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BOARD OF PUBLIC WORKS AND SAFETY
MUNCIE, INDIANA

1. Time & Place
2. Members Present
3. Minutes
4. Register of Claims
5. Noise Exemption Authorization Application from Branden Jones - Spectrum
6. Acceptance of bid for the Reconstruction of the New Muncie Animal Shelter
7. Acceptance of bid for Walnut Street Phase #4
8. Board to consider entering into Supplemental Agreement Walnut Street Design Contract for Construction Oversight by Flatland Resources
9. Acceptance of Development Agreement for Nebo Commons
10. Acceptance of Plat "Nebo Commons" Section 1
11. Noise Exemption Authorization Application from Kurt Cowgill - North Central Industries, Inc.
12. Norfolk & Southern Railroad requesting approval to close Council Street between Powers & Willard and Liberty Street between Powers St. & Willard Street Friday, April 8th, 2016 8:30 a.m. until 5:00 p.m. Tuesday, April 12th, 2016
13. Contract with JL Fox, Inc. for damages related to truck fire at the City Garage
14. Adjournment

BOARD OF PUBLIC WORKS AND SAFETY
CITY OF MUNCIE, STATE OF INDIANA
APRIL 6, 2016 MINUTES

1. Board of Public Works and Safety, City of Muncie, State of Indiana, met in the City Hall Auditorium, at 9:01 A.M.
2. **Members Present:** John Quirk, Roger Overbey, Bobbie Clemens
3. **Approval of Minutes from the March 30, 2016 meeting:** Roger Overbey moved to approve minutes from the March 30, 2016 meeting as printed. Bobbie Clemens provided the second. Motion passed by voice vote.
4. **Register of Claims:**

Audrey Jones, City Controller presented the **BOW EFT Payment 3/31/16** IU Health Plans there is a total of **1 Record** for a total amount of **\$93,248.84** for Health Insurance. Roger Overbey moved to approve Board of Works EFT claim as presented. Bobbie Clemens provided the second. Motion passed by voice vote.

Audrey Jones, City Controller presented the **BOW EFT Payment 4/4/16** IU Health Workplace Services, Star Financial Bank, Authorize Net, Muncie Meds/Canarx Service, Inc. there is a total of **5 Records** for a total amount of **\$46,268.24** for Health Insurance. Roger Overbey moved to approve Board of Works EFT claim as presented. Bobbie Clemens provided the second. Motion passed by voice vote.

Audrey Jones, City Controller presented **Board of Works - Check date 4/8/16** there is **198** records for a total amount of **\$165,202.82** nothing unusual within this set of claims. Roger Overbey moved to approve Board of Works Check date 4/1/16 as presented. Bobbie Clemens provided the second. Motion passed by voice vote.

Audrey Jones, City Controller presented **Community Dev Check Date 4/8/16** there is **9 Records** for a total amount of **\$8,655.86** to nothing unusual within this set of claims. Roger Overbey moved to approve Community Development claims as presented. Bobbie Clemens provided the second. Motion passed by voice vote.
5. **Noise Exemption Authorization Application from Branden Jones - Spectrum:** Branden came forward to present his noise exemption for Friday, April 15, 2016 from 4:00 p.m. to 6:00 p.m. at the Quad (if it is raining we will set up inside the Multi-Cultural Center) for our Pizza Party Spring Event, this is our First Year with a DJ playing music. Bobbie Clemens moved to approve noise exemption for Branden Jones as presented. Roger Overbey provided the second. Motion passed by voice vote.
6. **Acceptance of bid for the Reconstruction of the New Muncie Animal Shelter:** Phil Peckinpaugh came forward and requested the board to accept the lowest bid from Attlin Construction's Base Bid as well as Alternate #2 and #3 for a total amount of \$288,510. Roger Overbey moved to accept lowest base bid from Attlin Construction and alternated #2 and #3 as recommended by Phil Peckinpaugh. Bobbie Clemens provided the second. Motion passed by voice vote.
7. **Acceptance of bid for Walnut Street Phase #4:** David Heilman, Flatland Resources came forward and requested the board to accept bid from Pridemark Construction Base Bid amount \$1,839,510.33 which was below our engineer's estimate by about \$100,000 after speaking with the City it was decided to move forward with Alternate #1 is a pedestrian access to the round-a-about and the passing of the buffalo statue for \$78,800.68 and Alternate #3 was for installing traffic signals on Franklin Street for future transition to two-way traffic for \$97,189.30 and we are asking the Board of Works to accept the Base Bid, Alternate #1 and Alternate #3 from Pridemark Construction for this contract. Roger Overbey moved to accept base bid and alternate #1 and #3 from Pridemark Construction as recommended by Flatland Resources. Bobbie Clemens provided the second. Motion passed by voice vote.

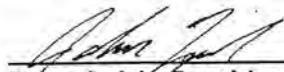
BOARD OF PUBLIC WORKS AND SAFETY:
MUNCIE, INDIANA

8. **Board to consider entering into Supplemental Agreement Walnut Street Design Contract for Construction Oversight by Flatland Resources:** David Heilman reported this is a Supplemental Agreement to the initial contract signed back in 2014 which was the Walnut Street Storm Water Improvements for Muncie Indiana. We are basically doing construction oversight and making sure the project is built to the plans and specifications which we laid out for the contractor and that amount is for \$191,000 which is about 9% of the total contracted price (\$2,015,500.31). Roger Overbey moved to enter into Supplemental Agreement Walnut Design Contract for Construction oversight by Flatland Resources as presented. Bobbie Clemens provided the second. Motion passed by voice vote.
9. **Acceptance of Development Agreement for Nebo Commons:** Jason Miller of Randall Miller & Associates 333 E. Washington Street Muncie, IN, last week Dick Weigel & Marta Moody were present discussing the development agreement and the plat. We are presenting the development agreement in the packet this morning, as you may recall last week there was three outstanding items that they wanted to have clarified as part of the development agreement. Two of which effect the development the third one was not directly affected by the Board of Works but was for the Muncie Sanitary District for televising the storm sewer improvements. The first two items were pertinent for the Board of Works was the Letter of Credit in the amount of \$85,000 which we presented to you for the work unfinished with respect to the pond. The second item was the updated bond reflecting 12 months from today's date we provided that also in the packet this morning along with the Development Agreement. President Quirk asked if the third issue will be addressed in the second part of this. Jason reported that the Sanitary District has been trying for the past three to four months to televise the storm sewer for both this development and the work that the city constructed for the outlet pipe going to the ditch. Both us and Dick Weigel have been working with the Sanitary District to have that work completed but Sanitary District is backed up with their contractors so they are trying to get a third contractor to complete that work and that will all be approved by the Sanitary District once they do have the ability to have that televised. It is not sufficiently affecting this matter before the board but it is something that Dick and Marta wanted to have a part of the record that has been completed yet. All of the work associated with the televising of the storm sewers will be completed prior to Marta Moody signing the plat and ultimately recording the documents. If at the pleasure of the Board today to approve the Development Agreement and the Plat we will get all those items taken care of and get them to Marta. Marta will then give her final blessing and then record the plat once she signs it. Roger Overbey moved to approve Development Agreement for Nebo Commons as presented. Bobbie Clemens provided the second. Motion passed by voice vote.
10. **Acceptance of Plat "Nebo Commons" Section 1:** Jason Miller of Randall Miller & Associates reported that the plat was presented to the technical review committee in November of 2014 and had been given a list of items for corrections. Marta has reviewed those and will be signing the plat once Board of Works grants approval should you do so this morning. We will have all the signatures from the landowners as part of the development and then we will submit all those documents to Marta for final review and blessings she will then sign and approve the plat and then it will go the recorder's office for recording. So we are requesting that the Board of Works accept the final plat for Nebo Commons. Roger Overbey moved to approve plat for Nebo Commons Section 1 as presented. Bobbie Clemens provided the second. Motion passed by voice vote.
11. **Noise Exemption Authorization Application from Kurt Cowgill - North Central Industries, Incorporated:** Kurt Cowgill came forward to present their noise exemption for Saturday, May 14, 2016 from 7:00 p.m. to 11:00 p.m. at 1500 E. Washington Street (Old Reed's Counter Top Building) for a Consumer Fireworks Performance Demonstration. We have held this event since 2009 on a yearly basis and have never had any problems from our neighbors. President Quirk requested that they contact their neighbors to see if they would have any objection simply because that is what we have done the past and you have plenty of time between now and May 14th, 2016 to get approval. Roger Overbey commented that the area that are doing the demonstrations has a lot veterans, pets and animals in the neighborhood. Yvonne Thompson a resident of one of those neighborhoods she suggested that they attend the Whitely Community Council meeting this coming Monday at the Muncie Area Career Center at 6:00 p.m. and if you could bring some type of document as to what you are trying to do that would help. We have been hearing fireworks going off all throughout the year and so it is very frightening to a lot of people to say the least. Bobbie Clemens heard them just last night as a matter of fact. Richard Shields came forward from North Central Industries maybe we didn't do a good job of presenting ourselves, we are a fireworks importing whole sale company, we have been in Muncie for 60 years, I can understand this lady's concern and we don't shoot fireworks every night. We actually test products in the county at several locations. We only do this as a Company event and all our completers around the country do it and that is why we are doing it. Last year we didn't even do a show because it was raining that night so we cancelled it. To east of our building is Phillips Pond, behind us is White River and over on Lincoln Street there is a few homes there and we actually received compliments from the East Washington Street Neighborhood Association on how nice we keep the property up and how much nicer it was. Whitely Neighborhood Association is across the river from us they may see or hear some the noise. We do have an ATF license that we have had for twenty years that gives us a requirement to test products to make sure they function properly. At the event we actually fire the items electronically and we do it at the end of the street which has been vacated which is Brady. We will attend the Whitely Neighborhood Association meeting and we will contact our surrounding neighbors. The entire show should last less than an hour and some of these are ground affect items not all are aerial items. Roger Overbey moved to table noise exemption for North Central Industries for one week. Bobbie Clemens provided the second. Motion passed by voice vote.

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- 12. **Norfolk & Southern Railroad requesting approval to close Council Street between Powers & Willard and Liberty Street between Powers St. & Willard Street Friday, April 8th, 2016 8:30 a.m. until 5:00 p.m. Tuesday, April 12th, 2016:** Donnie Wright, Assistant to the Superintendent of the Public Works Department came forward and requested the Board of Works approval the close Liberty Street and the Council Street Railroad Crossings for complete rail replacement. We will have a sign posted at the intersection of Willard & Hoyt that "Nye's Wrecker Service, ISI and ROC" is still accessible to their businesses even though the crossings are closed to vehicular traffic. Roger Overbey moved to approve both railroad crossings being closed for repairs as presented. Bobbie Clemens provided the second. Motion passed by voice vote.
- 13. **Contract with JL Fox, Inc. for damages related to truck fire at the City Garage:** Donnie Wright, Assistant to the Superintendent of the Public Works Department one our trucks caught on fire in the building and done a lot of damage. For the past two months of nothing being basically being done finally insurance company has recommended that JL Fox Inc. Being a commercial company has the job they came down and meet with us and we just want to get approval to enter into contract. The money is not coming from the City of Muncie but from the insurance company for the City of Muncie. We are only responsible for the deductible. President Quirk states that the City of Muncie authorized the insurance company to make direct payment to JL Fox for the work completing and as you indicated the City of Muncie is not paying anything towards this and this is coming from the insurance company. This just approval of contract between JL Fox and the Insurance Company to pay for the damages and for the record the amount of the contract is \$\$586,908.54 is that correct, Donnie responded that is correct. Roger Overbey moved to approve contract with JL Fox, Inc. as presented. Bobbie Clemens provided the second. Motion passed by voice vote.
- 14. **Adjournment:** Bobbie Clemens moved to adjourn meeting, meeting adjourned at 9:30 a.m., Roger Overbey provided the second. Motion passed by voice vote.

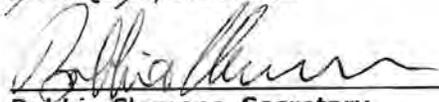
Board of Public Works and Safety



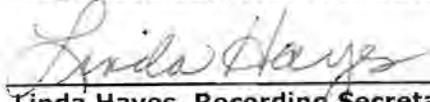
John Quirk, President



Roger Overbey, Vice-President



Bobbie Clemens, Secretary



Linda Hayes, Recording Secretary