

**MEETING OF THE BOARD OF
PUBLIC WORKS & SAFETY – April 1, 2019**

A quorum of the Board of Public Works & Safety (Board) being present, the Board met Monday, April 1, 2019, at 3:30 p.m., in Council Chambers, 3rd Floor, Huntington City Building, in accordance with all applicable requirements, notice, and authority.

CALL TO ORDER: Mayor Fetters opened the Board of Public Works & Safety meeting.

Board Members present: Mayor Fetters, Dwight Brautigam, Charles Chapman, Kathy Elmore, and Anthony Lisinicchia. Also present: Director of Community Development and Redevelopment, Bryn Keplinger; Building Commissioner, Shad Paul; Engineer Assistant, Adam Cuttriss; Police Chief, Chad Hacker; Attorney, Adrian Halverstadt; City Attorney, Mike Hartburg; and Clerk-Treasurer, Christi McElhaney.

MINUTES OF PREVIOUS MEETING: Board Member Elmore moved to approve minutes of the March 18, 2019 regular meeting, seconded by Board Member Lisinicchia. Motion passed 5-0. Minutes signed.

OLD BUSINESS:

Police Chief Hacker updated the Board on the parking situation at the Industrial Park. Huntington Aluminum has cleaned up its staging area and the “no parking” signs have been installed.

Police Chief Hacker also requested a **temporary no parking order** along the east side of Jefferson Street in the north block of downtown for **Tuesday April 9, 2019 to allow for the removal of the marquee at the Huntington Theater** building. Board Member Chapman made a motion to allow the temporary “no parking” order along that block for that day, seconded by Board Member Lisinicchia. Motion passed 5-0.

NEW BUSINESS:

City Attorney Hartburg presented **the City’s recommendation for the award of the contract for the final landfill closure project.** Hartburg stated that he and Director Goodnight and others like Kim Blanchet and Mark Crandley, partners at Barnes & Thornburg who are serving as the City’s bond counsel on this project, and Strand Associates, the City’s Engineering Consultant, reviewed all of the bids. Hartburg said, “collectively, this group compiled and organized the materials you have been provided in advance. Indiana Code § 36-1-12-4(b)(8) states that the Board shall award the contract to the lowest “responsible” and “responsive” bidder or reject all bids submitted. The statute outlines what factors can be considered in determining both a responsive and responsible bidder. When determining whether a bidder is responsive, the Board may consider whether the bidder has (1) complied with all applicable statutes, ordinances, resolutions or rules; (2) submitted a bid which conforms in all material respects to the specifications; and (3) complied with the invitation to bid. When determining whether a bidder is a responsible bidder, the Board may consider (1) the ability and capacity of the bidder to perform

the work; (2) the integrity, character, and reputation of the bidder; and (3) the competence and experience of the bidder. In the materials, Director Goodnight provides information on each of the factors concerning responsiveness and responsibility and concludes that in accordance with Indiana law, Fox Contractors is the lowest responsive and responsible bidder and recommends that Fox be awarded the contract. If the Board follows that recommendation and awards the contract to a bidder other than the lowest bidder, then the Board must justify the award and state in the minutes at the time the award is made the factors it used to determine which bidder was the lowest responsive and responsible bidder. In its March 28th letter, Geiger asked to address the Board before an award is made if the recommendation was for a contractor other than Geiger. Since the recommendation is to award the contract to Fox, I'll ask a representative from Geiger to step forward and present any information they'd like the Board to have before a decision is made." Geiger's attorney, Craig Patterson, addressed the Board and submitted additional materials from Geiger's references. Attorney Hartburg gave Mr. Patterson a copy of the materials that had been provided to the Board. After an opportunity for Mr. Patterson to consult with his client and provide any additional information, Mayor Feters asked the Board for a motion on the matter. Board Member Chapman said, "based on the materials presented to the Board by Director Goodnight, I move that Fox Contractors be found to be the lowest responsive and responsible bidder and that Fox Contractors be awarded the contract to perform the final closure of the City's landfill; that all of Director Goodnight's materials be incorporated by reference into the minutes of this meeting; and that the Mayor be authorized to sign all necessary documents on the City's behalf, all contingent on appropriate funding being available", seconded by Board Member Brautigam. Motion passed 5-0. Mayor signed agreement, referenced materials attached.

Attorney Hartburg presented the **contract with Weaver Consultants to perform construction quality assurance on the landfill closure project**. Board Member Lisinicchia made a motion to approve the agreement, seconded by Board Member Elmore. Motion passed 5-0. Contract signed.

Director Keplinger presented the contract for **Walker Consultants to conduct a parking study**. **The cost is \$29,160 with approximately \$400 in additional reimbursable expenses**. It should take 60 – 90 days to complete the study. Board Member Brautigam made a motion to approve and authorize the Mayor to sign on the City's behalf, seconded by Board Member Lisinicchia. Motion passed 5-0. Mayor signed contract.

Special Event application was presented for the **Annual City-Wide Garage Sale to be held the weekend of May 10 and May 11**. City residents will not need a garage sale permit from the City Clerk-Treasurer's office for that weekend. Board Member Lisinicchia made a motion to approve the special event application, seconded by Board Member Chapman. Motion passed 5-0.

Special Event application was presented for the **Farmers Market to be moved to the third block of downtown North Jefferson Street**. It will be closed from 3:00 p.m. to 7:00 p.m. on Wednesdays from June 5, 2019 to October 16, 2019. Board Member Brautigam made a motion to approve the new location for the Farmers Market 2019, seconded by Board Member Chapman. Motion passed 5-0.

Engineer Assistant Cuttriss presented the **Community Crossings Grant award for 2019**. The City received over **\$842,000**. These funds will go mainly to three projects and **INDOT has sent the grant agreements for approval for West Park Drive Culvert, St. Emily Drive Storm Sewer and Road project, and 2019 Street Paving**. Board Member Lisinicchia made a motion to approve the agreements and allow the Mayor to sign, seconded by Board Member Brautigam. Motion passed 5-0. Agreements signed.

MISCELLANEOUS:

Resident **Ruth Lillian Thompson** disputed the procedure the City has to collect unpaid Utility bills with the State by applying her State Tax refund to the unpaid bill. She **requested that her State Tax check not be taken by the City**, because she was counting on that money to offset her income and she already has a garnishment in place to pay for the unpaid bill. Attorney Halverstadt explained the collection procedure authorized by the State. After much discussion, Board Member Elmore made a motion to continue with the City's procedure and apply her State Tax check to her unpaid Utility bill, seconded by Board Member Brautigam. Motion failed 2-3. Nays: Brautigam, Chapman, and Lisinicchia. Board Member Chapman made a motion to have Mrs. Thompson's **State Tax check released and allow the unpaid utility bill to be paid through her garnishment**, seconded by Board Member Lisinicchia. Motion passed 3-2. Nays: Elmore and Fetters.

UNSAFE BUILDING/ORDINANCE ENFORCEMENT:

PUBLIC HEARINGS:

Mayor Fetters opened the public hearing for **220 S. Jefferson Street**. The old Marsh building exterior is falling off and needs repaired. There are (8) eight unsafe violations and the deadline for compliance is April 14, 2019. With no one wishing to speak, Mayor Fetters closed the public hearing.

Mayor Fetters opened the public hearing for **1019 Salamonie Avenue**. Owners Adam and Rebecca Hanson stated she needed more time for demolition of the unsafe portions of the property. The roof has collapsed on one corner and there are (12) twelve unsafe violations, the deadline is April 18, 2019. With no one else wishing to speak, Mayor Fetters closed the public hearing.

ORDERS OF ENFORCEMENT:

Commissioner Paul recommends **upholding the Order of Enforcement at 220 S. Jefferson Street with a deadline of April 14, 2019**. Board Member Brautigam made a motion to uphold the Order of Enforcement and assess a \$5,000 fine for willful non-compliance, if nothing is done by the April 14, 2019 deadline, seconded by Board Member Lisinicchia. Motion passed 5-0.

Commissioner Paul recommends an **extension for the Hanson's to acquire more demolition quotes for 1019 Salamonie Avenue**. Board Member Elmore made a motion for a 90-day

extension with a deadline of July 1, 2019 for the Order of Enforcement to allow more time for the demolition, seconded by Board Member Lisinicchia. Motion passed 5-0.

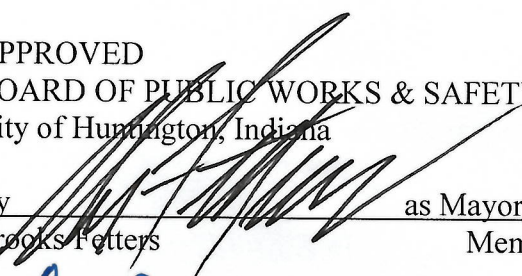
ACCOUNTS PAYABLE:


Board Member Lisinicchia moved to pay the bills as presented, seconded by Board Member Brautigam. Motion passed 5-0. Documentation signed.

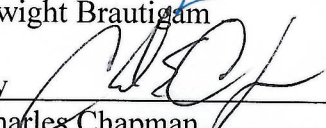
ADJOURNMENT:

Board Member Chapman moved to adjourn, seconded by Board Member Lisinicchia. Motion passed 5-0. Meeting adjourned.

APPROVED
BOARD OF PUBLIC WORKS & SAFETY
City of Huntington, Indiana

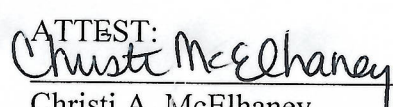
By  as Mayor and
Brooks Fetters Member

By  as Member
Dwight Brautigam

By  as Member
Charles Chapman

By  as Member
Kathy Elmore

By  as Member
Anthony Lisinicchia

ATTEST:
 as Clerk-Treasurer
Christi A. McElhaney