

**BOARD OF PUBLIC WORKS AND SAFETY AND STORM WATER BOARD
MEETING HELD OCTOBER 5, 2009 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 October 5, 2009, at 4:00 P.M. for their weekly Board meeting. Board Member Stegelmann 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 Office Assistants, Assistant City Planner, Fire Chief, Police Chief, Building Inspector Haney, Street Commissioner, Human Resources Manager, Legal Compliance Administrator, Legal Administrative Assistant, Mayor's Administrative Assistant, Park & Recreation Coordinator, Superintendent of Waste Water, Superintendent of Water and Sewer, Utilities Office Manager, Administrative Utilities Engineer, Central Garage Fleet Manager.

REQUEST TO DISPOSE OF UNPAID FINAL ACCOUNTS

Utilities Office Manager Tana Brooks requested Board approval to dispose of unpaid miscellaneous billings and final accounts. The original amount of unpaid miscellaneous billings is \$524.42 and the request is to move the \$524.42 of finalized accounts from active to Credit Bureau, these are accounts that for the most part were finalized thru 2009.

Also requested for approval are the Water and Sewer unpaid final accounts. The original amount of unpaid finals was \$21,728.47 but collection letters were sent out. Payments of \$6,690.28 have been collected bringing the uncollected amount to \$15,038.19. The request is to move the \$15,038.19 of finalized accounts from active to Credit Bureau, Sewer Liens, write off's and bankruptcy. These are accounts that for the most part were finalized thru June 2009.

Water- \$6,178.96
Sewer- \$8,859.23

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

REQUEST TO EXECUTE RETIREMENT AGREEMENT WITH D. PENNEY

Human Resources Manager Patty Morgan requested Board approval to execute a Retirement Agreement with Danny Penney. This agreement is a standard agreement with the City, is an option for early retirement, and has been approved by the Goshen Common Council for employees electing to retire between September 1, 2009 and January 31, 2010. Mr. Penney has chosen this option and will retire on November 25, 2009. Board Member Stegelmann asked if there were any other employees taking the early retirement option. Human Resources Manager Patty Morgan stated there is one more employee that is for sure taking the early retirement option and a few others that might be interested.

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

**REQUEST TO APPROVE RESOLUTION AGREEMENTS FOR REVENUE BONDS:
SEWER WORKS AND WATERWORKS**

Legal Compliance Administrator Shannon Marks requested Board approval of Resolution Agreements for Revenue Bonds for the Sewer Works and the Waterworks. The City of Goshen must enter into a Financial Assistance Agreement for the State of Indiana Wastewater Revolving Loan Program, Rebate Agreement, and Agreement for Services of Registrar and Paying Agent and the Trust of the Sinking Fund and Construction Fund for the Sewer Works. The costs of these projects will be financed in part by the issuance of Sewage Works Revenue Bonds of 2009, Series A and Taxable Sewage Works Bond Anticipation Notes of 2009.

In addition, the City of Goshen must enter into a Financial Assistance agreement for the State of Indiana Drinking Water Revolving Loan Program, Rebate Agreement, and Agreement for Services of Registrar and Paying Agent and the Trust of the Sinking Fund and Construction Fund. The costs of these projects will be financed in part by the issuance of Waterworks Revenue Bonds of 2009 and Taxable Waterworks Bond Anticipation Notes of 2009.

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

**REQUEST TO APPROVE AGREEMENT WITH FRATERNAL ORDER OF POLICE
LABOR COUNCIL, INC., REPRESENTING THE GOSHEN LODGE NO. 81**

Legal Compliance Administrator Shannon Marks requested Board approval of the 2010 Fraternal Order of Police Agreement. The negotiations between the City and the Fraternal Order of Police Labor Council, Inc., representing the Goshen Lodge No. 81 have concluded and a new agreement has been reached. There are essentially no changes in the terms of the agreement except that the term of the new agreement is from January 1, 2010 through December 31, 2010. Thus, the dates have been changed accordingly on the cover page, and pages 6, 8, 67, and 68. The base salaries set forth in Exhibit A for 2010 are the same as the base salaries paid in 2009. Additionally, the City has agreed to continue providing employees the Central States C6 Benefit Plan provided the Benefit Plan is offered to all City employees at a cost not exceeding \$265.70 per week per employee from January 1, 2010 through December 31, 2010. Lastly, the City has also agreed to pay the increased premium cost for the health insurance benefit in 2010. Thus, each member will continue to pay only \$21.50 per week (\$1,118.00 per year) toward the cost of the health insurance premium.

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

REQUEST TO RATIFY PURCHASE AGREEMENT WITH CARDINAL SUPPLY, INC.

Legal Administrative Assistant Christy Ryman requested Board approval to ratify a purchase agreement with Cardinal Supply, Inc. for the purchase of a replacement chiller for the water cooler at the Police/Courts building. The water cooler required a replacement chiller at a cost of

\$658.57 plus shipping charges from the manufacturer to the supplier Cardinal Supply, Inc. The City ordered the chiller through Cardinal Supply, Inc. on September 24, 2009.

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

REQUEST TO APPROVE AGREEMENT WITH ROBERTS ENVIRONMENTAL SERVICES, LLC FOR CONTINUED ENVIRONMENTAL CONSULTING

Legal Administrative Assistant Christy Ryman requested Board approval of an Agreement with Roberts Environmental Services, LLC, for continued environmental consulting. The City had the foundation removed at the former Quality Drive-Away property at 212 Prospect Avenue, Goshen, Indiana and contracted with Roberts to provide environmental consulting services during and after the foundation removal in an agreement dated August 26, 2009. Compensation is based on a time and expense basis and where possible, Roberts will prepare task-specific cost estimates for each phase of the agreement and the City would review the cost estimates by phase and approve prior to Roberts' work on each phase. This agreement is for Phase Two - Additional Soil and/or Ground Water Sampling, Step 1 work that is required for the site to meet residential standards by the Indiana Department of Environmental Management (IDEM) for a cost not to exceed \$29,000.00. The work shall be completed by October 26, 2009.

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

REQUEST TO APPROVE CHANGE ORDER NO. 1 FOR THE QUALITY DRIVE-AWAY FOUNDATION REMOVAL – JN: 2006-0065

Administrative Utilities Engineer Dustin Sailor requested Board approval of Change Order No. 1 for the Quality Drive-Away Foundation Removal project. Quality Excavating, Inc. had extra time for digging out hidden footers and removal of hidden footers and flatwork from the Quality Drive-Away site. This adds \$6,875.00 to the contract, bringing the total contract price to \$64,625.00.

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

REQUEST TO APPROVE CHANGE ORDER NO. 4 FOR CRESCENT STREET PHASE 1 – JN: 2007-0054

Administrative Utilities Engineer Dustin Sailor requested Board approval of Change Order No. 4 for the Crescent Street Phase I project. This Change Order serves as a balancing Change Order to close the project. This Change Order reduces the price \$11,453.20, making the total contract price \$539,045.10.

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

REQUEST TO APPROVE MAPLE COURT APARTMENTS SEWER ACCESS

Administrative Utilities Engineer Dustin Sailor requested Board approval for Maple Court Apartments to access the City sewer via a single sewer connection from multiple structures on a single development parcel. The proposed development plan submitted to the City of Goshen's Engineering Department includes a single private sewer line serving multiple buildings on a development parcel. Per Ordinance 4333 Section 3.03 (M), "Each building used for residential, commercial or industrial purposes connected to the Sewer Utility's sewer system must be connected directly to a public sewer main by a separate and independent building sewer line unless otherwise approved in writing by the Board of Public Works and Safety."

A request to the Board of Works was made by Rick Pharis of Brads-Ko Engineering and Surveying to allow the sewer connection as proposed on the drawings. Due to the site's configuration in relation to the public utilities, the Goshen Engineering Department supports Brads-Ko's request to the Board.

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

REQUEST TO APPROVE AGREEMENT WITH PROGRESSIVE ENGINEERING FOR CARTER ROAD SOIL INVESTIGATION

Administrative Utilities Engineer Dustin Sailor requested Board approval of an Agreement with Progressive Engineering, Inc. for soil investigative services for the Carter Road Drainage Project. Services under this agreement consist of completing five soil borings along Carter Road South. Progressive Engineering shall provide the City with detailed reports on soil types, permeability, and seasonal high water table indicators. This information will be useful in the design and construction of future planned drainage infrastructure with the agreement not to exceed \$450.00.

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

REQUEST TO APPROVE AGREEMENT WITH BRADS-KO ENGINEERING FOR PREPARATION OF EASEMENTS FOR THE DENVER ST DRAINAGE PROJECT

Administrative Utilities Engineer Dustin Sailor requested Board approval of an agreement with Brads-Ko Engineering and Surveying, Inc. for the preparation of easements for the Denver Street Drainage Project. Services under this Agreement consist of providing easement legal descriptions for a drainage easement and a temporary construction easement for the northeast corner of Pike Street and Denver Street with the Agreement not to exceed \$650.00.

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

REQUEST TO APPROVE AGREEMENT ALLOWING InSite GOSHEN (LOT 2/CENTURY) (LOT 3/CENTURY), LLC TO CONNECT TO STORM SEWER SYSTEM: 2460 & 2482 CENTURY DRIVE (2005-2058)

Administrative Utilities Engineer Dustin Sailor requested Board approval of an agreement with In-Site Development to connect to the storm sewer system. The City's Stormwater Department has been working with the owners of the In-Site development, located in the Century Drive industrial Park, for the past two years to correct a stormwater capacity issue. After several attempts by the owners to resolve the stormwater storage capacity issue, the City's Stormwater Department has agreed to support the owner's request to connect two 12-inch storm sewer overflow pipes to the City's Century Drive storm sewer. In accordance with Ordinance 4333, Section 2.03, the City's Stormwater Department requests the Board's acceptance of the agreement.

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.