

**MINUTES OF SPECIAL MEETING  
BOARD OF PUBLIC WORKS AND SAFETY  
CITY OF MONTICELLO  
FRIDAY DECEMBER 1, 2017**

A special meeting of the Board of Public Works and Safety, of the City of Monticello, Indiana, was held on December 1, 2017 at 4:00 p.m. The meeting was called to order by Mayor Ken Houston and opened with the Pledge of Allegiance.

Roll call, by Clerk Treasurer Jim Mann, was answered by Board Members Ken Houston, Andy Harmon and Grace Oilar. City Attorney George Loy was also present.

**ADDITIONS OR DELETIONS**-None

**OLD BUSINESS**-None

**NEW BUSINESS**

1. Discussion of South Street Contracts-Mayor Ken Houston stated that since August 23, 2017 the City has been working with its construction management team to provide R L Turner with notice of the City's intent to declare default. The Mayor stated that attempts with mediation, correspondence, and meetings with R L Turner have failed remedy the problems with construction efforts. In light of the lack of progress with the South Street extension project consideration shall be given to the termination of the contract and to make the declaration of an emergency as per Indiana Code 36-1-12-9. City Attorney George Loy indicated the emergency would be declared with the Fire Station contract as well. Council member Phil Vogel asked whether the bonding company has been called on this matter. George Loy said the bonding company is CNA Surety and they have attended meetings which were initiated by the City. CNA has been on notice since August 23<sup>rd</sup>. Council member Doug Pepple asked whether work has continued with the project. Mayor Houston stated yes, but unauthorized work. Council member Doug Pepple inquired about Garmong and their support of the termination of the contract. George Loy indicated they are in support.

Mayor Houston made a motion based upon the advice of Garmong Management Services along with HWC Engineering, Axis Architects, and Patriot Engineering and with consultation with legal representation to approve Resolution 2017-08-Resolution of the Board of Public Works and Safety Declaring Contract Default and Termination, and Declaration of Emergency Pursuant to I.C. 36-1-12-9. Board member Andy Harmon seconded.

Board member Grace Oilar asked about whether the action under consideration would allow the project to continue. George Loy outlined that it would allow a bid process to occur and permit repairs on faulty work to be completed as well as the balance of the project to be finished. Mayor Houston indicated that every attempt to mediate the situation with the project has been made.

Roll call vote: Grace Oilar-Aye, Andy Harmon-Aye, and Mayor Ken Houston-Aye  
Motion carried.

**MISCELLANEOUS AND ALL OTHER MATTERS-None**

There being no further business the meeting adjourned at 4:08 p.m.

James D Mann  
City Clerk Treasurer