3A" (ANDY WERT)**

Mr. Wert stated these are two lots that are going to be used as models by Beazer Homes at the entrance of the addition. Sewer fees have been paid. The infrastructure was bonded through a different section. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

**#4                   BOARD TO CONSIDER A SECONDARY PLAT FOR "DEER PATH  
SECTION 13B" (ANDY WERT)**

Mr. Wert stated this is 75 lots. It has been bonded with an issuance of a prior ILP. There are some final sewer tests that have not been completed. Mr. Wert stated the Board could approve this, subject to those tests. Mr. Martin moved to approve as requested, subject to final signatures from the Planning Department Director held until the final sewer tests have come in, second Mr. Stork, three aye.

**#5                   BOARD TO CONSIDER A SECONDARY REPLAT FOR LOTS 51  
AND 52 EAST HARBOUR (ANDY WERT)**

Mr. Wert stated there are two houses that are going to be demolished on Morse Reservoir. The lots will be combined into one and a large house will be built on the property. One of the houses is to be demolished immediately. The other one will be used until some storm sewer relocation can be done, as well as sea wall construction. Mr. Stork asked who is paying for the storm sewer relocation. Mr. Wert replied the owner

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would be paying for that. Mr. Martin asked if the existing utility easement would be vacated. Mr. Wert responded the only occupant of that easement is the storm sewer and that is being relocated. Mr. Wert stated this has gone through TAC Committee and the utilities are aware of the situation. The easement will be vacated with this plat. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

**#6                   BOARD TO CONSIDER A SECONDARY REPLAT FOR LOTS 11  
AND 12 J. W. WHEELER'S ADDITION TO THE CITY OF  
NOBLESVILLE (ANDY WERT)**

Mr. Wert stated the ordinance changed for the City a few years ago in that everything needs to be platted. The Department is bringing some of these combinations back through the secondary plat procedure. This is the older part of the City. There are three lots that will be turned into two. There are immediate plans to build a house on the north lot. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

**#7                   BOARD TO CONSIDER DEDICATION OF RIGHT-OF-WAY FOR  
1326 SOUTH 10<sup>TH</sup> STREET (ANDY WERT)**

Mr. Wert stated this is a house that has been converted into a professional office by a husband/wife attorney firm. They have gone through the building permit procedure and TAC Committee. The last step is to construct a parking lot. They will be widening the driveway to a commercial drive. Part of this process is dedicating a small amount of additional right-of-way for possible future intersection improvements. Mr. Martin moved to approve as requested, second Mr. Stork, three aye.

**#8                   BOARD TO CONSIDER PERMANENT ENCROACHMENT INTO A  
DRAINAGE EASEMENT AT 11941 BABBLING BROOK ROAD  
(STEVE HUNTLEY)**

Mr. Huntley stated the Planning Department has received a permit from this property owner requesting to build a deck out into, and extending over the recorded easement. Mr. Huntley stated there are pictures for the Board that was provided by the homeowner just after the last recent rain event to show where the flow line might be. The deck itself would be elevated with structural supports. The deck would encroach upon the easement. The Department has drafted an agreement that stipulates the owner is knowledgeable of the encroachment and would be responsible for any damage to the structure in the event any repairs are needed to be done in that easement by the City or any utility company. This agreement has been signed by the property owner. Mr. Martin moved to approve as requested, second Mr. Stork, three aye.

**#9                   BOARD TO CONSIDER PERMANENT ENCROACHMENT INTO A  
DRAINAGE EASEMENT AT 5645 BRUCE BOULEVARD (STEVE  
HUNTLEY)**

Mr. Huntley stated this is a similar request as the last item, however the structure involved does not require a building permit. This is being done after the fact. The homeowner has constructed a shed in the 20 ft. easement that is on his side of the property line. The encroachment is approximately 10 ft. The Department has drafted a similar agreement as the one stated in the above item. Should the City or any utility company need to get in the easement for repairs, any damage to the structure would be at the homeowner's cost and not the City's or any utility. This is both a utility and a drainage easement. The applicant is aware of the agreement. Mr. Stork asked if the homeowner has signed the agreement. Mr. Huntley replied no, he just got it a few

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minutes ago. Mr. Huntley stated the homeowner, Mr. Ermi, is present. Mr. Stork asked Mr. Ermi if he had any questions about the agreement. Mr. Ermi responded no. Mr. Stork moved to approve as requested, subject to the homeowner signing the permanent encroachment agreement, second Mr. Martin, three aye.

**#10 BOARD TO CONSIDER CONTRACT AGREEMENT BETWEEN  
NATIONAL RESEARCH CENTER, INC. AND THE CITY OF  
NOBLESVILLE FOR COMMUNITY WIDE SURVEY (STEVE  
HUNTLEY)**

Mr. Huntley stated he would like to have this item continued until the next meeting. The final dollar amount of the contract has not yet been worked out. This is a survey the City has initiated through the Vision Committee. The Council has approved a not to exceed amount of \$15,000.00. The amount should be between \$13,000.00 - \$14,500.00. An exact amount is needed for the agreement and we will know that next Tuesday. Mr. Stork moved to approve the request to continue the contract agreement between National Research Center, Inc and the City of Noblesville for two weeks, second Mr. Martin, three aye.

**#11 BOARD TO CONSIDER STREET CLOSURE FOR SOMMERWOOD  
BLOCK PARTY (STEVE HUNTLEY)**

Mr. Huntley stated this is a common request for this time of year. The applicant has obtained all of the signatures of the adjoining property owners affected by the closure. The Department is recommending approval of the request. Mr. Martin moved to approve as requested, second Mr. Stork, three aye.

**#12 BOARD TO CONSIDER PUBLISHING ADVERTISEMENT FOR BIDS  
FOR UNION CHAPEL ROAD PHASES 3 AND 4 (JIM HELLMANN)**

Mr. Hellmann stated this project is the continuation of Union Chapel Road up to S.R. 32 and improvements on S.R. 32. Phase 3 is everything south of S.R. 32 on Union Chapel Road. Phases 3 and 4 will be bid together as one project. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

**#13 BOARD TO CONSIDER PUBLISHING ADVERTISEMENT FOR BIDS  
FOR UNION CHAPEL ROAD PHASE 5 (JIM HELLMANN)**

Mr. Hellmann stated this is the extension of Union Chapel Road south of Greenfield Avenue and will tie into Promise Road approximately half a mile south of Greenfield Avenue. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

**#14 BOARD TO CONSIDER PUBLISHING ADVERTISEMENT FOR BIDS  
FOR LITTLE CHICAGO ROAD PHASE 2 (JIM HELLMANN)**

Mr. Hellmann stated this is to improve Little Chicago Road from 191<sup>st</sup> Street to INDOT's S.R. 38 and Little Chicago Road project. This project will also extend sanitary sewer north of 191<sup>st</sup> Street along the west side of Little Chicago Road. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

**#15 BOARD TO CONSIDER PUBLISHING ADVERTISEMENT FOR BIDS  
FOR 2010 CDBG (FY 2009) PROJECT (JIM HELLMANN)**

Mr. Hellmann stated this project will reconstruct 88 curb ramps to meet current ADA standards. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

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- #16 BOARD TO CONSIDER PUBLISHING ADVERTISEMENT FOR BIDS FOR THE WEST HAVEN/INTERURBAN TRAIL PROJECT (JIM HELLMANN)

Mr. Hellmann stated this is the construction of a multi-use trail just west of Hazel Dell Road in the West Haven subdivision. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

- #17 BOARD TO CONSIDER CARRIGAN ROAD CLOSURES FOR THE PEDESTRIAN BRIDGE PROJECT (BRIAN GRAY)

Mr. Gray stated the Carrigan Road Pedestrian Bridge project was awarded by INDOT. The contractor is allowed closures on Carrigan Road. The existing bridge cannot handle the size and weight of the required crane, so the road closures are necessary. The closures will be restricted to 9:00 a.m. through 2:30 p.m. during the weekdays. Weekends would be open. Morning and evening hours during rush hour traffic will be open. The closures will begin after the 4<sup>th</sup> of July weekend, within the next two weeks. The project is scheduled to be completed in November. Mr. Stork asked if the time factors would be a problem when school resumes in the fall. Mr. Gray responded the buses should be in and out before the morning closure. He would check on that. They will have to make the appropriate accommodations. Schools and emergency services will be contacted regarding the closures. Mrs. Jaros asked about boat traffic under the bridge. Mr. Gray replied he is sure there will be restrictions. Mr. Hendricks asked if emergency vehicles would be able to pass with the crane in place. Mr. Gray responded no. Mr. Gray stated Jeff Hendricks is aware and they are making necessary alternatives. Mr. Martin moved to approve as requested, second Mr. Stork, three aye.

- #18 BOARD TO CONSIDER THE MEADOWS OF SHELBOURNE AT DEER PATH SECTION 9A PERFORMANCE BONDS RELATED TO THE ILP (BRIAN GRAY)

Mr. Gray stated this is a new project. They have posted all of the required performance bonds. These are brought before the Board when the Improvement Location Permit is released. They will be back before the Board during the platting with the bonds for maintenance. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

- #19 BOARD TO CONSIDER CHANGE ORDER NO. 3 AND PROJECT CLOSEOUT FOR 2009 STREET REHABILITATION: CONTRACT 1 (ANDREW RODEWALD)

Mr. Rodewald stated Change Order No. 3 primarily includes additional patching that was done on Greenfield Avenue. Change Order No. 4 includes resurfacing on Greenfield Avenue between S.R. 37 and 19<sup>th</sup> Street, Carrigan Road resurfacing, concrete median caps on the Cumberland Road and Greenfield Avenue intersection, and zeroing out the contract. The two Change Orders total out to be approximately \$280,000.00. The money is covered under contingency and other funding sources in the bonds the City received. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

- #20 BOARD TO CONSIDER CHANGE ORDER NO. 1 AND PROJECT CLOSEOUT FOR 2009 STREET REHABILITATION: CONTRACT 2 (ANDREW RODEWALD)

Mr. Rodewald stated this is the sidewalk that was put in on 9<sup>th</sup> Street, between Clinton and Harrison Streets. This is the difference in planned quantity and actual quantity. Mr. Martin moved to approve as requested, second Mr. Stork, three aye.

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**#21 BOARD TO CONSIDER REIMBURSEMENT AGREEMENT WITH  
INDIANA AMERICAN WATER FOR 141<sup>ST</sup> STREET AND MARILYN  
ROAD PROJECT (ANDREW RODEWALD)**

Mr. Rodewald stated as part of the roundabout at 141<sup>st</sup> Street and Marilyn Road, it was deemed necessary to relocate a water main owned by Indiana American Water Company. This water main is the main line that runs east and feeds the entire east side of the City, including the Town Center. The amount for this relocation is an actual as bid amount rather than an engineer's estimate. There is some contingency in the figure, but it should be fairly close to the final figure. The agreement states they will reimburse the City for any underrun on the figure. Mr. Stork asked if they would absorb any overrun. Mr. Rodewald responded breakdown on the paperwork shows the percentages the City is responsible for. This is based on how much is due to the City's work and how much is due to their work. The City is responsible for our portion. Anything outside of that, they are responsible for. Mr. Martin moved to approve as requested, second Mr. Stork, three aye.

**#22 BOARD TO CONSIDER ISSUING A PERMIT FOR A HOT DOG  
STAND AT THE COUNTY WAR MEMORIAL (JANE SCHULER)**

Mr. Howard stated Mrs. Jane Schuler is the latest person to attempt to operate a hot dog stand in Downtown Noblesville. This vision is much better than the attempt that was made last year. Mrs. Schuler's stand will be called "Hot Diggity Dogs". Mrs. Schuler appeared before the Hamilton County Commissioners at their meeting yesterday and received permission to set up the hot dog stand on the walkway between the Veteran's Memorial and the 8<sup>th</sup> Street sidewalk behind the Historic Jail. She will be using the City's sidewalks to get to that area. Mr. Howard stated a permit from the City of Noblesville is probably a good idea in this case just for record keeping. Hot Diggity Dogs is the only one that has sought an application of this sort this year and hopefully they will be successful. They would like to open for the upcoming holiday weekend. They have filed the application and paid the appropriate fees. Mr. Howard stated the ordinance does require a certificate of insurance, but since they would be on County property they are asking for that requirement to be waived and authorize the Clerk-Treasurer to issue the permit. Mr. Stork asked if the City is issuing a permit, why wouldn't we require the insurance. Mr. Howard responded the City could require it, but the stand will solely be on County property. Mr. Howard stated this is a questionable call on whether a City permit is even needed. Mr. Stork stated that is what he is questioning. Mr. Howard stated it would be a good idea just for the record. Mr. Howard stated they have the insurance required from the County. Mr. Stork asked if the City should be added to it. Mr. Howard replied that could probably be done. Mr. Huntley stated the City has also restricted these types of vendors during special events. They would have to participate through Main Street or the sponsor of the event. This would include such things as Jazz Squared, the Street Dance, 1<sup>st</sup> Fridays, etc. Mrs. Jaros stated Mrs. Schuler's initial request is to operate the hot dog stand Tuesdays – Fridays during the day from 10:00 a.m. until 2:00 p.m. Mr. Martin asked if the permit should dictate the accessibility of when and where someone could set up. Mrs. Jaros responded that is usually done through the approval procedure of the Board. Mrs. Schuler has designated a specific area in her request. They would not be able to operate the hot dog stand elsewhere without coming back before the Board. Mr. Stork moved to approve issuing a permit for "Hot Diggity Dogs" hot dog stand, subject to naming the City of Noblesville as an additional insured and the permit is restricted from special events without going through the event sponsors and to the war memorial walkway only, second Mr. Martin, three aye.

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#23                   BOARD TO CONSIDER STREET CLOSURES FOR HOLIDAY  
PARADE ROUTES (LAWRENCE STORK)

Mr. Stork stated the request for street closures have been received for the 4<sup>th</sup> of July parade and the Christmas/Holiday parade. These are the normal routes beginning at 16<sup>th</sup> and Harrison Streets, from 16<sup>th</sup> to Logan Street; Logan to 9<sup>th</sup> Street; 9<sup>th</sup> to Monument Street; and Monument back to 16<sup>th</sup> Street where the parade will end. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

**ADJOURNMENT**

There being no further business before the Board of Public Works and Safety this 29<sup>th</sup> day of June, 2010, Mr. Martin moved to adjourn the meeting, second Mr. Stork, three aye.

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JOHN DITSLEAR, MAYOR

ATTEST:

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JANET S. JAROS, CLERK-TREASURER