

**BOARD OF PUBLIC WORKS AND SAFETY AND  
STORM WATER BOARD MEETING HELD  
JULY 6, 2009  
GOSHEN, INDIANA**

The Board of Public Works and Safety and StormWater Board of the City of Goshen met in the Council Chambers, 111 East Jefferson Street on July 6, 2009, 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:** Mayor Kauffman, Board Member Stegelmann, Board Member Landis  
Mayor-for-a-day, Maggie Walters

**ABSENT:**

**OTHERS:** Clerk-Treasurer Office Assistant, City Attorney, City Planner, Fire Chief, Police Chief, Building Administrative Assistant, Street Commissioner, Legal Contracts and Claims Manager, Legal Compliance Administrator, Legal Administrative Assistant, Mayor's Administrative Assistant, Park Maintenance Director, Superintendent of Waste Water, Superintendent of Water and Sewer, Utilities Office Manager, Administrative Utilities Engineer, Central Garage Fleet Manager.

Minutes of the meeting of June 29, 2009 were presented. On motion of Board Member Stegelmann and second by Board Member Landis, the minutes were approved as presented.

**REQUEST TO BLOCK ALLEY AND HIGH STREET**

James O'Grady of 1015 West Wilkinson Street requested Board approval to block off the right-of-way on High Street between West Wilkinson and Division Streets and the alleyways between Indiana Avenue to High Street and Harrison and High Street on July 25, 2009 between the hours of 11:00 a.m. to 9:00 p.m., for the purpose of a wedding reception. There will be people including many children walking back and forth between the houses on both sides of the street. All of the affected neighbors have been alerted and have said that it would not be a problem. Street Commissioner Barb LaDow stated that the Street Department would bring barricades for the blocking of the alley and streets.

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

**REQUEST TO BLOCK ALLEY**

Doyle Crilow, Elks Club Manager, 220 North Main Street, requested Board approval to close the alley behind the Goshen Elks building on July 14<sup>th</sup> and 15<sup>th</sup>, 2009, to repair the block wall of the basement which is deteriorating. Mr. Crilow stated that the back part of the alley will be closed and the parking lot will not be affected. The buildings around the Goshen Elks building have been notified.

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

**REQUEST TO RATIFY AGREEMENT WITH NIBLOCK EXCAVATING FOR THE  
BERKEY STREET LIFT STATION REPAIR SERVICE**

Legal Contracts and Claims Manager Keitha Windsor requested Board approval to ratify an agreement with Niblock Excavating for the Berkey Street Lift Station Repair Service. A motor vehicle accident caused damage to the Berkey Street Lift Station. Repair costs will be claimed through the drivers insurance. The City of Goshen is currently having repair work done by Niblock Excavating to the lid and to the fence for an amount not to exceed \$2,985.10. All of Niblock's work is to be completed by July 24, 2009.

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

**REQUEST TO DECLARE AND SELL SURPLUS EQUIPMENT**

Legal Contracts and Claims Manager Keitha Windsor requested Board approval to declare City property as surplus and sell the surplus equipment.

**Part A – Declaration of Surplus Property**

The City of Goshen desires to declare as surplus property a 1989 S1900 International Vactor. Board of Public Works and Safety is requested to declare, as surplus property the City's 1989 S1900 International Vactor, VIN# 1HTLDTVRXXKH647037.

**Part B – Sale of Surplus Property**

The City put this Vactor up for sale previously and at the June 30, 2008 Board of Public Works and Safety meeting rejected the only offer received. The City has received an offer of \$5,000.00 for the purchase of the Vactor from Elkhart County 4-H Agricultural Exposition, Inc. IC 5-22-22-1 Sec. 1. (c) (7) states that the Disposition of Surplus Property chapter does not apply to the sale of property to an Indiana nonprofit corporation organized for charitable purposes that is exempt from federal income taxation under Section 501 of the Internal Revenue Code. Therefore, the City may sell the Vactor to the nonprofit Elkhart County 4H Agricultural Exposition, Inc. without the use of the selling requirements under IC 5-22-22.

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

**REQUEST TO APPROVE INTERLOCAL AGREEMENT WITH ELKHART COUNTY  
FOR ROCK RUN DITCH BRUSHING PROJECT**

Legal Compliance Administrator Shannon Marks requested Board approval of an Interlocal Agreement for the Rock Run Ditch Brushing Project. The City of Goshen and the Elkhart County Drainage Board agree to undertake the brushing project as designed by the Elkhart County Surveyor's office. The Engineering plans call for the brushing of approximately 12,450 lineal feet of the Rock Run Ditch, commencing from a point on County Road 34 and proceeding westerly to the Elkhart River. The estimated total cost of the brushing project, including an allowance for change orders, if any, is \$46,950.00. The City of Goshen will pay 50% of the sum

to be paid to the contractor for the work performed on the brushing project, but not exceeding \$23,475.00. The Drainage Board shall pay for all other expenses of the project. Board Member Landis moved to approve the request. Second by Board Member Stegelmann and motion passed unanimously.

**REQUEST TO APPROVE EDUCATIONAL ASSISTANCE  
AGREEMENT WITH D. KEHR**

Legal Compliance Administrator Shannon Marks requested Board approval of an Educational Assistance Agreement with Dustin Kehr. The Board of Public Works and Safety approved the terms of an Educational Assistance Program to be offered to certain Water and Sewer Utilities employees on May 11, 2009. Dustin Kehr, a Water Treatment Operator/Wastewater Treatment Operator, has executed an agreement with the City to participate in this program.

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

**REQUEST TO APPROVE AGREEMENT WITH CREDIT BUREAU OF GOSHEN  
FOR UTILITY COLLECTIONS**

City Attorney Larry Barkes requested Board approval of an agreement with the Credit Bureau of Goshen, Inc. and the Goshen City Utilities. This agreement covers any collection account which the City turns over to the Credit Bureau for collection. The City agrees to pay the Credit Bureau 33 1/3 percent of any sum recovered by the Credit Bureau prior to initiation of litigation and 50 percent after litigation is initiated.

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

**REQUEST TO APPROVE SUPPLEMENTAL AGREEMENT #1 – RATIFICATION  
FOR PROFESSIONAL ENGINEERING SERVICES FOR THE SAFE  
ROUTE TO SCHOOL PROJECT ( 2006-0061)**

Utilities Administrative Engineer Dustin Sailor requested Board approval of a supplemental agreement #1 ratification for Professional Engineering Services. The original Safe Routes to School Project was separated into two projects in order to utilize two federal funding sources, the Safe Routes to School (SRTS) funds and the American Recovery and Reinvestment Act (ARRA) funds. The SRTS funds covered 100% of the design of the project. However, the Indiana Department of Transportation (INDOT) did not find it permissible to utilize federal funds to divide the original project into two projects. Therefore the City is required to pay the fees incurred by DLZ, Inc. to divide the project into two projects and submit to INDOT. The fees incurred totaled \$5,010.00. The Engineering Department has not received notification of the exact letting date, but anticipates the letting date to be either September 10, 2009 or September 23, 2009.

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

**REQUEST TO APPROVE AGREEMENT WITH ABONMARCHE FOR THE CARTER ROAD DRAINAGE SURVEY**

Utilities Administrative Engineer Dustin Sailor requested Board approval of an agreement with Abonmarche Consultants, LLC for surveying services for the Carter Road Drainage Project. Services under this agreement consist of a topographical survey along Carter Road South and also including the property of Mr. Gordon Lord as the probable location of a drainage pipe. Additionally, the services include the establishment of horizontal and vertical control points along the survey corridor as well as title searches for existing drainage easements and six different parcels. The agreement is not to exceed \$1,800.00.

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

**REQUEST TO APPROVE POST-CONSTRUCTION PLAN FOR DIERDORFF SQUARE, LOT 3 (JN:2009-2016)**

Administrative Utilities Engineer Dustin Sailor requested Board approval of a Post-Construction Plan for “Dierdorff Square, Lot 3”. The developer of Lot #3 of the Dierdorff Square subdivision, affecting 1 or more acres of land, has submitted a sufficient post-construction plan that is compliant with Ordinance 4329, “Uniform Requirements for Post-Construction Stormwater Management.”

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

**REQUEST TO APPROVE INTRA-LOCAL AGREEMENT BETWEEN THE CITY OF GOSHEN AND THE DOWNTOWN ECONOMIC IMPROVEMENT DISTRICT**

Mayor Kauffman stated to the Board Members this interlocal agreement is between the City of Goshen and the Downtown Economic Improvement District (EID) for calendar year 2009.

Whereas, during the 2008 budget discussions in 2007, the Goshen City Council agreed to use Economic Development Income Tax (EDIT) revenue to match the increase in assessments collected by the EID in the immediate prior year vs. the year before. The City budgeted \$10,000.00 for this purpose in the 2008 budget, but made no expenditure. The City budgeted \$10,000.00 for EID match in the 2009 budget to match increase in EID assessments in 2008 vs. 2007 and has not yet dispersed any of those funds. The EID assessments in 2008, including 2008 assessments received in 2009, were \$48,218.00 versus \$44,967.00 in 2007, an increase of \$3,251.00. Therefore, the City agrees to pay \$12,128.00 from its EDIT fund to the EID. The EID agrees that it will use EDIT funds from the City for capital improvements within the boundaries of the EID.

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

There being no further business Mayor-for-a-day Maggie Walters moved to process claims and then to adjourn. Second by Board Member Stegelmann and motion passed unanimously.