

**BOARD OF PUBLIC WORKS AND SAFETY  
CITY OF NOBLESVILLE  
NOVEMBER 9, 2010**

The Board of Public Works and Safety met in regular session on Tuesday, November 9, 2010. In Mayor Ditslear's absence, Acting Mayor Michael 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: OCTOBER 26, 2010**

Mr. Martin moved to approve the minutes as submitted, second Mr. Stork, two aye, one abstention. Mr. Hendricks abstained.

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

There were no petitions or comments by citizens.

**APPROVAL OF AGENDA**

Mr. Stork stated item #17 should be added to the agenda – Board to Consider Temporary Encroachment Request for Tree Trimming at the Courthouse Square. Mr. Stork stated item #16 should be moved to the first item on the agenda. Mr. Stork moved to approve the agenda as amended, second Mr. Martin, three aye.

**BID OPENING: ROUNDABOUT CENTER ISLAND PROJECT**

Mr. Howard stated the first bid packet is from The Hunt Paving Co., Inc. They have included their bid bond, financial statement, form 96, and non-collusion affidavit. They also acknowledge receipt of one addendum. Their base bid is \$188,634.00.

The next bid packet is from Myers Construction Management, Inc. They have included their bid bond, form 96, non-collusion affidavit, and financial statement. They acknowledge receipt of one addendum. Their base bid is \$157,845.55.

The next bid packet is from TR Landscapes & Concrete DBA Yarberry Landscapes, Inc. They have included their bid bond, financial statement, form 96, and non-collusion affidavit. Their base bid is \$162,575.00.

Mr. Howard stated that appears to be all of the bids for the Roundabout Center Island 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 at the next Board of Public Works and Safety meeting. Mr. Martin so moved, second Mr. Stork, three aye.

Mr. Hendricks thanked all of the contractors for their bids.

**NEW ITEMS FOR DISCUSSION**

#16            BOARD TO CONSIDER REQUEST FOR THE CLOSURE OF LOGAN STREET FROM 8<sup>TH</sup> TO 9<sup>TH</sup> STREET, NOVEMBER 25<sup>TH</sup> FROM 7:30 A.M. TO 10:30 A.M. FOR TROTTIN TURKEY RACE (DAVID JOHNSON)

Mr. Johnson stated he is representing the Michael Treinen Foundation in requesting a street closure on Logan Street between 8<sup>th</sup> and 9<sup>th</sup> Streets for the purpose of the Foundation's annual Turkey Trot 5k Run/Walk. Mr. Johnson stated the Board member's packets contain information on the Michael Treinen Foundation. Michael was the young

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man stricken with leukemia just weeks before his high school graduation and rallied the City in supporting efforts to provide funds for his treatment. Unfortunately, those funds did not come in time. The family and foundation has chosen to pay forward and continue efforts, especially at Riley Hospital, for other children and families in similar situations. Mr. Johnson stated this is the third year for the Turkey Trot, the first two years it took place in Oakbay. This year, the event will take place on the Courthouse Square, with expectations of 300-500 people in attendance. The event will take place on Thanksgiving morning, kicking off at 9:00 a.m. and lasting an hour and half. The request for the street closure is to begin at 7:30 a.m. The intent is for the runners to leave the Square heading east on Logan Street to 16<sup>th</sup> Street, go north past the cemetery, move west on Field Drive, continue onto 10<sup>th</sup> Street to S.R. 19 to the trails in Forest Park and back to the Courthouse Square. The walking part of the route would only be on the trails in Forest Park. Noblesville Police have agreed to provide traffic control. Mr. Stork asked if this is a different route than has been done in the past. Mr. Johnson responded yes, the route before was done strictly within the subdivision of Oakbay. Mr. Stork stated he is concerned enough time has not been allotted for the event. Mr. Johnson stated he has been told the runners should finish a 5k run in well under an hour. The walkers will only be in the Park. Mr. Stork stated there was a question about restrooms. Nothing will be opened Downtown, the Visitor's Center will not be opened. The Foundation will have to plan for this. Mr. Johnson stated the Street Department informed them they may have credits to use for port-o-lets for the event. If they do not, the Foundation will provide those with permission from the City. Mr. Howard stated runners need a uniform surface to run on. Logan Street is probably the worst street for this. Mr. Howard stated his suggestion would be to work with the Police Department and look at an alternate route, such as 9<sup>th</sup> Street, rather than Logan Street. There was some discussion regarding this. Mr. Johnson stated the Foundation has no problem modifying the route. The intent is to have a 5k Run and to go past the cemetery. Mr. Stork suggested checking with Mr. Seal on the route used for the Step n Stride event. Mrs. Jaros asked about the putting up and taking down of the barricades. Mrs. Jaros stated if City personnel would be taking them down it would entail overtime. Mr. Johnson stated the Foundation would be happy to do that and work out those details with the Street Department. Mr. Stork moved to approve the closure of Logan Street from 8<sup>th</sup> Street to 9<sup>th</sup> Street on November 25<sup>th</sup> from 7:30 a.m. until 11:00 a.m., second Mr. Martin, three aye.

**#1                   BOARD TO CONSIDER A CHANGE ORDER WITH GILLIATTE  
GENERAL CONTRACTORS (CHIEF GILLIAM)**

Chief Gilliam stated this Change Order is in the amount of \$27,682.00. This is to add some supplementary heating equipment out at Station #7. There were some issues last winter with the existing heating plant keeping up. This equipment will be installed to supplement the existing equipment if needed and to act as an emergency back-up in the event the geothermal unit should fail at some point. This was not part of the original bid. The cost performance on the project so far has been very good. So far, 2.1% of the project total has been used in contingency money. Chief Gilliam stated at the request of the contractor, they have submitted an additional Change Order, Change Order #6 for work that was done last winter. Change Order #6 has not been approved in its entirety. It is still under negotiations. Mr. Hendricks stated this request is for the approval of Change Order #7 in the amount of \$27,682.00. Chief Gilliam stated that is correct. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

**#2                   BOARD TO CONSIDER HIRING A FIREFIGHTER/RECRUIT  
SUBJECT TO APPROVAL BY THE FIREFIGHTERS PENSION FUND  
(CHIEF GILLIAM)**

Chief Gilliam stated the Department recently had a firefighter that left to return to his previous fire department. That position was funded by the SAFER grant. The Department is obligated to replace that position. If we did not, we would be in violation

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of the grant agreement and would be subject to having to repay the entire grant amount. This request is to hire Benjamin Patchett, subject to approval from the Firefighters Pension Fund. The effective date would be as soon as possible. There is a potential for overtime to be a factor. Mr. Martin moved to approve as requested, second Mr. Stork, three aye.

**#3                   BOARD TO CONSIDER REQUEST FOR APPROVAL OF NEW  
ENGINE SPECIFICATIONS (CHIEF GILLIAM)**

Chief Gilliam stated this proposal is for new engine specifications to replace Engine 72 that is currently in place at Station #2, which will be placed in reserve. The current reserve vehicle will be sold, if possible. There is already one like it for sale by the City. These two vehicles no longer meet standards so it will be difficult to sell them. Chief Gilliam stated part of the specifications include liquidated damages for being late. This has served the City well in getting extended warranties. Build time on this vehicle is 10 months. For the first time, we are allowing the bidders the opportunity to bid for exact specifications, but also for demos that are close enough to those specifications. Mr. Stork stated Greg and his committee put in a lot of time on this. They did a great job on it. Mr. Martin moved to approve the engine specifications as presented, second Mr. Stork, three aye.

**#4                   BOARD TO CONSIDER REQUEST FOR APPROVAL TO  
ADVERTISE FOR BIDS FOR NEW ENGINE SPECIFICATIONS  
(CHIEF GILLIAM)**

Chief Gilliam stated these are the same specifications for the same vehicle. This request is for permission to advertise for those bids. Mr. Martin moved to approve as requested, second Mr. Stork, three aye.

**#5                   BOARD TO CONSIDER PERMANENT ENCROACHMENT TO  
ALLOW AN IRRIGATION SYSTEM AT PERFORMANCE  
MARKETING GROUP, 13058 SPERLIN COURT (STEVE HUNTLEY)**

Mr. Huntley stated the is a request on behalf of Performance Marketing Group (PMG) to put in a sprinkler system that is required by all of the public properties in the Corporate Campus. The request would be to allow the sprinkler system to be placed within the public right-of-way so they cannot only maintain their lot with water, but also the right-of-way grass. PMG has signed all of the necessary documentation and there will be record of the location of the system. Mr. Stork asked if they would need to sign the normal waiver for any utility work that may need to be done in the right-of-way in the future. Mr. Huntley responded yes, they would be signing the acknowledgement/waiver. Mr. Martin moved to approve as requested, second Mr. Stork, three aye.

**#6                   BOARD TO CONSIDER PERMANENT SIGN ENCROACHMENT  
FOR CUMBERLAND POINTE APARTMENTS (CUMBERLAND  
POINTE PARTNERS, LLC/GORDON BYERS) (STEVE HUNTLEY)**

Mr. Huntley stated Mr. Byers has requested this item be tabled. Mr. Byers has stated he would like this to go through the Plan Commission first. Mr. Stork moved this item be tabled, second Mr. Martin, three aye.

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- #7                   BOARD TO CONSIDER THE SECONDARY PLAT AND RELATED  
SURETIES FOR THE HORIZONS AT CUMBERLAND POINTE  
SECTION 4B (BRIAN GRAY)

Mr. Gray stated this is a standard secondary plat request. In the memo, it is mentioned that they did not have their fees paid at the time. They have since come in and remitted the proper amount. All of the sanitary sewer plat fees have been paid at this time. Mr. Stork stated the letter indicates acceptance of a maintenance bond for surface. There is no maintenance bond for surface or pending release of same performance bond. Mr. Gray stated the surface is not being released and that will be taken off. That is an error, it should be binder only. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

- #8                   BOARD TO CONSIDER THE CHERRY TREE MEADOWS SECTION  
3 & 4 MAINTENANCE BONDS FOR SIGNS, STREET TREES,  
MONUMENTATION AND SIDEWALK (BRIAN GRAY)

This request is for the acceptance of the maintenance bonds for the regulatory signs, monumentation, and subdivision sidewalks for Cherry Tree Meadows, Section 3, and for the release of the performance bonds for the same. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

- #9                   BOARD TO CONSIDER THE DEER PATH SECTION 13A, 16, 17  
AND 18 MAINTENANCE BONDS FOR SIDEWALKS (BRIAN GRAY)

This request is for the acceptance of the subdivision sidewalks for Deer Path, Sections 13A, 16, and 17, and the release of the performance bonds for the same. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

- #10                  BOARD TO CONSIDER THE LAKES AT PRAIRIE CROSSING  
SECTION 4 PERFORMANCE BONDS RELATED TO THE ILP  
(BRIAN GRAY)

This request is for the acceptance of the performance bonds associated with the ILP covering the sanitary sewer, storm sewer, street surface, stone and binder, asphalt trail, off-site surface, stone and binder, curbs, sidewalks, street signs, street lights, monumentation, street trees, and erosion control for the Lakes at Prairie Crossing, Section 4. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

- #11                  BOARD TO CONSIDER THE BRIGHTON KNOLL SECTION 2  
MAINTENANCE BONDS FOR SIGNS, MONUMENTATION, NAT  
TRAIL AND SIDEWALKS (BRIAN GRAY)

This request is for the acceptance of the maintenance bonds for the regulatory signs, monumentation, NAT trail, and common sidewalks for Brighton Knoll, Section 2, and the release of the performance bonds for the same. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

- #12                  BOARD TO CONSIDER AGREEMENT WITH USI FOR DESIGN  
SERVICES FOR THE RECONSTRUCTION AND RE-ALIGNMENT  
OF RIVER ROAD (JOHN BEERY)

Mr. Beery stated this is an agreement with USI, Inc. to finish plans and specifications for the re-alignment of River Road from Cicero Creek north to where Phase 1 stopped. This will re-align the curves, smooth things out, and take care of the remaining phase of River Road within the City's jurisdiction. Mr. Martin moved to approve as requested, second Mr. Stork, three aye.

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- #13            BOARD TO CONSIDER AGREEMENT WITH AMERICAN  
STRUCTUREPOINT FOR THE DESIGN OF NEW BROOKS SCHOOL  
ROAD BETWEEN 141<sup>ST</sup> STREET AND 136<sup>TH</sup> STREET (JOHN  
BEERY)

Mr. Beery stated he is requesting this item be continued. Mr. Stork moved to continue this item, second Mr. Martin, three aye.

- #14            BOARD TO CONSIDER ACCEPTANCE OF RIGHT-OF-WAY  
PARCEL NO. 4 FOR THE RIVER ROAD RE-ALIGNMENT PROJECT  
(JOHN BEERY)

Mr. Beery stated this is the first of the remaining two parcels to be acquired for the project that was discussed in Item #12. This parcel is the farthest north where the City will be tying in the new portion of the curve. The settlement cost is \$13,950.00. The City does have a signed deed. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

- #15            BOARD TO CONSIDER A REQUEST FROM HAND, INC. FOR  
ADDITIONAL PARKING SPACES AT 347 S. 8<sup>TH</sup> STREET (SAGE  
HALES)

Mrs. Hales stated HAND, Inc. is rehabilitating 347 and 304 S. 8<sup>th</sup> Street as one project. They have received variances from the standards from the BZA to be able to have the 12 parking spaces between the two properties. This request is for additional parking in the right-of-way on 7<sup>th</sup> Street, just to the west of 347 S. 8<sup>th</sup> Street. There are two, parallel spots in the right-of-way at the property line. It would give more parking options on-site for the residents and HAND as tenants. Mr. Stork asked if this needed to go to Traffic Committee. Mr. Huntley responded it would normally go through Traffic Committee for recommendation to the Board. The Board is in position to approve the request. Mr. Stork asked if they would be removing the porch and overhang. Mrs. Hales replied yes. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

- #17            BOARD TO CONSIDER TEMPORARY ENCROACHMENT  
REQUEST FOR TREE TRIMMING AROUND 1 HAMILTON  
COUNTY SQUARE (STEVE HUNTLEY)

Mr. Huntley stated the Department received this request this morning at about 7:50 a.m. The County has sent a representative from BAM Tree Service to the Board requesting approval to block off spaces to trim trees around the Courthouse. The urgency in this request is that they would like to hang Christmas lights in the trees this weekend and cannot do so without the trees being trimmed. The request is to allow for one side of the Square to be blocked off per day for the equipment. On November 10<sup>th</sup>, the S.R. 32 side would be blocked off, on November 12<sup>th</sup>, the north side of the Square would be blocked off, November 13<sup>th</sup>, the west side of the Square would be blocked off, and on November 15<sup>th</sup>, the east side of the Square would be blocked off. Mr. Martin stated that would not get the trees trimmed by this weekend. The BAM representative stated the County is wrapping the trunks of the trees on Saturday. He would like as many of the trees cleared as possible. He would rather work around 4 or 5 trees versus 25 trees. The canopies of the trees will not be done at that time. Mr. Huntley stated there is normally a fee charged for this type of encroachment. Mr. Martin stated the fee would be waived. Mr. Stork asked if all of the parking spaces per side would be blocked off. The representative replied yes. The sidewalk would also be blocked off for that area. Mr. Stork moved to approve as requested, second Mr. Martin, three aye.

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**ADJOURNMENT**

There being no further business before the Board of Public Works and Safety this 9<sup>th</sup> day of November, 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