

## **BOARD OF PUBLIC WORKS & SAFETY**

**Thursday, November 5, 2020**

**8:30 A.M.**

The Board of Public Works & Safety of the City of Huntingburg met in regular session on Thursday, November 5, 2020 at the hour of 8:30 A.M. in the Council Chambers of the Huntingburg City Hall. Members Spinner, Souders and Blessinger were present. Also present were Clerk-Treasurer Dippel and City Attorney Schneider.

Mayor Spinner called the meeting to order.

A motion was made by Blessinger, seconded by Souders and carried to approve the minutes of the October 1, 2020 regular meeting.

A motion was made by Spinner, seconded by Souders and carried to approve the claims for payment as presented.

Street Superintendent Stamm presented his monthly report. Stamm noted that he looked at the 9<sup>th</sup> Street issue behind Huntingburg Housing Authority and he received an estimate to pay in the amount of \$21,300.75. There was discussion on the issue. The area will not be paved but patched and hazards removed, and City codes are to be enforced in the area. He informed the Board that the West 1<sup>st</sup> Street, Phase 1 project should be done by Thanksgiving or first part of December. Phase 2 of the West 1<sup>st</sup> Street project was to be both the portion of West 1<sup>st</sup> Street East and West of the Phase 1 area. He would now like to split the Phase 2 project into two projects: Phase 2A (West) and Phase 2B (East). Stamm noted that he would like to develop the plan for Phase 2A and 2B at the same time, but not do the construction at the same time. He recommends constructing project 2A (West) first. He also recommends the City apply for Community Crossing Grant funds for Project 2A (West) in January 2021 and wait on Project 2B (East), since 2B (East) is not that bad.

There was discussion of Clark-Dietz designing both projects at one time and the construction of the projects being bid separately.

A motion was made by Spinner, seconded by Blessinger and carried to have Clark-Dietz proceed with the engineering work as a two phase project.

Stamm presented proposed Change Order No. 1 with Quality Craft Construction on the 5<sup>th</sup> Street Reconstruction Project in the amount of \$20,186.20. He noted that Brad Eckerle of Brosmer Land Surveying & Engineering, Inc. was present to help explain the change order. It was noted that the increase in the contract was 16% and an explanation was requested. Eckerle noted the most substantial change on the list was Subgrade Treatment (Type II), \$15,949.39 increase. Eckerle noted that it was a "bust" on his part in regards to the bid quantities being short. There was also an issue of the lack of Board notification of the need for a change since the project was completed in August and the need for the change was known in May. The need for the Board to be notified and involved in a change order was stressed. It was also noted that this was a Community

Crossing project and had the bid been correct the State would have paid 75% of the bid item, which is now having to be paid entirely by the City. There was a reluctance to pay the change order by Board members. Attorney Schneider injected that the City is still liable for the work regardless of the internal procedures that were not followed, as the City did receive the benefit of the change order. He noted that on the theory of that if the City would not pay the change order the City would be sued on the theory of unjust enrichment and the City would be held liable for the payment. He noted that this is an internal problem and this Board needs to lay down what its expectations are in regard to a change order (such as no work will be done under a change order of a certain amount until it is brought before the Board). Eckerle noted the problem was with him and offered that the City not pay him. It was noted the Change was double the amount of Brosmer's fee.

A motion was made by Souders that the change order be denied and the City take the chance in a lawsuit or Eckerle come up with a settlement proposal.

Attorney Schneider suggested that the City will incur a lot more expenses than the \$15,949.00 item in the change order in legal fees if sued. It was noted the concern that these are tax dollars that are at issue in this change order.

Souders' motion above was not seconded and therefore did not carry.

A motion was made by Spinner, and seconded by Blessinger to approve the change order. The motion carried by the vote of 2 ayes, 1 nay (Souders).

Member Blessinger requested note in these minutes that he made the second, but that this was a very bad situation.

Stamm presented a proposed professional services agreement for on-call professional civil engineering services for the calendar year 2021, between the City of Huntingburg and Brosmer Land Surveying & Engineering, Inc.

A motion was made by Blessinger, seconded by Spinner and carried to enter into the professional services agreement with Brosmer Land Surveying & Engineering, Inc. as presented.

Wastewater Superintendent Coomer was absent. Wastewater (Crew Chief) Jeremy Merkel presented the monthly Wastewater Utility report.

Police Chief Parks presented his monthly report. He presented a quote from Axon Enterprise, Inc. for updated tazers, holsters and training in the amount of \$23,100.00. It was noted that the payment can be made all at once, or they can be paid for over 5 years for the same total price. The first year payment will be \$3,900.00 and the next 4 years the payments will be \$4,800.00.

A motion was made by Blessinger, seconded by Souders and carried to allow Chief Parks to purchase the tazers noted above over 5 years.

Parks presented a quote from Motorola Solutions for a dual band radio in the amount of \$5,823.18.

A motion was made by Spinner, seconded by Blessinger and carried to approve the purchase of the Motorola dual band radio.

Parks requested permission to seek quotes for a Durango instead of a Charger since the Durangos are a better vehicle for the department. He noted that there is a 90-120 day waiting period for Durangos. Parks is to get quotes for both the Durango and Charger so the Board can see the difference in price. Parks noted that the funding would come from the 2021 budget.

A motion was made by Spinner, seconded by Blessinger and carried to authorize the Chief to receive quotes and report back to the Board for the purchase of a new vehicle.

There was discussion on police take home vehicles. Chief Parks noted that there are currently 5 officers that live outside the City of Huntingburg within a 15 mile radius of the City. He presented an estimated cost of \$440.84 per officer per year. He noted that it would help in the recruitment of officers which has been difficult. Attorney Schneider is to meet with Parks to change the police Standard Operation Procedure and bring it back to the Board for final approval.

A motion was made by Spinner, seconded by Blessinger and carried to approve the drafting of new policy for police take home vehicles.

Parks presented a proposal to enter into a professional Services Agreement with Utility, Inc. to provide and service 14 body cameras, equipment and service. The amount of the quote is \$198,848.00 which can be paid over 5 years. It was noted that first 2 years will be paid for by the Police Department for years one and two in the annual amount of \$39,776.00. Assistant Chief Kramer explained that he is seeking a reimbursement grant in the amount of \$118,890.02 for the other years from the 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. It was noted that if the JAG Grant is not received the annual payments will need to be worked into the City budget. The City is working with a grant administrator that specializes in these type of grants.

A motion Spinner, seconded by Souders and carried to approve the purchase of the body camera system from Bodyworn (Utility, Inc.) in the amount of \$198,848.00.

A motion was made by Blessinger, seconded by Souders and carried to approve the City's application for the JAG Grant in the amount of \$118,890.02.

It was noted that Police Chief Parks is to bring to the Board, an inventory of police vehicles with current mileage so the Board can review for upcoming vehicle replacement options.

Fire Chief Patberg presented his monthly report. He informed the Board that annual pump testing is complete, and that general ladder and aerial testing is coming up.

Patberg requested the Board recommend to the Common Council that the name of Glenn Landstrom be entered on the list of approved firefighters in the City. He noted that 2 firefighters have resigned and that with Landstrom the force will be at 28 members.

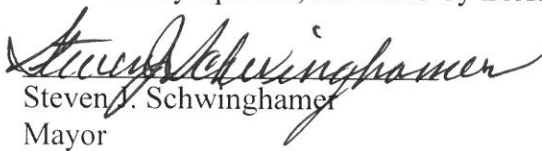
A motion was made by Spinner, seconded by Souders and carried to recommend to the Council the name of Glenn Landstrom as a member of the Huntingburg Volunteer Fire Department.

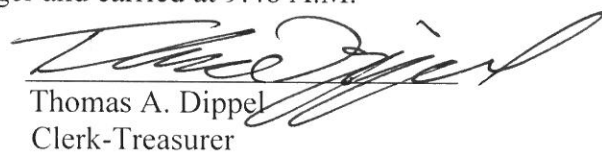
Code Enforcement Officer Souders presented his monthly report.

Planning Director Lake presented his monthly report. He updated the Board on the status of Chestnut Gardens.

Safety Director Gentry was absent. His monthly report was presented. It was reported that the City had 3 reportable injuries.

There being no further business to come before the Board, a motion to adjourn was made by Spinner, seconded by Blessinger and carried at 9:48 A.M.

  
Steven J. Schwinghamer  
Mayor

  
Thomas A. Dippel  
Clerk-Treasurer