

**UTILITY BOARD/COMMON COUNCIL**

**Tuesday, May 17, 2011**

**7:00 P.M.**

The Common Council and Utility Board of the City of Huntingburg met in joint session at its regularly scheduled meeting time on Tuesday, May 17, 2011 at the hour of 7:00 P.M. in the Council Chambers of the Huntingburg City Hall at 508 E. Fourth Street, Huntingburg, Indiana. Members Boeglin, Sparrow, Kays, Majors and Summers were present. Also present were Mayor Belcher and City Attorney Schneider.

Mayor Belcher called the meeting to order.

A motion was made by Kays, seconded by Sparrow and carried to approve the minutes of the May 5, 2011 meeting.

A motion was made by Summers, seconded by Boeglin and carried to approve the claims as presented.

The Mayor presented amendment 2011-02 to the original agreement between the City of Huntingburg and Commonwealth Engineers, Inc. dated January 6, 2009. The agreement is for services related to the Wastewater plant upgrade and berm project. The amendment is for the transfer of costs between line items of the agreement but the total agreement price remains unchanged at \$392,000.00.

A motion was made by Summers, seconded by Kays and carried to approve amendment 2011-02 to the agreement between the City of Huntingburg and Commonwealth Engineers, Inc. concerning the Wastewater plant upgrade and berm project as noted above.

Clerk-Treasurer Dippel presented a proposed Resolution to allow the moving of appropriation monies between accounts within major budget classification of the various departments of the City of Huntingburg and a proposed ordinance to transfer appropriation monies from major budget classification to another within the various departments and funds of the City of Huntingburg. Dippel noted that neither of these actions would allow spending in excess of the total budget for the funds.

A motion was made by Boeglin, seconded by Kays and carried to adopt Resolution No. 2011-13 entitled:

**A RESOLUTION TO TRANSFER MONIES BETWEEN ACCOUNTS  
WITHIN MAJOR BUDGET CLASSIFICATIONS OF THE VARIOUS  
DEPARTMENTS OF THE CITY OF HUNTINGBURG, INDIANA**

A motion was made by Boeglin, seconded by Sparrow and carried to introduce Ordinance No. 2011-14 entitled:

**AN ORDINANCE TO TRANSFER MONIES FROM ONE MAJOR  
BUDGET CLASSIFICATION TO ANOTHER WITHIN THE VARIOUS  
DEPARTMENTS AND FUNDS OF THE CITY OF HUNTINGBURG**

A motion was made by Boeglin, seconded by Sparrow and carried to suspend the rules with unanimous consent and consider the adoption of Ordinance No. 2011-14 on the same date and meeting at which it was introduced.

A motion was made by Boeglin, seconded by Sparrow and carried to adopt Ordinance No. 2011-14.

Upon call of roll for the adoption or rejection of Ordinance No. 2011-14 the vote being 5 ayes, 0 Nays, in favor of adoption, Ordinance No. 2011-14 was duly passed and adopted this date at the hour of 7:10 P.M.

Utilities Superintendent Traylor presented his monthly report.

Traylor presented quotes for the purchase of various sizes of conduit for the Electric Department. The low quote received was from ISCO in the amount of \$8,450.00.

A motion was made by Summers, seconded by Boeglin and carried to approve the purchase of conduit from ISCO in the amount of \$8,450.00.

Traylor presented quotes for the purchase of various sizes of wire for the Electric Department. The low quote received was from HD Supply in the amount of \$28,075.94.

A motion was made by Summers, seconded by Kays and carried to approve the purchase of Wire from HD Supply in the amount of \$28,075.94.

Traylor presented quotes for the boring for the Electric Department. The low quote received was from USDI, Inc. in the amount of \$37,290.00.

A motion was made by Boeglin, seconded by Summers and carried to accept the low quote for boring from USDI, Inc. in the amount of \$37,290.00.

Traylor informed the Board that two bids were received for the 3<sup>rd</sup> Street lot storage building construction. One from Blitz Builders for \$76,092.00 and one from Small-Wilson, Inc. for \$118,000.00. Traylor noted deficiencies in the Blitz bid that need to be addressed. Traylor noted that Blitz did not acknowledge the receipt of the addendum, they did not put in the price for the rock specified, they did not provide reference to the subcontractors to be used, they did not provide a list of references and they included in their bid 29 gauge metal when 26 gauge was specified. Traylor noted that a change order would be needed right away to add the rock. He figured the price to be \$87,913.00 to get the building as specified by the City.

It was noted that Blitz did provide their engineered shop drawings and cost of the rock needed to meet the specifications and verbally acknowledge the receipt of the addendum after the bids were opened.

Traylor noted that there were no deficiencies with the Small-Wilson, Inc. bid.

Attorney Schneider had concerns with the Blitz bid as being non-responsive. He noted that the City has the right to waive informalities in the bidding but items missing were actually formalities.

Attorney Schneider indicated that in a letter from Gary Ladd, of Ladd Engineering, Inc., the City's project engineer, Ladd noted that Blitz's bid was non-responsive but indicated the City could enter into a contract with Blitz if it included price for rock and professional engineer drawings and the City waived informalities to show their price was still lower than Small-Wilson.

Schneider indicated that he thinks the Blitz Builders bid is non-responsive and the City's options are to award the work to Small-Wilson or reject all bids.

Discussion followed. Schneider noted that the Blitz bid if accepted, could be challenged by the responsive bidder and the City could be sued for damages to the responsive bidder.

Schneider noted that once the estimated construction costs amount exceeds \$50,000 it is essential the bidders pay attention to the plans and specifications.

A motion was made by Kays, seconded by Boeglin and carried to reject all bids for the 3<sup>rd</sup> Street lot storage building.

The Mayor presented the Council estimated damage figures to League Stadium in the amount of \$258,740.00. He noted that as soon as Park Director Rueger provides the Safety Director the bills for repairing the damage, that he can then turn into the insurance company for reimbursement. The Mayor noted that Rueger will probably need money from the Rainy Day fund as a loan until the insurance pays the claims. He asked the Council if they wanted to approve the use of Rainy Day funds for this purpose.

Clerk-Treasurer Dippel indicated that there is \$100,000 appropriated in the Rainy Day fund for 2011.

There was discussion on waiting to see what and when the insurance company pays and then if needed possibly using Rainy Day Funds.

The Mayor indicated that Rueger wanted him to inform the Council and that the Park does not have the money to pay this kind of bill. He also noted that the stadium is not a typical structure as it was crafted and any repairs will have to be like crafted.

Member Kays asked when money is borrowed from a fund is the money returned to the same fund.

Clerk-Treasurer Dippel indicated that when funds are loaned they are always returned to the fund that lent the money. He noted that when curb & gutter projects are financed with EDIT funds the funds are repaid by the property owner, the funds are put back into the EDIT fund, noting that in some cases the loan periods are up to 10 years.

Jeff Summers asked about receipts from the casinos.

Clerk-Treasurer Dippel indicated that the City receives about \$35,000 per year from a pool of funds that is shared with other municipalities that are not in counties with casinos. He noted that the County does get money from the Orange County casino.

It was noted that the City's Riverboat Fund has approximately \$181,000 in it and funds were previously used to contribute \$100,000 toward the purchase of a platform fire truck.

The Mayor indicated that Park Director Jim Rueger is anxious to get the Splash Park underway. He noted that some of the Park Board members are going to go around and check out splash parks and get one of a certain square footage. He noted that some members were asking if they could use some Riverboat Fund money for the project. He noted that he would talk to the Council about it. He noted that Park Director Rueger said that \$125,000 to \$140,000 would build something nice. He noted that Park Board members know the square footage they want, but are still deciding the items they want in the splash park.

Park Board member Summers indicated that he has seen five splash parks already but wants to go look at Princeton and Evansville.

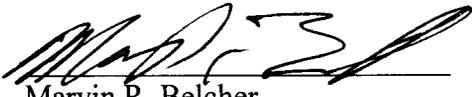
The Mayor said he thinks it is a good idea and this is something that he has been talking about and he and some of the Park Board members want to get the project underway and done this year. He noted that the Splash park will bring lots of folks to our park.

Summers noted that he thinks the Splash Park will increase revenue to the pool quite a bit.

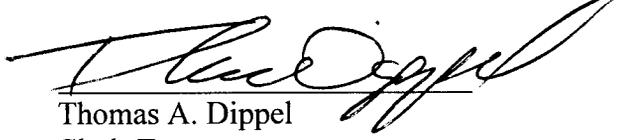
The Mayor asked the Council to think about it and indicated that this will probably be on the next Council agenda and invited all to go out and look at other splash parks.

Sue Potter was present to inquire about compression brake issues. She noted that she has contacted INDOT and the remedies they suggest deal with establishing a noise ordinance. She noted that in traveling in other states that signs are up prohibiting compression braking. It was noted that the State of Indiana will not prohibit the use of compression brakes or allow signs prohibiting compression brake use in State right-of-way because they are a safety feature on large engines. Potter was encouraged to call her state representative for help with this issue.

There being no further business before the Council, a motion was made by Summers, seconded by Boeglin and carried to adjourn the meeting at 8:10 o'clock P.M.



Marvin R. Belcher  
Mayor



Thomas A. Dippel  
Clerk-Treasurer