

**BOARD OF PUBLIC WORKS AND SAFETY AND STORMWATER BOARD
MEETING HELD JANUARY 16, 2018, 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 January 16, 2018, 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:

OTHERS: Clerk-Treasurer Administrative Assistants, City Attorney, City Planning and Zoning Administrator, Fire Chief, Assistant Fire Chief, Police Chief, Assistant Building Commissioner, Street Commissioner, Contracts and Claims Manager, Legal Compliance Administrator, Mayor's Administrative Assistant, Parks and Recreation Superintendent, Wastewater Superintendent, Water and Sewer Superintendent, Utilities Billing Office Manager, Director of Public Works, Central Garage Fleet Maintenance Manager, Communications Coordinator.

REQUEST TO APPROVE SEWER RELIEF—164 THE WILLOWS

Mr. Larry Kissinger requested Board approval for sewer relief at 164 The Willows on behalf of his mother, Mary Lou Kissinger. A water line underneath the home froze and burst, resulting in a water leak. The water did not enter the sewer. The Utilities Billing Office calculated the amount of relief at \$128.15.

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

REQUEST TO APPROVE SEWER RELIEF—165 THE WILLOWS

Mr. Craig Stiver requested Board approval for sewer relief at 165 The Willows. Mr. Stiver experienced a drop in water pressure and discovered that the sprinkling system on/off valve had broken. The water leaked into the ground and did not enter the sewer. The Utilities Billing Office calculated the amount of relief at \$267.33.

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

**REQUEST TO APPROVE WOOLPERT ARCHITECTURE MARKET CENTER
CONSTRUCTION PLAN EXCEPTION TO ORDINANCE 4333 TO ALLOW TIE-IN TO
EXISTING PRIVATE SEWER LINE**

Woolpert Architecture Engineer Jonathan Grzywa requested Board approval for an exception to Ordinance 4333 that would allow the Market Center Outlot Building "E" to tie-in to the existing private sewer line until such time as a new parcel is created for Outlot Building "E" or that existing Outlots "C" or "A" buildings are constructed. Submitted with the request were a concept site plan, an overall concept plan of the Market Center, a sanitary capacity estimate, an overall Aerial, and Outlot "E" building elevations. The Engineering Department and Planning and Zoning Department both reiterated that connecting to City sewer was a condition of the PUD approval for that location, with Director of Public Works Dustin Sailor adding that the maintenance of the sanitary sewer system would become more difficult to manage and that previous instances of connections to private sanitary sewers have resulted in numerous problems for the City. Mayor Stutsman reminded the petitioner that the Board went against City staff recommendations and approved their previous request for a connection to a private sanitary sewer. Due to the second request for a connection to a private sanitary sewer, the Board was unconvinced that future requests would not be forthcoming.

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

**REQUEST TO APPROVE RETIREMENT FROM POLICE DEPARTMENT—
R.C. RODRIGUEZ**

Police Chief Wade Branson requested Board approval for the retirement of Officer Raymundo C. Rodriguez after 22 years of service effective January 16, 2018.

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

REQUEST TO APPROVE AGREEMENTS—PHYSIO-CONTROL, INC.

Legal Contracts and Claims Manager Keitha Windsor requested Board approval to purchase cardiac monitors and defibrillators and to purchase a preventative maintenance plan from Physio-Control, Inc.

The equipment to be purchased includes 4 Lifepak cardiac monitors/defibrillators, 11 Lifepak 1000 AEDs and 1 CRPlus AED. The total contract cost including the shipping costs minus the trade-in of City equipment is \$142,477.30. Delivery is to be completed within 90 days from receipt of a notice to proceed.

The Preventative Maintenance Service Plan on the 4 Lifepak cardiac monitors/defibrillators only is for four years beginning after the 1 year manufacturer's warranty. The cost is \$5,875.20 per year for a total contract price of \$23,500.80.

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

REQUEST TO APPROVE AGREEMENTS FOR WAYFINDING KIOSKS

Legal Compliance Administrator Shannon Marks requested Board approval and authorization for the Mayor to execute license agreements for wayfinding kiosks. The City will be installing, locating, and administering wayfinding kiosks throughout the City as a way of providing information to the public. Many of the kiosks will be located on City-owned real estate or within the public right-of-way, and some will be located on private property. The wayfinding kiosks will be located on the following property owners' real estate:

1. MCIC, Inc. (Linway Plaza)
2. JR & Sons Property Management, LLC (Old Bag Factory)
3. Goshen College, Inc. (Administration Building and Music Center)
4. Elkhart County 4-H and Agricultural Exposition, Inc. (Fairgrounds)

It was unknown at this time whether the kiosks would match the ones planned by the City.

Mayor Stutsman moved to table the request pending further information. Second by Board Member Day and motion passed unanimously.

REQUEST TO APPROVE OCCUPANCY PERMIT—1480 SANDPIPER LANE AND 1510 SANDPIPER LANE

Legal Compliance Administrator Shannon Marks requested Board approval and authorization for the Mayor to execute an Occupancy Permit Agreement with Blue Diamond Development Communities, LLC for the new building constructed at 1480 Sandpiper Lane and 1510 Sandpiper Lane. The construction project is now substantially complete except for certain exterior work that cannot be completed due to weather conditions (stabilize site, plant all required landscaping, install sidewalks, and install parking lot striping). Once all requirements of the Building Code have been met, the agreement has been executed by all parties, and a surety in the amount of Nineteen Thousand Six Hundred Dollars (\$19,600.00) is provided to the City to insure the timely completion of all remaining work, the City will issue a certificate of occupancy for the location. The remaining work will be completed as soon as conditions permit, but no later than June 15, 2018.

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

REQUEST TO APPROVE OCCUPANCY PERMIT—1627 AUTUMN BLAZE LANE

Legal Compliance Administrator Shannon Marks requested Board approval and authorization for the Mayor to execute an Occupancy Permit Agreement with Blue Diamond Development Communities, LLC for the new building constructed at 1627 Autumn Blaze Lane. The construction project is now substantially complete except for certain exterior work that cannot be completed due to weather conditions (stabilize site, plant all required landscaping, install parking

lot striping, and abandon an unused water service line). Once all requirements of the Building Code have been met, the agreement has been executed by all parties, and a surety in the amount of Nine Thousand Six Hundred Eighty-Four and 80/100 Dollars (\$9,684.80) is provided to the City to insure the timely completion of all remaining work, the City will issue a certificate of occupancy for the location. The remaining work will be completed as soon as conditions permit, but no later than June 15, 2018.

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

REQUEST TO APPROVE RESOLUTION 2018-01

Legal Compliance Administrator Shannon Marks requested Board approval for Resolution 2018-01 entitled, "APPROVE AND AUTHORIZE EXECUTION OF THE GRANT AGREEMENT WITH INDIANA DEPARTMENT OF TRANSPORTATION FOR THE NORTH FIRST STREET AND OAKRIDGE AVENUE RECONSTRUCTION PROJECT." The City of Goshen has been awarded Local Road and Bridge Grant Funds under the Community Crossings Matching Grant Program for the reconstruction of North First Street and Oakridge Avenue from Rock Run Creek to Wilden Avenue (the "Project").

The grant funding is based on a 50/50 match of eligible costs of the Project. The maximum amount of grant funding allocated to the Project by the State of Indiana is \$153,245.00. The City's local match will be paid from any money the City is authorized to use for local road or bridge project and/or money in the City's rainy day fund.

NOW, THEREFORE, BE IT RESOLVED that the Goshen Board of Public Works and Safety approves the terms and conditions of the Local Roads and Bridges Matching Grant Agreement with Indiana Department of Transportation for grant funding for the Project attached to and made a part of this resolution.

BE IT FURTHER RESOLVED that Mayor Jeremy P. Stutsman is authorized to execute the Grant Agreement on behalf of the Goshen Board of Public Works and Safety and City of Goshen.

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

(PASSED and ADOPTED by the Goshen Board of Public Works and Safety on January 16, 2018.)

REQUEST TO APPROVE RESOLUTION 2018-02

Legal Compliance Administrator Shannon Marks requested Board approval for Resolution 2018-02 entitled, "APPROVE AND AUTHORIZE EXECUTION OF THE GRANT AGREEMENT WITH INDIANA DEPARTMENT OF TRANSPORTATION FOR THE SUPREME COURT RECONSTRUCTION PROJECT." The City of Goshen has been awarded Local Road and Bridge Grant Funds under the Community Crossings Matching Grant Program for the reconstruction of Supreme Court north of Kercher Road (the "Project").

The grant funding is based on a 50/50 match of eligible costs of the Project. The maximum amount of grant funding allocated to the Project by the State of Indiana is \$173,270.00. The City's local match will be paid from any money the City is authorized to use for local road or bridge project and/or money in the City's rainy day fund.

NOW, THEREFORE, BE IT RESOLVED that the Goshen Board of Public Works and Safety approves the terms and conditions of the Local Roads and Bridges Matching Grant Agreement with Indiana Department of Transportation for grant funding for the Project attached to and made a part of this resolution.

BE IT FURTHER RESOLVED that Mayor Jeremy P. Stutsman is authorized to execute the Grant Agreement on behalf of the Goshen Board of Public Works and Safety and City of Goshen.

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

(PASSED and ADOPTED by the Goshen Board of Public Works and Safety on January 16, 2018.)

REQUEST TO APPROVE RESOLUTION 2018-03

Legal Compliance Administrator Shannon Marks requested Board approval for Resolution 2018-03 entitled, “APPROVE AND AUTHORIZE EXECUTION OF THE GRANT AGREEMENT WITH INDIANA DEPARTMENT OF TRANSPORTATION FOR THE NORTH FIFTH STREET RESURFACING PROJECT.” The City of Goshen has been awarded Local Road and Bridge Grant Funds under the Community Crossings Matching Grant Program for the resurfacing of North Fifth Street from Middlebury Street to approximately 240 feet north of Hilltop Street (the “Project”).

The grant funding is based on a 50/50 match of eligible costs of the Project. The maximum amount of grant funding allocated to the Project by the State of Indiana is \$54,879.00. The City’s local match will be paid from any money the City is authorized to use for local road or bridge project and/or money in the City’s rainy day fund.

NOW, THEREFORE, BE IT RESOLVED that the Goshen Board of Public Works and Safety approves the terms and conditions of the Local Roads and Bridges Matching Grant Agreement with Indiana Department of Transportation for grant funding for the Project attached to and made a part of this resolution.

BE IT FURTHER RESOLVED that Mayor Jeremy P. Stutsman is authorized to execute the Grant Agreement on behalf of the Goshen Board of Public Works and Safety and City of Goshen.

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

(PASSED and ADOPTED by the Goshen Board of Public Works and Safety on January 16, 2018.)

REQUEST TO APPROVE RESOLUTION 2018-04

Legal Compliance Administrator Shannon Marks requested Board approval for Resolution 2018-04 entitled, “APPROVE AND AUTHORIZE EXECUTION OF THE INTERLOCAL AGREEMENT WITH ELKHART COUNTY FOR ANIMAL CONTROL SERVICES.” Elkhart County has negotiated a contract with the Humane Society of Elkhart County, Inc. to provide animal shelter management and animal control services for 2018 for certain areas of Elkhart County, including within the corporate boundaries of the City of Goshen.

Pursuant to Indiana Code § 36-1-7 et seq., a power that may be exercised by one governmental entity may be exercised by one entity on behalf of another entity if the entities enter into a written agreement.

NOW, THEREFORE, BE IT RESOLVED that the Goshen Board of Public Works and Safety approves the terms and conditions of the Interlocal Agreement with Elkhart County for animal control services attached to and made a part of this resolution.

BE IT FURTHER RESOLVED that Mayor Jeremy P. Stutsman and Clerk-Treasurer Angie McKee are authorized to execute the Interlocal Agreement on behalf of the Goshen Board of Public Works and Safety and City of Goshen.

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

(PASSED and ADOPTED by the Goshen Board of Public Works and Safety on January 16, 2018.)

REQUEST TO APPROVE RESOLUTION 2018-05

Legal Compliance Administrator Shannon Marks requested Board approval for Resolution 2018-05 entitled, "APPROVE AND AUTHORIZE EXECUTION OF THE INTERLOCAL AGREEMENT WITH GOSHEN COMMUNITY SCHOOLS FOR THE USE AND MAINTENANCE OF SOFTBALL DIAMONDS."

The City of Goshen and Goshen Community Schools have negotiated an Interlocal agreement for the use and maintenance of softball diamonds at Shanklin Park.

Pursuant to Indiana Code § 36-1-7 et seq., a power that may be exercised by one governmental entity may be exercised by one entity on behalf of another entity if the entities enter into a written agreement.

NOW, THEREFORE, BE IT RESOLVED that the Goshen Board of Public Works and Safety approves the terms and conditions of the Interlocal Agreement with Goshen Community Schools for the use and maintenance of softball diamonds attached to and made a part of this resolution.

BE IT FURTHER RESOLVED that Mayor Jeremy P. Stutsman is authorized to execute the Interlocal Agreement on behalf of the Goshen Board of Public Works and Safety and City of Goshen.

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

(PASSED and ADOPTED by the Goshen Board of Public Works and Safety on January 16, 2018.)

REQUEST TO APPROVE POST-CONSTRUCTION PLAN

Director of Public Works Dustin Sailor requested Board approval to accept a post-construction plan. The developer of Lippert Components, Inc. has submitted the first amendment to the existing post-construction plan approved on March 11, 2013. The submitted post-construction plan has been found to be sufficient and is compliant with Ordinance 4329, "Uniform Requirements for Post-Construction Stormwater management."

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

REQUEST TO APPROVE UNPAID FINALED ACCOUNTS

Utilities Billing Office Manager Kelly Saenz requested Board approval to move unpaid finalized accounts from active to Collection, Sewer Liens, and Write-Offs. The original amount of unpaid final Water/Sewer accounts for this period was \$6,744.47. Collection letters were sent out and payments of \$3,140.67 have been collected. The uncollected amount equals \$3,603.80. These are accounts that were for the most part finalized through Wednesday, November 22, 2017.

Water: \$2,864.98
Sewer: \$738.82

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

ANNOUNCEMENT

Mayor Stutsman was pleased to announce the reappointment of Tom Holtzinger to an additional four-year term on the Board of Zoning Appeals. Mr. Holtzinger has been on the BZA since 2008.

Additionally, he announced the reappointment of Joe McCorkel and Tom Holtzinger to an additional four-year term on the Plan Commission. They have served on the Commission since 2012 and 2008 respectively.

Finally, he announced the appointment of Connie Garber to the Plan Commission as the representative of the Board of Public Works and Safety. Ms. Garber has served on the Plan Commission since 2007. This is an annual appointment.

PRIVILEGE OF THE FLOOR

Mr. Scott Woldruff of Woldruff's Footwear & Apparel located at 129 South Main Street requested Board approval to close the south end of the alley located west of the building to repair a roof drain line. The closure would be for up to three days once the repair commenced. Mr. Woldruff would need to notify the Engineering Department before the closure takes place.

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

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

BOARD OF PUBLIC WORKS AND SAFETY AND STORMWATER BOARD:

MAYOR JEREMY STUTSMAN _____

BOARD MEMBER MITCHELL DAY _____

BOARD MEMBER MICHAEL A. LANDIS _____

ATTEST _____
CLERK-TREASURER ANGIE MCKEE