

**BOARD OF PUBLIC WORKS AND SAFETY AND STORM WATER BOARD
MEETING HELD AUGUST 15, 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, 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:

OTHERS: Clerk-Treasurer and Clerk-Treasurer Office Assistant, City Attorney, Fire Chief, Asst. Police Chief, Building Inspector Grise, Street Commissioner, Legal Contracts and Claims Manager, Legal Compliance Administrator, Mayor's Administrative Assistant Lung, Park Superintendent, Asst. Superintendent of Waste Water, Superintendent of Water and Sewer, Administrative Utilities Engineer, Central Garage Fleet Manager, Councilman McKee.

Minutes of the meeting of June 6 and June 13, 2016 were presented. On motion of Board Member Landis and second by Board Member Day, the minutes were approved as presented.

**REQUEST TO OPEN BIDS FOR THE SIGNAL PREEMPTION
EQUIPMENT – PROJECT NO. 2015-0032**

Mayor Stutsman opened the following bids:

S&S: \$191,752.00
Michiana Contracting: \$156,900.00

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

REQUEST TO AWARD BID FOR AMBULANCE REMOUNT PROJECT

Legal contracts and Claims Manager Keitha Windsor requested Board approval to award the bid for the Ambulance Remount Project. On August 8th, 2016, the Board of Public Works and Safety opened bids for an Ambulance Remount Project. Following are the bid results:

Crossroads Ambulance Sales & Service LLC: \$156,824.00
Horton Emergency Vehicles: \$174,267.00

Crossroads Ambulance took exception to one item:

Due to height of cab and module the 3 center Whelen 900 Series Lights will not work because of external AC Condenser placement. We have proposed 3 Whelen 700 Series vs the specified 9x7 Whelen 900 series for the center most lights on the front of the ambulance module.

1. The City accepts the proposed change for the lights
2. The equipment change does not equate to the difference between the 2 quotes

It is recommended that the Board of Public Works and Safety award the contract to Crossroads Ambulance Sales & Service LLC as the lowest responsible and responsive bidder for a total contract price of \$156,824.00 and permission is requested to authorize execution of the contract.

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

**REQUEST TO AWARD BID FOR THE WATERFORD COMMONS BUSINESS PARK
PUD TRACT 2 – PROJECT NO. 2016-0033**

Administrative Utilities Engineer Dustin Sailor requested Board approval to Award the Bid for the Waterford Commons Business Park PUD Tract 2. On August 8th, 2016 bids were received for the project. Following are the results:

HRP Construction: \$ 896,349.00
Phend & Brown: \$1,143,600.30
Rieth Riley Construction: \$1,723,382.50

The Engineering Department is requesting the Board of Public Works and Safety to award the contract to HRP Construction as the lowest responsive and responsible bidder. Please note that the Contractor will not be given a Notice to Proceed until funding is received from the developer.

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

**REQUEST TO APPROVE BLOCKING PARKING SPACES AT
119 EAST LINCOLN AVENUE**

Manager of Venturi's Pizza Troy Pippenger requested Board approval to block two parking spaces in front of 119 East Lincoln Avenue to place a dumpster for a renovation project. This should happen from August 22nd to September 1st, 2016. The neighboring businesses have been notified.

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

**REQUEST TO APPROVE RELIEF OF SEWER CHARGE AT
1708 SOUTH 12TH STREET**

Owner Pauline Yoder requested Board approval for relief of sewer charges at 1708 South 12th Street. Ms. Yoder stated that from June 19th until into July she was out of town and during this period from June 29th until July 9th, 2016 the outside faucet on the street side in the front of her house was turned on with water running along the front of the house and soaking the ground. She had checked with the Goshen Utilities about her water and sewer bill and found that her bill would be \$256.02 with \$164.30 of that being the sewer portion and normally her bill is less than \$30.00. Ms. Yoder is requesting the Board waive her sewer portion. Superintendent of Water and Sewer Kent Holdren stated that she has a sprinkler meter and normally a resident would have summer sewer rate and would not get relief because she already has the reduced rate. He did not see any proof as he was not notified until 10 days after this happened so there wouldn't be any sign of flooding or wet ground. Kent Holdren further stated that she did not activate her sprinkler account this year and there has been no usage on the sprinkling meter so she would not have a summer sewer break. Ms. Yoder stated she moved in 10 years ago and had that disconnected. Superintendent of Water and Sewer Kent Holdren stated that the Utility Billing Office calculated the credit to be \$127.20.

Mayor Stutsman moved to approve the request for credit of the sewer billing of \$127.20. Second by Board Member Landis and motion passed unanimously.

**REQUEST TO APPROVE AND NOTIFICATION OF THE US 33 NORTH
CONNECTOR – CLOSURE OF CLINTON STREET AND 7TH STREET – JN: 2011-0041**

Administrative Utilities Engineer Dustin Sailor requested Board approval on behalf of Rieth Riley Construction as they have submitted a street closure notice for the construction of the US 33 North Connector project. This closure request is for:

1. Clinton Street east of 6th Street
2. 7th Street between Lincoln Avenue and Clinton Street
3. Alley parallel to the Railroad between 7th Street and Cottage Avenue

All of the streets listed above will be a permanent closure, except for the half block of 7th Street just north of Lincoln Avenue. The Engineering Department will work to make sure that the residents within this area are notified of the closure and how access to their residences will be provided.

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

**REQUEST TO APPROVE PLYMOUTH AVENUE TRAIL CROSSING
MODIFICATION – JN: 2015-0051**

Administrative Utilities Engineer Dustin Sailor requested Board approval of the Plymouth Avenue Trail Crossing Modification. As part of the Crossing Modification, the City had to acquire an easement for utilities and a warranty deed for the land to be used as right of way from the following:

20-11-16-301-005 SR 119

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

**REQUEST TO APPROVE SIDEWALK & CURB 50/50 PROGRAM – JN: 2016-0001
AGREEMENT WITH DAVE POTTINGER – 127 SOUTH MAIN STREET**

Administrative Utilities Engineer Dustin Sailor requested Board approval of the Sidewalk 50/50 program agreement with Dave Pottinger to replace the sidewalk at 127 South Main Street. The total cost is \$2,176.00, so the City's portion would be \$1,088.00. Mr. Pottinger has already submitted his payment of \$1,088.00.

Mayor Stutsman stated that since this was his father-in-law he would not be calling for the vote or voting on this request.

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

**REQUEST TO APPROVE NORTH WATER PLANT STANDBY GENERATOR
PROJECT – JN: 2015-0019**

Administrative Utilities Engineer Dustin Sailor requested Board approval of the North Water Plant Standby Generator project. It has been determined that a pre- and post-flood certification is required for the installation of a standby generator at the North Water Plant. It is requested for approval of the attached agreement with Abonmarche Consultants, Inc. to provide and verify the Department of Natural Resources (DNR) flood certification requirements. Compensation for this agreement is \$2,500.00.

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

REQUEST TO APPROVE AGREEMENT WITH VANDER WEY & SONS MASONRY

Legal Contracts and Claims Manager Keitha Windsor requested Board approval to enter into an agreement with Vander Wey & Sons Masonry. The City solicited 3 quotes to repair the outside landing and steps at the main entrance of City Hall from Ross Masonry, Overholt Masonry and Vander Wey & Sons Masonry. Only one contractor responded.

The City wishes to contract with Vander Wey & Sons Masonry to do the repairs for the amount of \$11,870.00 and the work is to be completed within 90 calendar days from receipt of a notice.

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

**REQUEST TO APPROVE AGREEMENT WITH
EMERGENCY RADIO SERVICE, INC.**

Legal Contracts and Claims Manager Keitha Windsor requested Board approval to renew a service contract with Emergency Radio Service, Inc. to provide a service maintenance program for Goshen Street Department's UHF Radio System. The agreement term is for one year from September 1st, 2016 through August 31st, 2017 for a cost of \$6,771.60.

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

**REQUEST TO APPROVE DEFICIENCY WAIVER AGREEMENT
& RELEASE OF MORTGAGE**

City Planner Rhonda Yoder requested Board approval of a Deficiency Waiver Agreement and Release of Mortgage. In lieu of foreclosure, Chase Bank has agreed to approve a Deed in Lieu of Foreclosure, provided the subordinate lien holders, including the City of Goshen, waive all rights to the remaining debt. The City of Goshen mortgage is a deferred mortgage in the amount of \$4,505.64, resulting from CDBG owner-occupied housing rehabilitation assistance provided in Program Year 2009, Activity #183.

A BPO (Broker Price Opinion) was conducted on March 3rd, 2016, with the following results:

- \$49,500.00, market price
- \$87,300.00, assessed value (March 1st, 2015)
- \$78,986.35, Chase Bank mortgage balance
- \$4,505.64, City of Goshen mortgage balance

Because the foreclosure process would likely result in no proceeds available to pay the City’s mortgage, and would cost the City money, it is recommended that the Deficiency Waiver Agreement and Release of Mortgage be approved, and the Mayor authorized to execute the agreement. Approval will also likely decrease the period of time that the house is vacant.

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

**REQUEST TO APPROVE 2016 COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) SUB-RECIPIENT AGREEMENTS**

City Planner Rhonda Yoder requested Board approval of the sub-recipient agreements and authorizes the Mayor to sign the agreements for the CDBG planning and public service grants for Program Year 2016 as outlined below:

Planning Grant (for neighborhood outreach):

LaCasa, Inc. \$5,000.00

Public Service Grants:

Boys & Girls Clubs of Elkhart County – Goshen Club	\$ 7,500.00
Center for Healing and Hope	\$ 5,000.00
Council on Aging of Elkhart County	\$ 5,000.00
Goshen Interfaith Hospitality Network	\$ 9,500.00
Maple City Health Care Center, Inc.	\$ 4,500.00
Walnut Hill Early Childhood Center	\$11,500.00

Public Service & Planning Grants Total \$48,000.00

The public service grants will be used to fund access to medicine, an early childhood education scholarship program, daily nutrition programs, senior transportation and a program to increase availability of primary healthcare.

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

**REQUEST TO APPROVE RESOLUTION 2016-Q: APPROVE
AND AUTHORIZE EXECUTION OF AGREEMENT FOR THE SALE,
PURCHASE, AND DEVELOPMENT OF REAL ESTATE WITH EMMERT GROUP
PROPERTIES, LLC FOR THE US 33 REAL ESTATE**

Legal Compliance Administrator Shannon Marks requested Board approval of Resolution 2016-Q, Approve and Authorize Execution of Agreement for the Sale, Purchase, and Development of Real Estate with Emmert Group Properties, LLC for the US 33 Real Estate. The Goshen Redevelopment Commission sought proposals for the purchase and development of two parcels of real estate located on the west side of US 33 between Fairfield Avenue on the north and the Holiday Inn Express and Suites on the south (US 33 Real Estate). Emmert Group Properties, LLC submitted a proposal to develop the US 33 Real Estate, and Redevelopment and Emmert Group Properties, LLC have negotiated an agreement for the purchase and development of the

real estate. The agreement includes provisions regarding the construction of public infrastructure which is under the jurisdiction of the Goshen Board of Public Works and Safety.

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

REQUEST TO APPROVE RESOLUTION 2016-R: APPROVE AND AUTHORIZE EXECUTION OF REIMBURSEMENT AGREEMENT WITH MA INVESTMENTS, WATERFORD COMMONS BUSINESS PARK, LLC AND WATERFORD DEVELOPMENT CORP. FOR WATERFORD COMMONS BUSINESS PARK

Legal Compliance Administrator Shannon Marks requested Board approval of Resolution 2016-R, Approve and Authorize Execution of Reimbursement Agreement with MA Investments, Waterford Commons Business Park, LLC and Waterford Development Corp. for Waterford Commons Business Park. The Goshen Redevelopment Commission authorized the negotiation of a TIF Reimbursement Agreement with the developers of the Waterford Commons Business Park. The agreement includes provisions regarding the construction of public infrastructure which is under the jurisdiction of the Goshen Board of Public Works and Safety.

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

REQUEST TO APPROVE RESOLUTION TO DECLARE AS SURPLUS & APPROVAL TO DISPOSE OF SURPLUS PROPERTY

Legal Contracts and Claims Manager Keitha Windsor requested Board approval to Declare as Surplus and Approval of Disposal of Surplus Property. The City wishes to have a Royer Dirt Shredder, Serial No. 365-79-479, which was purchased in 2005, to be declared as surplus property and to dispose of the surplus property in accordance with IC 5-22-22:

The Board of Public Works and Safety is requested to:

1. Declare the above equipment as surplus property; and
2. Resolve 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.

PRIVILEGE OF THE FLOOR

Richard Kidder of 217 West Wilden Avenue requested Board approval for an extension of time for his Neighborhood Preservation Ordinance violations. Mr. Kidder stated to the Board the setbacks he has faced with the property and his health. The Board discusses the date when it was supposed to be up to code. Mayor Stutsman stated he would like to stick to the hearing date and then come back and discuss what needs to be done.

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 STORM WATER BOARD:

MAYOR JEREMY STUTSMAN _____

BOARD MEMBER MITCHELL DAY _____

BOARD MEMBER MICHAEL A. LANDIS _____

ATTEST _____
CLERK-TREASURER TINA M. BONTRAGER