

**BOARD OF PUBLIC WORKS AND SAFETY AND STORM WATER BOARD
MEETING HELD JUNE 21, 2010 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 June 21, 2010, at 2:00 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

ABSENT:

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

Minutes of the meeting of June 14, 2010 were presented. On motion of Board Member Landis and second by Board Member Stegelmann, the minutes were approved as presented.

OPEN BIDS FOR ELEVENTH STREET PAVING PROJECT

Mayor Kauffman opened the following bids:

	Niblock Excavating	Walsh & Kelley	Rieth-Riley	Phend & Brown
Item 1	\$ 2,975.00	\$14,875.00	\$16,303.00	\$ 35,700.00
Item 2	\$ 1,750.00	\$ 1,750.00	\$.04	\$ 2,537.40
Item 3	\$55,160.00	\$53,042.25	\$57,622.50	\$ 67,403.55
Total Bid	\$59,885.00	\$69,667.25	\$73,925.54	\$105,640.95

Mayor Kauffman moved to refer the bids to the Engineering Department for review and recommendation. Second by Board Member Stegelmann and motion passed unanimously.

REQUEST TO AWARD BID FOR TORNADO WARNING SYSTEM

Administrative Utilities Engineer Dustin Sailor requested Board approval to award the bid for the Tornado Warning System. The City of Goshen accepted bids for the outdoor warning siren project on June 7, 2010. Bids were received from Federal Signal and Emergency Radio Services.

Federal Signal	\$247,603.00
Emergency Radio Services	\$277,437.51

Following review of the bids, Federal Signal was found to be the lowest bidder; however, their bid took exception on the payment terms and liquidated damages clause. A meeting with Federal Signal’s representatives took place and Federal Signal formally withdrew their exceptions.

At this time, Goshen Engineering Department recommends approval of Federal Signal's bid as the lowest responsible and responsive bid.

As a noted modification to the final price, the Goshen Engineering Department rearranged several siren locations following the bid. By rearranging the sirens, one siren location included in the bid was eliminated. Additionally, the Engineering Department recommends acceptance of Federal Signals voluntary bid alternate to provide a new radio and antenna at the Central Fire Station at an additional cost of \$3,507.50.

The final award recommendation is for the reconstruction of eight existing sirens, relocation and reconstruction of two existing sirens, installation of six new sirens, and installation of a new radio base station and antenna at the Central Fire Station. Based upon this recommendation, the final contract award price is \$233,549.50.

The Board should be aware this contract is being awarded with the understanding that a change order will be requested from Federal Signal for power drops to eight new siren locations.

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

**REQUEST TO RELEASE UTILITY BOND AND ACCEPT WATER AND SEWER
INFRASTRUCTURE FOR PERMANENT MAINTENANCE AND ACCEPT THE
EXTENSION OF THE CURB AND ASPHALT BOND FOR ONE YEAR:
THE GARDENS SECTION 6**

Administrative Utilities Engineer Dustin Sailor requested Board approval to release a Maintenance Bond for The Gardens Section 6. A final inspection of the referenced subdivision has taken place. The water and sanitary sewer infrastructure have been found to meet City standards and specifications. It is therefore, recommended that the City of Goshen release the 3-year maintenance bond, which was posted by Akins Excavating, Inc. for water and sewer in the amount of \$8,620.00.

However, the curb and asphalt infrastructure has not been found to meet City Standards and Specifications and the contractor, Reith Riley Construction has requested an extension of their maintenance bond for one year to determine the proper course of action for repairs.

It is recommended that the Board approve the release of the utility bond and accept the water and sanitary sewer infrastructure for permanent maintenance and also accept the extension of the curb and asphalt bond for one year.

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

REQUEST TO RELEASE MAINTENANCE BOND: GATEWAY SOUTH PUD

Administrative Utilities Engineer Dustin Sailor requested Board approval to release the Maintenance Bond for Gateway South PUD. A final inspection of the referenced subdivision has taken place. The water and sanitary sewer infrastructure has been found to meet City

standards and specifications. It is, therefore, recommended that the City of Goshen release the 3-year maintenance bond, which was posted by McKibbin Brothers, Inc. for water and sewer in the amount of \$3,500.00. It is recommended to the Board to approve the release of this bond and accept the water and sanitary sewer infrastructure for permanent maintenance.

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

REQUEST TO APPROVE CHANGE ORDER NO. 1: TANGLEWOOD DRIVE RESTORATION PROJECT – 2009-0069

Administrative Utilities Engineer Dustin Sailor requested Board approval of Change Order No. 1 for the Tanglewood Drive Restoration project with S&L Builders, LLC. The line item adjustments serve to balance and close this project. This increases the contract amount \$2,311.00, an increase of 2.04% for a total contract price of \$115,509.00.

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

REQUEST TO APPROVE CHANGE ORDER NO.1 SAFE ROUTES TO SCHOOL – 11TH STREET & NEW YORK STREET SIDEWALKS CONTRACT NO. SR-30435

Administrative Utilities Engineer Dustin Sailor requested Board approval as Niblock Excavating, Inc. has submitted Change Order No. 1 for the Safe Routes to School – 11th Street and New York Street Sidewalks project. Change Order No. 1 is for an extension of time. The City is going to re-surface 11th Street, and there is no need to place pavement markings (crosswalks) if they are going to be removed shortly thereafter. Extending the completion date to July 1, 2010, should give the City time to have the contract for the resurfacing awarded and determine how the striping will be conducted. Bids for the 11th Street paving project will be opened today.

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

REQUEST TO INSTALL TENT ON WEST WASHINGTON STREET

Administrative Utilities Engineer Dustin Sailor requested Board approval for installation of a tent on Washington Street. Mattern's is working with All Seasons Rental to install a 40' X 80' tent on Washington Street between Main Street and the first alleyway west of Main Street for the First Fridays event in July 2010.

All Seasons Rental is proposing to install 18 anchor bolt sleeves in the concrete pavement area and then install the actual anchor bolts to hold the tent. After the event is over, the anchor bolts will be removed and silicone placed in the sleeves. Then when the next event occurs adjacent to the curb, the silicone can be removed and the anchor bolt placed into the sleeve again. These bolts will be placed along the long side of the tent, every 10 feet.

All Seasons Rental is proposing to drill six holes in the asphalt pavement for the anchors on the shorter sides of the tent. After the event is over, the holes will be filled with a plug and silicone to seal up the holes.

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

REQUEST TO APPROVE PARKING SURFACE SPECIFICATIONS

City Attorney Larry Barks requested Board approval of Design Standards and Specifications for Parking and Driveway Surfaces. The City of Goshen intends to require all new or expanded parking areas, driving aisles and driveways in residential, commercial, and industrial areas to be constructed of durable, hard surfaces. The standards established below shall be part of the Board of Public Works and Safety Design Standards and Specifications which are included as an appendix to the Goshen City Code:

1. All new or expanded parking areas, driving aisles and driveways serving residential, commercial, and industrial real estate within the developmental jurisdictional limits of the City of Goshen shall be constructed with a durable, hard surface.
2. If a commercial or industrial parking area is expanded by fifty percent (50%) or more, whether such increase occurs at one time or in successive stages, all existing parking areas, driving aisles and driveways must be improved to a durable, hard surface in addition to the new construction. Any residential driveway or parking improvements which increase the overall area of a driveway and/or parking outside the City's right-of-way must be improved to a durable, hard surface.
3. If a commercial or industrial primary building is expanding by more than thirty-three percent (33%) whether such increase occurs at one time or in successive stages, all proposed and existing parking areas, driving aisles and driveways serving the building must be improved to a durable, hard surface. If any residential building, including a garage, is expanded by more than thirty-three percent (33%), all proposed and existing parking areas, driving aisles and driveways must be improved to a durable, hard surface.
4. Areas used for outside storage or inventory storage in commercial or industrial zoned areas are not considered parking areas for the purpose of these standards and specifications.
5. Durable, hard surface for residential use shall be all-weather paving materials such as asphalt, concrete or paving brick capable of carrying a wheel load of 4,000 pounds without damaging the surface.
6. Durable, hard surface for commercial or industrial use for employee and customer parking shall be all-weather paving materials such as asphalt, concrete or paving brick capable of carrying a wheel load of 4,000 pounds without damaging the surface. Durable, hard surface for commercial and industrial vehicle use shall be constructed with a hard surface adequate to support the weight of the vehicle and maneuvering of vehicles without damaging the surface.
7. All parking areas, driving aisles and driveways shall be properly maintained including immediate repair of any damaged areas.
8. Applications for relief from these standards and specifications may be made in writing to the Board of Public Works and Safety. Any modification of the standards and specifications by the Board of Public Works and Safety shall contain all conditions upon which modification is granted. The Board of Public Works and Safety may grant the relief only if the Board finds that:

- a. The parking area is overflow parking or infrequently used and exceeds the minimum parking standards of the Goshen Zoning Ordinance.
- b. The area is residential and the surrounding driveways are not a durable, hard surface. In addition, there is a strong likelihood such surrounding driveways will not be constructed of a durable, hard surface in the future;
- c. The land is zoned Agricultural A-1 and used principally for agricultural or another use for which requiring parking areas of a durable, hard surface is not reasonable or practical; or
- d. Requiring parking areas of a durable, hard surface for all or some of the parking area would be unrealistic, excessive and inconsistent with the aesthetic appeal of the development.

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

**REQUEST TO APPROVE RESOLUTION CONCERNING SIDEWALK
INSTALLATION AND REPAIR**

City Attorney Larry Barkes requested Board approval of a Resolution Concerning Sidewalk Installation and Repair. The Goshen Common Council passed a resolution dated October 5, 2005, establishing certain priorities for the improvement of sidewalks in the City of Goshen and gave priority to areas designated as walk routes to the Goshen elementary schools, certain areas in City parks and East Lincoln Avenue from the railroad tracks to the City limits for sidewalk repair or the construction of new sidewalks where no sidewalks exist. The Goshen Engineering Department has submitted a report detailing the projects that have been completed, funded, or designed addressing the priorities established by the Common Council. In October 2005, the Common Council instructed the Engineering Department to conduct an inventory of the condition of city sidewalks and to identify the areas where no sidewalks exist. The inventory was to be conducted over an eight-year period. The sidewalk inventory is approximately 50% completed and there is believed to be sufficient funding to conduct 25% of the inventory in 2010 and the remaining 25% in 2011. The City Sidewalk and Curb Reconstruction Program, has a component that provides funding for sidewalk repair for those residents who are willing to pay for 50% of the costs of the sidewalk. The 50/50 portion of the program has been funded in the amount of \$100,000.00 for 2010 by the Common Council (EDIT Construction) and the Common Council has provided funding for sidewalk installation and repair in 2010 in the amount of \$100,000.00 in addition to the City Sidewalk and Curb Reconstruction Program. In addition to the funds appropriated by the Common Council, the City has grant funding and Tax Increment Financing funding from the Goshen Redevelopment Commission available for certain sidewalk installation and repair and the Engineering Department has submitted a proposed schedule of sidewalk installation and repair projects to be constructed or designed in 2010.

Given the financial condition of the City of Goshen and the condition of the City of Goshen's sidewalks, the funds appropriated by the Goshen Common Council in 2010 as supplemented by available grants and other funds are appropriate.

The funds available for sidewalk installation and repair should be used as follows:

- a. To fund the 50/50 portion of the City Sidewalk Curb and Reconstruction Program in the amount of \$100,000.00.
- b. To fund the following sidewalk installation projects:
 - i. Design and construct sidewalk along Corrie Drive from County Road 40 to Sourwood Drive
 - ii. Design and construct Educational Greenway from Regent Street to Prairie View Elementary School
 - iii. Construct sidewalk along Eleventh Street from College Avenue to Plymouth Avenue
 - iv. Construct the Maple City Greenway Bicycle/Pedestrian Pathway (Phase V) from Maple City Greenway Bridge over Rock Run Creek located east of North Fifth Street in a northwesterly direction to the city limits at Pickwick Manor
 - v. Design the Monroe Street/County Road 34 Bicycle/Pedestrian Pathway from US 33 to east entrance of the Elkhart County 4-H Fairgrounds
 - vi. Construct sidewalk along New York Street from Eighth Street to Twelfth Street
 - vii. Construct sidewalk along River Avenue from Indiana Avenue to First Street
- c. To fund the following sidewalk repair projects:
 - i. Construct sidewalk along Crescent Street from Seventh Street to Fifth Street
 - ii. Construct sidewalk along First Street from Wilkinson Street to River Avenue
 - iii. Design and construct sidewalk along Jefferson Street from Main Street to Fifth Street
 - iv. Construct sidewalk along Wilkinson Street from First Street east to Dead End

3. The City administration is encouraged to continue to request that all new residential and commercial projects include the installation of sidewalks.

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

REQUEST TO APPROVE AGREEMENT WITH BECKER’S BACKFLOW PREVENTION & IRRIGATION

Legal Contracts and Claims Manager Keitha Windsor requested Board approval of an Agreement with Becker’s Backflow Prevention & Irrigation. 327 IAC 8-1-8 requires the City to inspect and test backflow preventer valves annually and to biannually inspect and test reduced pressure principle backflow zone valves. The City wishes to contract with Becker’s Backflow Prevention & Irrigation to inspect and test the City’s backflow preventer valves for the City’s Water Department. Compensation is based on the rate of \$45.00 per valve per inspection and test. There are 34 valves to be inspected and tested and three of those require the biannual inspection and testing. The total cost is \$1,665.00 and initial work for the 34 valves is to be completed 30 days from a notice to proceed and the reports are due to the Water Department within 10 days after that. The work on the bi-annually tested valves will be done in 6 months. The Agreement may be renewed for three additional 1-year terms under the same terms and conditions upon written approval of both parties.

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

**REQUEST TO APPROVE AMENDMENT NO. 1 FOR THE INDIANA HOUSING
AND COMMUNITY DEVELOPMENT AUTHORITY
NEIGHBORHOOD STABILIZATION PROGRAM (NSP)**

Assistant City Planner Rhonda Yoder requested Board approval for Amendment No. 1 for the Indiana Housing and Community Development Authority Neighborhood Stabilization Program (NSP). This is the first amendment to that certain Indiana Housing and Community Development Authority Neighborhood Stabilization Program Grant Agreement entered into by and between the Indiana Housing and Community Development Authority (IHCDA) a public body corporate and politic of the State of Indiana and the City of Goshen, a local Unit of Government, dated December 1, 2009. In consideration of their mutual undertakings as set out in the Agreement and as modified herein, the parties agree to the following modifications to be effective June 20, 2010:

1. Term; Extension. Paragraph 2 of the Contract is deleted in its entirety and replaced with the following provision:

This Agreement shall be effective as of the Effective Date and shall remain in effect until June 20, 2011 (the “Initial Term), unless sooner terminated or extended as provided herein. IHCDA has two options to extend the term of this Agreement for two additional terms. The first option will allow IHCDA to extend this Agreement for an additional period of one year beyond the expiration of the Initial Term by providing written notice of its intent to extend the term to the Recipient prior to the expiration of the Initial Term (the “First Extension Term”). The second option will allow IHCDA to extend the term of this Agreement for a period of nine months beyond the expiration of the First Extension Term by providing written notice of its intent to extend the term to the Recipient prior to the expiration of the First Extension Term (the “Second Extension Term). The Initial Term, the First Extension Term, and the Second Extension Term, if applicable, shall be referred to collectively as the “Term.” IHCDA may exercise its options but the total extension of performance hereunder shall not extend beyond March 21, 2013.

All other matters previously agreed to and set forth in the original Agreement and the Exhibits thereto and not affected by this Amendment shall remain in full force and effect.

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

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