

**BOARD OF PUBLIC WORKS AND SAFETY AND STORM WATER BOARD  
MEETING HELD NOVEMBER 14, 2016 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 November 14, 2016, at 2:00 P.M. for their weekly Board meeting. Mayor Stutsman was the presiding officer with members of the Board present or absent as follows:

PRESENT: Mayor Stutsman, Board Member Day, Board Member Landis

ABSENT: None

OTHERS: Clerk-Treasurer Administrative Assistants, City Attorney, Fire Chief, Police Chief, Building Inspector - Grise, Street Commissioner, Assistant Street Commissioner, Legal Contracts and Claims Manager, Mayor's Administrative Assistant Lung, Park Superintendent, Assistant Superintendent of Waste Water, Utilities Billing Office Supervisor, Director of Public Works, Civil Traffic Engineer, Central Garage Fleet Manager, Legal Administrative Assistant, Communications Coordinator, Water Quality Supervisor.

**REQUEST TO APPROVE RECONSIDERATION OF MAYOR'S  
TRAFFIC COMMISSION RECOMMENDATION- JN: 2016-0008**

Civil Traffic Engineer Leslie Biek requested Board approval to reconsider Olive Street No Parking restriction. At the September 12, 2016 Board of Works meeting a motion to reconsider parking on Olive Street was tabled until all parties were contacted and allowed to provide comment. On November 10, 2016 letters were handed out to residents in the 200 and 300 block of Olive potentially impacted by the No Parking restriction. Additionally, Chad Harper from Lionshead was also contacted on 11/10/2016 to allow Lionshead an opportunity to provide input.

Mayor opens the meeting to the public for comments:

Shawn Riley resident at 221 Olive Street stated that due to the size of his family they need the additional parking on Olive Street that is currently a no parking area. His driveway only accommodates 4 vehicles and they exceed that number. Also Mr. Riley is required by his employment to have a work vehicle for on call duty one week every month.

Chad Harper Chief Operation Officer for Lionshead stated the company is responsible to maintain the property and have incurred several citation/tickets (Mow Orders) because they cannot maintain the property with the vehicles parked there. They had several meetings with the City regarding this matter and nothing was resolved so the request for No Parking signs was presented and passed by the Board previously. Also stated that the residents are using this piece of property as a dog park without cleaning up after their pets and is creating a problem for the landscape contractor Lionshead uses. Mr. Harper does not have a problem with residents parking on the property as long as his company is able to maintain it properly and cease getting ticketed. The company is willing to work with the City and residents to come up with a solution that benefits all parties.

Donna Harkins resident at 219 Olive Street stated there is very limited parking at most of the residents along this stretch of Olive Street and if they have a large family or have a big get together then the only place to park is across the street. Also mentioned that Lionshead could let the residents know what days their mowing contractor will be there and they would make sure all vehicles parked on that side of the street are moved.

Director of Public Works Dustin Sailor approached and noted that Code Enforcement has not been ticketing the vehicles since the last Board of Works action. Code Enforcement also recommends that there be no lifting of the No Parking signs along that side of the road. Also he stated that Street Commissioner Denny Long had previously spoken with Lionshead about putting stone down to mitigate the situation but was turned down. At this time due to leaf collection in process the Street Department is unable to lay any stone.

Street Commissioner Denny Long stated that approximately 1.5 years ago the property that Lionshead is currently on was residential. The homes were torn down and a retention area was built by Lionshead for drainage. Previously there was residential parking available until the retention area was built. Lionshead contacted the Street Department at that time to see what could be done to eliminate parking in that area. At that time it was offered for the Street Department to lay down limestone and the City would maintain the area for parking. Lionshead owner refused this solution and the matter died because Lionshead only wanted the no parking.

Lionshead stated it is willing to reconsider finding a solution with the City and residents.

Mayor Stutsman motioned that a meeting be set up between Lionshead, Residents, Engineering and Street Department to come up with a resolution in the next couple of weeks and postponed this matter until the Engineering Department can bring this matter back to a future Board of Works meeting. Second by Board Member Landis and motion passed unanimously.

**REQUEST TO BLOCK ALLEY FOR TUCK POINTING**  
**REPAIR AT 119 E. LINCOLN AVENUE**

David Shenk a contractor hired by Venturi Pizza requested Board approval to close the alley at 119 E. Lincoln Avenue the week of November 14th to complete a tuckpointing project. The closure is necessary to accommodate the large lift equipment needed during day time hours.

A motion was made that the lift must be moved from the alley at the end of the work day for night storage at the parking lot near Venturi's.

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

A second motion was made to allow for the blocking of 2 parking spaces in the parking lot to allow for the equipment night storage.

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

**REQUEST TO APPROVE TO USE THE RIGHT-OF-WAY AT W. WASHINGTON**

Macey Judd requested Board permission to use the gravel path, parking spots and grassy area north of the Goshen Powerhouse to host The Makery's Christmas Market open to the public.

Javis Food Truck will be preparing food at the event and will need 4 parking spots to accommodate the truck and trailer. All trash and unused items will be removed by Javis at the close of the event. There will be various artisan vendors, local restaurant booths and live music as well setting up in the grassy areas. All are aware of the noise ordinance levels and will keep sound within limits.

The vendors will begin setting up in the morning and tear down of the event will be completed that evening. The closure time requested is noon to 9pm on November 26, 2016.

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

**REQUEST TO DECLARE SUPRPLUS AND DISPOSAL OF SURPLUS PROPERTY**

Legal Contract and Claims Manager Keitha Windsor requested Board approval to declare property surplus and the disposal of the surplus property listed.

Miscellaneous Items from Tech Support:

- HP OfficeJet Pro 6320 Printer
- Logitech Wireless Keyboard
- Linksys E900 Router
- 19 hard disc drives 3.5 inch
- Graphics PCI Card
- Miscellaneous Cables
- Laptop Battery
- Typewriter

From Street Department:

- Approximately 4000 yards of gravel
- Approximately 6000 yards of top soil

The City wishes to have this property declared as surplus property and to dispose of the surplus property in accordance with IC 5-22-22.

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

**REQUEST TO APPROVE TRANSIT SERVICES AGREEMENT**

Legal Contract and Claims Manager Keitha Windsor requested Board permission to approve a Transit Service Agreement with MACOG.

The MACOG is the recipient of grant funds which are used to provide the Interurban Trolley and Interurban Trolley ADA Paratransit Services. This agreement will have the City contribute

\$62,000.00 in 2017 as local matching funds to be used for this transit program administered by MACOG.

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

**REQUEST TO APPROVE A CONTRACT WITH DIVERSIFIED  
INSPECTIONS/INDEPENDENT TESTING LABORATORIES  
FOR LADDER TESTING**

Legal Contract and Claims Manager Keitha Windsor requested Board approval to contract with Diversified Inspections/Independent Testing Laboratories for testing of the City Fire Department's aerial devices and ground ladder inspections. This is a required annual testing for the City's Fire Department.

Work on the project shall be completed by December 31, 2016 for a cost not to exceed \$3,000.00.

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

**REQUEST TO APPROVE CONTRACT WITH DONOHUE & ASSOCIATES FOR  
SAMPLING AND ANALYSIS WORK**

Legal Contract and Claims Manager Keitha Windsor requested Board approval to contract with Donohue & Associates to review the ongoing sampling and analysis work performed by the City for the local limits re-evaluation.

The City's Industrial Pretreatment Program (IPP) monitors and controls the discharge of local industries to the wastewater collection system. The City's National Pollution Discharge Elimination System (NPDES) permit requires the City to submit a local limits technical re-evaluation within 6 months of the NPDES permit renewal. The City's permit was renewed July 1, 2016.

Work on the project shall be completed no later than December 30, 2016 and the total cost for all work shall not exceed \$9,800.00

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

**REQUEST TO APPROVE RESOLUTION AUTHORIZING THE  
EXECUTION OF A LEASE/PURCHASE AGREEMENT**

Legal Contract and Claims Manager Keitha Windsor requested Board approval to adopt the Resolution Authorizing the Execution of a Lease/Purchase Agreement with U.S. Bancorp Government Leasing and Finance, Inc.

The City is purchasing:

- A 2017 4x2 crew cab Ford F-550 with a Knapheide Service Body paint and sign truck with related equipment for \$116,726.00.
- 2 Stainless Steel V-Box Monroe Salt Sanders supplied and install on City trucks for \$31,466.00.

The finance amount is \$148,192.00 and the Lease/Purchase Agreement is for 5 annual payments of \$31,655.00 at an interest rate of 2.85% with the first payment due March 15, 2017.

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

**REQUEST TO APPROVE AGREEMENT WITH PEERLESS MIDWEST INC.**

Legal Contract and Claims Manager Keitha Windsor requested Board approval to enter into a contract with Peerless Midwest Inc. to provide well and pump maintenance service on Wells 2, 12, 13 and High Service Wells 2 & 6 that is based on the Contractor's October 10, 2016 inspection recommendation letter.

Work on the project shall be completed within 4 months from receipt of a notice to proceed and the total cost for all work shall not exceed \$96,000.00.

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

**REQUEST TO APPROVE A CONTRACT AMENDMENT  
WITH BUCKEYE POWER SALES CO.**

Legal Contract and Claims Manager Keitha Windsor requested Board approval to amend the contract with Buckeye Power Co.

The City entered into a Contract with Contractor dated February 1, 2016 for the amount of \$9,550.00 for Contractor to provide:

- Inspections and diagnostic testing on twenty-five (25) City of Goshen generators.
- For the Water Department's "Full Service" on the #1 Kercher Plant and #4 Hilltop generators.
- A two (2) hour Load Bank Test on the #1 Kercher Plant Generator.

The Contract permits renewal of the Contract under the same terms and conditions for two additional one (1) year terms. The City wishes to contract with Buckeye Power Sales Co. to renew the Contract for the first additional one year term.

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

**REQUEST TO APPROVE A RATIFY AGREEMENT  
WITH PAVEMENT SOLUTIONS INC.**

Legal Contract and Claims Manager Keitha Windsor requested Board approval to a Ratify Agreement with Pavement Solutions Inc. The City's Street Department requested Pavement Solutions, Inc. to crack seal Kercher Road between US 33 and the Railroad crossing just East of Main Street. Pavement Solutions, Inc. is seeking compensation for the work for a total project cost not to exceed \$21,450.00. Street Commissioner Denny Long received authorization from Mayor Stutsman and City Attorney Larry Barks so work could be done on the weekend due to appropriate weather conditions at no additional charge.

Pursuant to IC 36-1-4-16, the City may ratify this action by following the same procedure that would have been required for the action in advance of the work done.

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

**REQUEST TO ADVERTISE FOR BID ON DICKERSON  
LANDING PHASE V – JN: 2016-0005**

Director of Public Works Dustin Sailor requested Board approval to advertise for bids for Phase 5 of the Dickerson Landing Neighborhood project that entails the reconstruction of Second Street between Wilkinson Street and the railroad tracks to the North. Advertisement for the request will be issued in the paper Friday, November 18 and Friday, November 25 with bids due on December 5, 2016.

Project funding will come from multiple sources including, water and sewer utilities, EDIT, and CDBG.

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

**REQUEST TO APPROVE CHANGE ORDER NO. 1 FOR PIKE STREET WATER  
MAIN REPLACEMENT – JN: 2015-0010**

Director of Public Works Dustin Sailor requested Board approval of Change Order No.1 for Pike Street Water Main Replacement at the Elkhart River. The change order includes the additional cost of traffic control at Pike Street and Third Street. This change order increases the contract price by \$1,265.00 for a final project cost of \$586,144.75. The overall change in the original contract price including this change order is 0.22%.

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

**REQUEST TO APPROVE NO OUTLET SIGNAGE – JN: 2016-0008**

Civil Traffic Engineer Leslie Biek requested Board approval to consider the installation of a "No Outlet" sign at the intersection of West Madison Street and River Race Drive. The request was made from LaCasa, who has concerns about people using the parking lot as a turn-around at the

Hawks Building. This item was approved by the Traffic Commission. The Street Department has agreed to re-install the original signage.

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

**NOTIFICATION ON AN APPOINTMENT TO THE PLAN COMMISSION**

Director of Public Works Dustin Sailor informed the Board the appointment of Civil Traffic Engineer Leslie Biek to the Goshen's Plan Commission in compliance with IC 36.7.4.207 a(4). The appointment is perpetual, and until a successor is named.

**REQUEST TO APPROVE AN ELECTRICAL LICENSE**

Building Inspector Myron Grise requested Board approval to issue an Electrical License to Jesse B. Stoltzfus of Stoltzfus Electric LLC., located at 111 S. 7<sup>th</sup> Street, Goshen, Indiana, 46528. He has met the requirements for a City of Goshen Electrical license. He achieved a score of 80% on the Master Electrical exam taken October 24, 2016, in Elkhart, Indiana.

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

**REQUEST TO APPROVE THE PROMOTION OF COTY R. BROWN**

Police Chief Wade Branson requested Board to approve the promotion of Coty R. Brown from the rank of Probationary Patrol officer to the rank of Patrol officer. Coty has completed his one year probation. The promotion is to be effective November 19, 2016

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

Officer Brown was not present and will be sworn in at a later date.

**PUBLIC HEARING ON ORDER OF THE BOARD OF WORKS:**  
**2204 COLLEGE AVENUE**

Mayor Stutsman opened the public hearing:

City Attorney Larry Barkes asked if anyone was present on behalf of 2204 College Avenue. City Attorney Larry Barkes stated it has been reported that the home owners Richard & Nikki Stump have been making some progress on the property. City Attorney Barkes and Building Inspector Bice met with the home owners and discussed they would continue with the progress on the property for another 2 weeks. Nikki Stump stopped by the City and signed a notice that the hearing was continued to the Board of Works meeting on November 14, 2016. This notice was presented to the Board of Works as evidence she was aware of this hearing.

Building Inspector Myron Grise went to the property this morning to perform an inspection. The Building Department tried contacting the home owners last week but the phone number they have on file is no longer in service. Was not able to do an interior inspection and took pictures of exterior and through windows of the interior. The property still has significant trash and

debris around the exterior of the premises. The garage has 2 over grown trees that will not allow access to remove items/trash inside the garage until cut down. What could be observed of the interior through the windows there is still a large amount of clutter/trash in the structure. There are broken windows on the garage and several windows have rotten framing that is causing windows to fall out.

There is a dumpster on premise that indicates some progress has been made, but due to the amount of debris that is required to be removed, this clean up could take a significant amount of time and seems to progress very slowly. City Attorney Larry Barkes commented there is an issue because of all the debris that a meaningful inspection cannot be done to indicate all that needs to be done to make the property compliant. He suggested that this be sent to court to have a receiver appointed for the removal of the personal property from the dwelling and then have an inspection done and move forward with an order.

Board Member Landis moved to refer the property at 2204 College Avenue to the Legal Department to pursue receivership for purpose to have the personal property removed from the property. Second by Board Member Day and motion passed unanimously.

**PRIVILEGE OF THE FLOOR**

Brad Hunsberger representative of LaCasa wanted to update the Board on the situation at 212 Crescent Street. They are currently waiting on Nipsco to retire the service and then the house will be demolished. Regarding the property at 407 1/2 Cross Street LaCasa bought the tax lien last month and intends to take title of the property and plans to demolish the house. LaCasa is also nearing the closing of the property at 123 N. 6<sup>th</sup> and 216 Clinton.

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

**BOARD OF PUBLIC WORKS AND SAFETY AND STORM WATER BOARD:**

**MAYOR JEREMY STUTSMAN** \_\_\_\_\_

**BOARD MEMBER MITCHELL DAY** \_\_\_\_\_

**BOARD MEMBER MICHAEL A. LANDIS** \_\_\_\_\_



**ATTEST**

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**CLERK-TREASURER TINA M. BONTRAGER**