

Town Council Meeting
Monday, February 22, 2016
6:00 P.M. Town Hall

Edinburgh Town Council met in a regular session on Monday, February 22, 2016 at 6:00 P.M. at the Town Hall, 107 South Holland Street, Edinburgh, Indiana.

President Kami Ervin called the meeting to order and led the Pledge of Allegiance.

Members answering roll call were: Vice President Jeff Simpson, Councilwoman Dawn Graham, Councilman Jerry Lollar and President Kami Ervin. Also present were Town Attorney Dustin Huddleston and Clerk Treasurer Scott Finley. Councilman Jack Shepherd was absent.

President Ervin said next on the agenda were the minutes of the executive meeting of February 8, 2016. Councilwoman Graham made a motion to approve the minutes as submitted. Councilman Lollar seconded. Motion carried. President Ervin said next were the minutes of the council meeting of February 8, 2016. Councilman Simpson made a motion to approve the minutes as submitted. Councilwoman Graham seconded. Motion carried.

President Ervin said next on the agenda were claims and handed it over to Clerk Treasurer Scott Finley.

Mr. Finley said everyone should have received a copy of the normal claim docket for period in their council packets. The total for that docket was \$165,657.11. He said he had signed off on all the claims in that docket and handed them over to the council for approval. Councilman Simpson made a motion to approve the claims as submitted. Councilwoman Graham seconded. Motion carried.

President Ervin said next on the agenda was Ordinance 2016-2 Cemetery Fee Schedule. These changes were approved during the budget workshop. This ordinance implements the fee changes discussed during the workshop.

Councilman Lollar asked how these fees compared with surrounding communities.

Cemetery Sexton John Hoskinson said even with the increases in this ordinance the town is still lower than all the cemeteries in the area.

Councilman Simpson made a motion to approve Ordinance 2016-2. Councilman Lollar seconded. Motion carried.

President Ervin said next on the agenda was the Blue River Building Project bid award. She asked Town Manager Wade Watson to lead the discussion.

Mr. Watson said the town recently went through the bidding process for this project. Normally the town would accept the lowest bidder for the project. The engineer of record has looked at the qualifications of the bidders and the recommendation was to take the second lowest bidder based on the number of similar projects the lowest bidder, Fitzgerald and Fitzgerald, have completed. The bid documents specifically asked for bidders to have completed at least 5 projects that were similar in size and quality and at least 10 projects that were similar in size and scope. Fitzgerald and Fitzgerald only provided one project meeting that requirement for Noblesville in 2010. Another concern with the low bidder was that the average quote for brick repointing was \$18 per square foot and the average brick replacement cost was \$29.25 per square foot. Fitzgerald and Fitzgerald's quote was \$1.50 per square foot for repointing and \$3.50 per square foot for replacement. It is unlikely that the brick can even be purchased for those prices. He said based on the experience for the project, it was his recommendation along with the engineer of record's recommendation to accept the second lowest bidder on the project. He said Kent Anderson of Kenna Consulting was present and would like to speak to the OCRA requirements.

Mr. Anderson said OCRA requires the town to take the lowest, most responsive and responsible bidder. If not, there are several hoops to jump through. That would include the architect making

a recommendation. In his opinion OCRA would not even question this decision based on the findings in the submitted bids. He said he had some questions on whether Fitzgerald and Fitzgerald were going to use the Davis-Bacon wages or not. His plan was to go to OCRA's office tomorrow to start the release of funds process and he will need a letter from the council.

President Ervin asked Mr. Huddleston to speak from a legal point of view on the process. Mr. Huddleston said Mr. Anderson is correct that ultimately it is the town's decision. It defaults to awarding the lowest, responsive and responsible bidder. If the town chooses to not award the lowest bidder, it must be stated in the minutes of the award a reason for not selecting the lowest bidder. There needs to be a concrete justification and the town must explain the factors used in determining the most responsive and responsible bidder. IC 36-1-12-4(b)(10) and IC 36-1-12-4(b)(11) define responsive and responsible bidders. The risks of not awarding the lowest bidder include the town could be subject to a lawsuit from the lowest bidder or OCRA disagreeing with the decision and not awarding the grant. The council does not have to make a decision at this meeting. It can be taken under advisement and brought up at the next meeting.

President Ervin asked if this was a time sensitive decision.

Mr. Watson said the town must have release of funds by June. In order to get the release of funds the town needs a letter of recommendation from the engineer and a decision by council to pursue a contract with the awarded bidder.

Mr. Anderson said the other factor that could come in to play is for how long the bidders were required to keep their bids good. He said everyone in his office has reviewed this and they all agree this is a legitimate reason to not accept the low bid. It does not happen very often and most of the time communities want to do this so they can choose a local contractor which is not a legitimate reason. That is not the case in this scenario.

Mr. Huddleston said the council can also have Mr. Buening look at this and give his professional opinion.

Councilwoman Graham made a motion to table the decision until the March 7, 2016 special public meeting. Councilman Lollar seconded. Motion carried.

President Ervin said next on the agenda was the Michael W. Buening Consulting Agreement. She asked Mr. Watson to explain the agreement.

Mr. Watson said Mr. Buening is an engineer that works for INDOT. He charges an hourly rate that is established in his contract that is only charged when asked to work on a project. He was a great asset when working on the grain elevator demolition. His recommendation is for approval of the agreement with Mr. Buening.

Councilman Simpson made a motion to approve the Michael W. Buening Consulting Agreement. Councilwoman Graham seconded. Motion carried.

President Ervin said next on the agenda was the Rumpke Waste Removal Contract Extension. There was a bidding process done in 2014 for solid waste removal. Rumpke was awarded the 5 year contract with set increases each year.

Councilman Lollar asked if there have been any complaints with the service they provide.

Mr. Watson said Rumpke does a good job for the town. There are occasional complaints and when there are they are corrected quickly. Most complaints, however, are against something other than the service Rumpke was contracted to do such as pick up televisions or sofas.

Councilman Lollar made a motion to approve the contract extension with Rumpke. Councilman Simpson seconded. Motion carried.

Councilwoman Graham made motion to allow President Ervin to sign the Rumpke contract on behalf of the council. Councilman Lollar seconded. Motion carried.

President Ervin said next on the agenda was the staff report on one-way street signage. She asked Mr. Watson to summarize the findings.

Mr. Watson handed out a map of Holland Street and Walnut Street showing the one-way and wrong way signs on those streets. He said he and Street Superintendent Curtis Rooks have checked the number of signs on those streets and agree that there is adequate signage. There have only been 16 citations issued in the last 10 years. The staff recommendation is to not add any more signs to those streets. Councilman Lollar made a motion to accept the staff report as submitted and not add any additional signage. Councilman Simpson seconded. Motion carried.

President Ervin said next on the agenda was the Access Johnson County Public Transit Local Match Request. She asked Mr. Finley to lead the discussion.

Mr. Finley said when this was received, he and Mary Patterson looked into what Access Johnson County does. It is a transportation service that was originally funded from a grant and each community had a local match. In 1999 a lady came to a council meeting and asked if the town would provide that match. He said the only thing they could find in the minutes was approval for that one year. The staff cannot find a contract or agreement that states the town will continue to participate. The service has still been provided and the amount was paid through 2013. When they asked the contact listed on the invoice about any contract or agreement she said they were not sure either. The staff recommendation is to further investigate whether or not this is something the town wants to or needs to continue.

Councilman Lollar said their data shows that they provided 807 trips and 21% were elderly.

Mr. Finley said he is not sure where that data comes from or whether it is accurate.

Councilwoman Graham made a motion to table the Access Johnson County for the staff to further investigate. Councilman Lollar seconded. Motion carried.

Council Comments

Mr. Huddleston said if the council would like for Mr. Buening to review the Blue River bid documents it would need to authorize that with a motion. Councilman Simpson made a motion to allow Mr. Buening to review the Blue River Building bid documents. Councilwoman Graham seconded. Motion carried.

Mr. Finley said Mary Patterson received an e-mail from Med-Bill, who does the town's ambulance billing, that asked if the town would like to participate in a program that attempts to collect some money from uncollectable accounts. They do this by offering a discount on the bill starting at 10% and going to 50%. These are accounts that the company has deemed uncollectable and would normally no longer attempt to collect. He said he wanted to bring this to the council and let the council decide whether or not they would like to allow this. Councilman Simpson made a motion to authorize Med-Bill to negotiate on accounts that are deemed uncollectable. Councilwoman Graham seconded. Councilman Lollar voted nay. Motion carried 3 to 1.

Departmental Comments

Town Manager Wade Watson said the town has received a proposal from Strand Associates regarding the Storm Water project. The document has not been fully reviewed by legal counsel but because of the short window of opportunity he would like to ask that the council give authorization to President Ervin to sign the contract after approval by Mr. Huddleston. Councilman Lollar made a motion to authorize President Ervin to sign the contract with Strand Associates regarding the Storm Water project contingent upon Mr. Huddleston's approval of the contract. Councilman Simpson seconded. Motion carried.


Public Comments

Tim Foster was present on behalf of USSSA (United States Specialty Sports Association). He said he runs Region 7 of the Girls Fast Pitch. Each year the association gives out several awards for individuals and parks. This year the Edinburgh Parks and Recreation was given a 9.25 star rating and that is the highest rating in 22 years. The award is voted on by teams, coaches, parents, and


officials. He said he thinks as a community we should be proud of what Mr. Teter has done with the program. He presented Parks Director Daniel Teter with the "Indiana USSSA Fast Pitch Complex of the Year Award."


Being no further business or comments, Councilman Simpson made a motion to adjourn the meeting. Councilwoman Graham seconded. Motion carried.

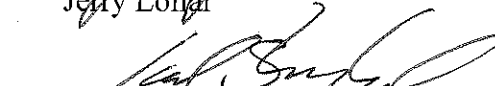
EDINBURGH TOWN COUNCIL


Kami Ervin, President


Jeff Simpson, Vice President


Dawn Graham


Jerry Lollar


Jack Shepherd

ATTEST:


Scott Finley, Clerk-Treasurer