

**BOARD OF PUBLIC WORKS AND SAFETY AND STORMWATER BOARD  
MEETING HELD FEBRUARY 19, 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 February 19, 2018, at 2:00 P.M. for their weekly Board meeting. Board member Landis was the presiding officer with members of the Board present or absent as follows:

PRESENT: Board Member Day, Board Member Landis

ABSENT: Mayor Stutsman

OTHERS: Clerk-Treasurer Administrative Assistants, City Attorney, Assistant City Planning and Zoning Administrator, Fire Chief, Police Chief, Assistant Building Commissioner, Building Inspector, Street Commissioner, Assistant Street Commissioner, Legal Compliance Administrator, Wastewater Superintendent, Water and Sewer Superintendent, Utilities Billing Office Manager, Director of Public Works, Civil Traffic Engineer, Central Garage Fleet Maintenance Manager, Communications Coordinator.

Minutes of the meeting of February 12, 2018 were presented. On motion of Board Member Day and second by Board Member Landis, the minutes were approved as presented.

**REQUEST TO APPROVE PARKING SPACE CLOSURES—GOSHEN THEATER**

Eyedart Creative Studio Event Coordinator Adrienne Nesbitt requested Board approval to close three parking spaces in front of the Goshen Theater for First Fridays on March 2<sup>nd</sup> from 5 p.m. until midnight. The Elkhart County Convention and Visitors Bureau will be bringing busloads of guests for the evening and the spaces will be used as a loading and unloading zone.

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

**REQUEST TO APPROVE OUTDOOR SEATING—MAPLE INDIAN CUISINE**

Maple Indian Cuisine representative Rosie Morales requested Board approval for outdoor seating for Maple Indian Cuisine. This plan has been received by the Engineering Department.

Board Member Landis moved to table the request until the March 19, 2018 Board of Public Works and Safety meeting. Second by Board Member Day and motion passed unanimously.

**REQUEST FOR ACCEPTANCE OF EASEMENT—2304 LINCOLNWAY EAST**

Legal Compliance Administrator Shannon Marks requested Board approval to accept an easement from Wal-Mart Real Estate Business Trust and authorize Mayor Stutsman to execute any and all documents relating to the easement to the City of Goshen, Indiana. The easement is for a public buggy, bicycle, and pedestrian trail to be constructed upon a portion of Wal-Mart's real estate at 2304 Lincolnway East.

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

**REQUEST TO APPROVE OCCUPANCY PERMIT—1802 NEWBURY CIRCLE**

Legal Compliance Administrator Shannon Marks requested Board approval and authorization for the Mayor to execute an Occupancy Permit Agreement with H&G Home Builders, LLC for the new residence constructed at 1802 Newbury Circle. The construction project is now substantially complete except for stabilizing the site that cannot be completed now due to weather conditions. Once all Building Code requirements have been met, the agreement has been executed by all parties, and a surety in the amount of One Thousand Dollars (\$1,000.00) is provided to the City to insure the timely completion of the 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 AGREEMENT—H.J. UMBAUGH**

Legal Compliance Administrator Shannon Marks requested Board approval and authorization for the Mayor to execute an agreement with H.J. Umbaugh & Associates, Certified Public Accountants, LLP to prepare a post issuance maintenance aid for the City’s outstanding bond issues listed in Exhibit A. Umbaugh will be compensated for this service based on their standard hourly rates for a total amount not to exceed \$15,000.00.

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

**REQUEST TO TERMINATE CONTRACT—UTILITY SALES AGENCY OF AMERICA, LLC**

Water and Sewer Superintendent Kent Holdren requested Board approval to terminate a contract. The City entered into an agreement with Utility Sales Agency of America, LLC effective on or about September 13, 2017 for the evaluation, testing, and any necessary repair of 178 cold water meters within the City. The Contract called for all work to be complete within ninety (90) days. Utility Sales Agency of America, LLC failed to complete the work required under the contract in a timely manner. The City began deducting liquidated damages from amounts owed to Utility Sales Agency of America, LLC at the contract rate of \$100.00 per day for every day performance extended beyond the contract deadline. City representatives discussed contract performance issues with the representatives of Utility Sales Agency of America, LLC on multiple occasions. Eventually, the parties decided that it was in the best interests to terminate the Contract pursuant to the terms of the Contract. It is recommended that the Board of Public Works and Safety terminate the Contract—Test & Repair Cold Water Meters entered with Utility Sales Agency of America, LLC by mutual written consent, as allowed by the Contract.

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

**REQUEST TO APPROVE WATER MAIN INFRASTRUCTURE—HRP CONSTRUCTION PN: 2015-0010**

Director of Public Works Dustin Sailor requested Board approval and acceptance of infrastructure for the Pike Street water main replacement. The installation of infrastructure (water main, restorations for curb, sidewalk, and roadway) has been satisfactorily completed for the above listed project. The Engineering Department recommends that the infrastructure be accepted for maintenance. The three-year maintenance bond (10% of the construction costs) for the infrastructure has been submitted to the City of Goshen Engineering Department.

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

**PRIVILEGE OF THE FLOOR**

Street Commissioner David Gibbs announced that sandbag supplies would be available to residents at the Street Department from Monday, February 19, 2018 until Friday, February 23, 2018 from 7:00 a.m. until 4:00 p.m.

There being no further business Board Member Landis moved to process claims and then to adjourn. Second by Board Member Day 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**