

**BOARD OF PUBLIC WORKS AND SAFETY AND
STORM WATER BOARD MEETING HELD
JANUARY 28, 2008
GOSHEN, INDIANA**

The Board of Public Works and Safety and Storm Water Board of the City of Goshen met in the Council Chambers, 111 East Jefferson Street on January 28, 2008, at 4:00 P.M. for their weekly Board meeting. Mayor Kauffman was the presiding officer with members of the Board present or absent as follows:

PRESENT: Board Member Stegelmann, Board Member Landis

ABSENT: Mayor Kauffman

OTHERS: Clerk-Treasurer, Clerk Treasurer Office Assistant, City Attorney, Director of Public Works, City Planner, Fire Chief, Police Chief, Building Commissioner, Street Commissioner, Legal Compliance Administrator, Legal Contracts and Claims Manager, Legal Administrative Assistant, Mayor's Administrative Assistant, Park Recreation Coordinator, Utilities Superintendent, Utilities Office Manager.

Minutes of the meeting of January 18, 2008 were presented. On motion of Board Member Stegelmann and second by Board Member Landis, the minutes were approved as presented.

REQUEST TO HANG SIGN OVER RIGHT-OF-WAY

Lynn Hisey, owner of From Scratch Pet Bakery, Inc. requested Board approval to hang a new sign at 107 W. Washington Street as she is opening a new business. The sign will be placed on the existing bracket where the former sign hung for the office of Attorney Beeson. The sign is a two-sided, oval shaped sign measuring 16"x30".

City Planner Joe Hauflaire stated that he believed the sign complies in all respects to the Zoning Ordinance of the City, and will review the matter when the owner applies for a zoning permit.

Board Member Stegelmann moved to approve the request. Second by Board Member Landis and motion passed unanimously.

**REQUEST TO APPROVE TRAFFIC COMMISSION RECOMMENDATION:
KEYSTONE POINTE SUBDIVISION SPEED LIMIT**

Director of Public Works Robert McCoige requested Board approval for a Keystone Pointe Subdivision 30 mph speed limit sign. A request has been received to install a 30 mph speed limit signs on Keystone Drive from the Keystone Pointe Homeowners Association. This request was approved by the Traffic Commission.

The Board discussed the speed limit request, Robert McCoige stated at this time; the speed limit sign is un-posted and is consistent with similar neighborhoods. It seems that the traffic around the area is cutting through the neighborhood.

Board Member Stegelmann moved to approve the request. Second by Board Member Landis and motion passed unanimously.

**REQUEST TO REVIEW TRAFFIC COMMISSION RECOMMENDATION:
DESIGNATED TRUCK ROUTES**

Director of Public Works Robert McCoige requested Board review and discussion of a recommendation from the Mayor's Traffic Commission for Designated Truck Routes. The Engineering Department submitted a plan for designated truck routes serving the industrial corridor along South 9th Street and South 10th Street. Several of the industries were represented at the Traffic Commission meeting and voiced their concerns and needs. As part of this proposal, the NO TRUCK ban on Jackson Street will need to be rescinded.

The Board discussed with Robert McCoige the issues involved with the truck routes and was told by Mr. McCoige that notices were sent out and since it involves designated routes, the Engineering Department is asking the Board to table the matter and to not take action until the next meeting.

Board Member Stegelmann moved to table the request. Second by Board Member Landis and motion passed unanimously.

REQUEST TO APPROVE RESIGNATION OF E. YODER

Police Chief Gary Penland requested Board approval for acceptance of the resignation of Patrolman Elva Yoder from the Goshen Police Department. Board Member Stegelmann opened the floor for comment:

Officer Mark Huser spoke to Board Members, asking them to table the request for a few weeks stating that Mr. Yoder and his family have been through a lot and that this was not the typical Elva. Mr. Huser declared that he was not speaking for the Police Department, but on behalf of himself, and added that he, as much as anyone was hurt by what took place but, no charges had been filed against Mr. Yoder and he is willing to pay for his own cost for counseling. Mr. Huser also expressed that Mr. Yoder's church has stepped forward to help him with counseling and asked the Board to consider what Jesus did in a similar situation, saying He told those with no sin to cast the first stone.

Jerry Yoder also spoke before the Board Members saying to consider the legality, was there a crime committed or is the resignation due to public outcry and the media. Mr. Yoder added that Elva Yoder was a changed man and is very sorry for what he has done.

Board Member Stegelmann asked Police Chief Gary Penland about his thoughts as to what was said.

Gary Penland told the Board Members that he believes Elva Yoder is a good person and appreciates the comments here today, but that there are some people – many people in the community- who don't feel that way and don't want him in their homes and schools as a Police Officer. Chief Penland added that he didn't see any reason to table Elva Yoder's resignation.

Board Member Landis replied that he had dealt with similar situations with his employees and in this case the community is a large factor to be considered.

Board Member Landis moved to approve the request. Second by Board Member Stegelmann and motion passed unanimously.

REQUEST TO APPROVE RANK RESIGNATION OF R. MCMILLEN

Fire Chief Danny Sink requested Board approval of the resignation of Randy McMillen from the rank of Sergeant Paramedic; effective today January 28, 2008.

Board Member Stegelmann moved to approve the request. Second by Board Member Landis and motion passed unanimously.

**REQUEST TO RE-NEGOTIATE AGREEMENT WITH PUBLIC-FINANCE.COM
FOR EMS EQUIPMENT**

Legal Contracts and Claims Manager Keitha Windsor requested Board approval to execute the renegotiated Master Lease/Purchase Agreement with Public-Finance.com, Inc. for the Cardiac monitors/defibrillators and AED's and the Ambulance including all accompanying documents.

Cardiac monitors/Defibrillators and AED's:

On November 13, 2007, the Board of Public Works and Safety gave permission for the Mayor to execute a Master Lease/Purchase Agreement with Public-Finance.com, Inc. The agreement with Public-Finance.com, Inc. was for the purchase of Cardiac monitors/defibrillators and AED's on a contract that was awarded to Tri-anim Health Care Service, Inc., On October 22, 2007 for a bid price of \$55, 117.39. Delivery was due on or before November 30, 2007. The City's first of five annual payments of \$12,100.00 to Public-Finance.com was made in December 2007. The interest rate was 4.59%.

Delivery of the defibrillators was complete on January 22, 2008. As a result, the liquidated damages at \$100.00 per day as per the contract are assessed at \$5,200.00.

Public-Finance.com, Inc. has agreed to renegotiate this loan and incorporate it into one with the ambulance detailed below to give us a lower interest rate of approximately 3.7%.

Ambulance:

On April 9, 2007, a contract was awarded to McCoy Miller LLC for the purchase of an Ambulance at a bid price of \$163,062.00. Delivery is due on or before February 1, 2008.

A Lease/Purchase Agreement, with Public-Finance.com, Inc. is being used to finance the acquisition of this equipment over a 3 year period at a rate of approximately 3.7%

Board Member Stegelmann moved to approve the request. Second by Board Member Landis and motion passed unanimously.

REQUEST TO APPROVE LEXISNEXIS AGREEMENT

Legal Compliance Administrator Shannon Marks requested Board approval to renew the agreement with LexisNexis for online legal research services. The current agreement expires February 29, 2008. The renewal agreement is for an additional one-year term through February 28, 2009. This agreement is for three users at a rate of \$33.00 per user per month. Two users are from the Legal Department and one is the City Court Judge. Thus, the Legal Department will be paying \$66.00 per month (\$792.00 per year) and the City Court will be paying \$33.00 per month (\$396.00 per year) for the total of \$1,188.00 for the term.

The above user rate is negotiated by the Indiana Supreme Court Judicial Technology and Automation Committee, and state and local agencies are eligible to take advantage of this discounted rate. In the last 10 months, the City saved \$21,298.00 from the standard billing rates for three users.

Board Member Stegelmann moved to approve the request. Second by Board Member Landis and motion passed unanimously.

REQUEST TO APPROVE AGREEMENT FOR THE SALE AND PURCHASE OF REAL ESTATE WITH ALDI (INDIANA), LP

Legal Compliance Administrator Shannon Marks requested Board approval of an Agreement for the Sale and Purchase of Real Estate with Aldi (Indiana), LP. The City needs to acquire a small tract of real estate from Aldi for the Eisenhower Drive North extension project. The Purchase price for this real estate is \$862.49 and the City has agreed to relocate Aldi's pylon sign at the City's expense.

Board Member Stegelmann moved to approve the request. Second by Board Member Landis and motion passed unanimously.

REQUEST TO APPROVE GIS AGREEMENT WITH MACOG

City Attorney Larry Barks requested Board approval of the GIS agreement with MACOG. This agreement is to promote regional data sharing and cooperation among jurisdictions between Cities and the County for the benefit of government agencies. Larry Barks explained that in the agreement there is a list currently providing what Cities are participating and what information they are sharing, and it was also explained that in the agreement, the language allows MACOG to decide to discontinue with no obligation to the City.

Board Member Stegelmann moved to approve the request. Second by Board Member Landis and motion passed unanimously.

REQUEST TO REVISE ANNUAL AGREEMENT WITH DOWNTOWN GOSHEN, INC.

Board Member Stegelmann addressed the change requested for the Downtown Goshen, Inc. Annual Agreement. On January 18, 2008 the Board of Works approved this Agreement for the amount of \$10,000.00. Since that time, Downtown Goshen, Inc. has reminded Mayor Kauffman that the budgeted amount for this year is \$20,000.00. Board Member Stegelmann stated the request is to amend or revise the contract with today's date of January 28, 2008 in the amount of \$20,000.00, thereby cancelling the Agreement dated January 18, 2008.

Board Member Stegelmann moved to approve the request. Second by Board Member Landis and motion passed unanimously.

**REQUEST TO APPROVE LETTER OF CREDIT EXTENSION WITH SCHROCK
HOMES FOR WESTORIA SUBDIVISION-PHASES I & II**

Director of Public Works Robert McCoige requested Board approval for acceptance of a Letter of Credit for Performance Bond from Schrock Homes for Westoria Subdivision Phases I & II. The previous Performance Bond expired in September of 2007 and the new bond will expire on May 15, 2008. Mr. McCoige told the Board Members that the amount of the bond is ½ of what it was previously and that most of the infrastructure is complete.

Board Member Stegelmann moved to approve the request. Second by Board Member Landis and motion passed unanimously.

There being no further business Board Member Stegelmann moved to process claims and then to adjourn. Second by Board Member Landis and motion passed unanimously.