



Board of Works Meeting – Minutes from July 10, 2023

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

Also Present: **City Attorney** Brian Hoffer, **Clerk-Treasurer** Jeff Knight, 8 guests (IP) and one member of the press (IP).

- Call to order: Mayor Jenkins called the meeting to order at 3:31 pm.
- Roll call: Members listed above were in attendance.
- Approval of the Minutes from June 26, 2023: CT Knight commented that he revised the minutes to reflect that the acquisition of the Bobcat will be a purchase and not a lease as was indicated on the agenda. Mr. Stump motioned to approve the minutes as revised. Mr. Scheumann seconded. The minutes were approved unanimously by voice vote.
- Approval of Consent Agenda: A Consent Agenda containing items (6 Excavating in ROW Permits, 1 Sewer Connection) that are approvable by the various department heads was submitted. Mayor Jenkins motioned to approve the Consent Agenda. Mr. Scheumann seconded. The Consent Agenda was approved unanimously by voice vote.
- There were no petitions and comments by citizens and there were no reports from committees, boards, or commissions.
- Unfinished Business: Friday Fest Amended Request for July 14th. Mayor Jenkins presented the revisions which included the road closure on W. Lincoln St. from SR 19 to the west side of Elm St., use of the front of the old BMV lot for vendors, use of the back of the old BMV lot for handicap parking, and use of the lot behind NAC for vendor parking. Not in the memo but requested by Ms. Chami Mechling was the use of the old BMV building for storage. Mayor Jenkins said he would look into that. Mr. Scheumann asked if Street Superintendent Warren had reviewed the requests. Superintendent Warren said yes. Ms. Mechling noted that last month there were twelve cars registered for the car show. This month there are fifty-five. Mr. Scheumann motioned to approve the amended request. Mr. Stump seconded. The amended request was approved unanimously by voice vote.
- New Business
 - Release Performance Bond – INTech/Tomahawk Restoration: Utility Superintendent Gerber presented the request. The remediation work R. Yoder Construction was doing along CR 101 and south of CR 52 has pretty much been completed. There is a 1-year maintenance bond in place. Superintendent Gerber recommended release of the performance bond. Mr. Stump



motioned to approve the release of the performance bond. Mayor Jenkins seconded. The request to release the performance bond was approved unanimously by voice vote.

- Approve Water AMP Update Scope and Fee – Commonwealth Engineers: Mr. Andrew Robarge (Commonwealth Engineers) presented the memo. Included in this documentation is a preliminary engineering report (PER) related to the next phase mentioned in the Asset Management Plan. Per this documentation being approved, Mr. Robarge will create a Task Order for signature by CT Knight and the Mayor. The PER will be in IFA/SRF format. This AMP update shifts some project priorities and removes other projects. Along with the adjustments to projects and priorities is an adjustment in costs. Updated mapping will also be done for City hydrants and valves in order to put a numbering system in place. The updated AMP will be presented to the Board. Once the work on the AMP is completed, the SRF PER will be started. The work is scheduled to start in July 2023 and be completed in February 2024. The total cost for the Water AMP Update (\$38,100) and the Water PER (\$40,000) is \$78,100. Mr. Scheumann pointed out the date change necessary under section 2.0 Schedule. The date for the Final Water PER reflects February 2023 and should be 2024. Mr. Robarge said he will make the change. Mr. Scheumann motioned to approve the requested Water AMP Update Scope and Fee and pending City Attorney Hoffer’s review, authorizing Mayor Jenkins and CT Knight to sign the new Task Order. Mr. Stump seconded. The Water AMP Update Scope and Fee was approved unanimously by voice vote.
- Review Draft Email Response to Indiana Earth: Mr. Robarge presented a draft email for the Board to review. The email is a direct result of conversations had between Mr. Robarge and Indiana Earth regarding what needs to occur for this project. The first thing IE needed to do was finish the work so the clock stops on the project. IE has done that. The next thing to deal with was the number of overage days it took to complete the project. Commonwealth computed those days at 522 days late. IE then computed the time themselves and came up with a number of days they were onsite. That number came to 52 days. Mr. Robarge indicated in the draft email that the City will consider those days subject to three conditions. The draft email can be viewed for specifics. In addition to those three items being satisfied, Commonwealth recommends IE obtain a maintenance bond to cover warranty items for one year from the project completion date (estimated as May 20, 2023, by Commonwealth). There is nothing binding on the City’s behalf. Until this comes in the form of a change order, there are no changes to the contract. This is just an opportunity for negotiations for the closeout of the project. Mayor Jenkins commented that he discussed damages with Mr. Robarge and in his estimation, the City is covered for the damages. City Attorney Hoffer noted that some of the items mentioned in the email have been discussed with IE before. Attorney Hoffer asked if this letter would be inclusive of other litigation. Mr. Robarge said it



could, but the letter would need to be amended. Mr. Scheumann motioned to approve issuance of the email to Indiana Earth with the suggested amendments and that the letter be submitted to Mayor Jenkins and City Attorney Hoffer for their approval. Mr. Stump seconded. The draft email was approved in accordance with Mr. Scheumann's motion.

- Approve Street Closure for 202 S. Main Street – Reliance: Street Superintendent Warren presented the request for the ability to park a dump trailer in two parking spaces between the buggy shed and Lincoln St for a renovation project at 202 S. Main St. for Louks and Weaver. The time-frame requested begins on July 11, 2023, at 7:00 am and goes through October 15, 2023, at 5:00 pm. No street will be closed, and the parking spaces will only be used periodically during. Mayor Jenkins motioned to approve the request. Mr. Scheumann seconded. The request was approved unanimously by voice vote.
- Approve 2023 Apple Festival Street Closures: Mayor Jenkins and Superintendent Warren believed this request was similar to those in past years. Mr. Stump motioned to approve the 2023 Apple Festival Street closure request. Mr. Scheumann seconded. The request was approved unanimously by voice vote.
- Approve Purchase of Plow for Skidsteer – Utilities: Utility Supervisor Gerber presented the request to purchase a new HLS 3600 Series 6-way snowblade for \$6,500 to replace the existing one that is worn out. The purchase will be from Plevna Implement. Mayor Jenkins asked if the State would have any issue with using this sort of plow. Superintendent Warren said no. Mayor Jenkins motioned to approve the purchase of the new snowblade. Mr. Stump seconded. The purchase was approved unanimously by voice vote.
- Approve Purchase Agreement for Property on N. Main Street: Mayor Jenkins presented the request. This is for the property along SR 19 (just south of Grace Point Church) that will be used for the new fire station. The agreement has been drafted. The church met last night and reached agreement on their end. The purchase price is \$118,250 (the average of two appraisals). The closing date is yet to be established. Mr. Scheumann motioned to approve the property purchase and give authority to City Attorney Hoffer and Mayor Jenkins to fill in the dates that are yet to be determined. Mr. Stump seconded. The purchase agreement was approved unanimously by voice vote.
- Approval of Accounts Payable Vouchers:
 - Mr. Stump motioned to approve the 2023 Water APV's Totaling \$188,491.10 and 2023 WWTP APV's Totaling \$45,773.66. Mr. Scheumann seconded. The APV's were approved unanimously by voice vote.



- Reports of City Officers:

- Mayor Jenkins: Mayor Jenkins presented a recommendation to hire Mr. Mark Collins as the Director of Development for the City. Mr. Collins' start date will be July 18, 2023. Mayor Jenkins requested that Mr. Collins have 40 hours of PTO at the time of hire. The new position of Director of Development will report to Planning Director, Todd Nunemaker, and be responsible for the Nappanee Redevelopment Commission. Mr. Scheumann motioned to approve the hiring as presented. Mr. Stump seconded. The recommendation was approved unanimously by voice vote.

Secondly, Mayor Jenkins read a letter of resignation from Utility Superintendent Gale Gerber. The effective date of his resignation is 12/31/2023. After Mayor Jenkins read the letter, Mayor Jenkins spoke highly about Superintendent Gerber and thanked him for his many years of service. Various other members of the Board and Departments voiced their memories of Superintendent Gerber and thanked him for his service and the way he represented the City. Once everyone had a chance to speak, after a long pause, Mr. Scheumann reluctantly motioned to approve Superintendent Gerbers resignation. Mayor Jenkins seconded. Superintendent Gerber's resignation was approved unanimously by voice vote.

Adjournment: With no further business to discuss, Mr. Stump motioned that the meeting be adjourned. Mr. Scheumann seconded. Adjournment was agreed to by voice vote and the meeting was adjourned at 4:16 pm.

Phil Jenkins, Mayor

Attest: _____
Jeff Knight, Clerk of Board of Works