

**BOARD OF PUBLIC WORKS AND SAFETY AND STORM WATER BOARD  
MEETING HELD SEPTEMBER 12, 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 September 12, 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 Office Assistants, City Attorney, Assistant City Planner, Fire Chief, Police Chief, Building Inspectors Grise & Bice, Street Commissioner & Assistant Street Commissioner, Legal Contracts and Claims Manager, Assistant Park Superintendent, Assistant Superintendent of Waste Water, Superintendent of Water and Sewer, Utilities 1st Deputy, Administrative Utilities Engineer, Central Garage Fleet Manager, Community Development, - Administrative Legal Assistant, Communications Coordinator.

**OPEN BIDS FOR DIRT SHREDDER AND PHASE I DEMOLITION**

Mayor Stutsman opened the following bids:

**Royer Dirt Shredder – SN 365-79-479**

Dewayne Bontrager: \$2,500.00

Motion by Mayor Stutsman to refer bid to Legal Department. Second by Board Member Day and motion passed unanimously.

**Phase I Demolition 828 E. Lincoln Avenue – Project B16-09-012**

R & R Excavating	\$26,050.00
JW Concrete & Excavating	\$29,200.00
Beer & Slabaugh, Inc.	\$46,460.00
Martin Enterprises, Inc.	\$65,000.00

Motion by Mayor Stutsman to refer bids to Legal Department. Second by Board Member Landis and motion passed unanimously.

**REQUEST TO CONDUCT EVENT AT GOSHEN BREWING**

Jesse Sensinig requested Board approval to hold an event at Goshen Brewing Co., 315 W. Washington Street on September 16, 2016 scheduled for 5:00 pm to 10:00 pm with Ignition Music as the show promoter. Goshen Brewing is responsible for the required permits, grounds and security for the event. Ignition Garage is responsible for the stage, sound and musical promotion for this event.

Previous approval had been given by the Board in June for two events, the previous being on June 17, 2016. The Board requested a review before the second event to address any concerns or

issues. Discussion began regarding damages, surrounding business support, parking availability, electrical usage for a minimal charge, and concerns by Streets Department for closing a City parking lot.

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

**REQUEST TO CLOSE WEST DOUGLAS STREET FOR BLOCK PARTY**

Kay Mable of 316 West Douglas Street, Goshen requested Board approval to close West Douglas Street from River Race Drive to the end of the street on October 3, 2016 from 5:00 pm to 7:30 pm for a Block Party. West Douglas from River Race Drive to S. 3<sup>rd</sup> Street will remain open. All neighbors have signed a petition to close the street for the block party.

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

**REQUEST TO CLOSE THE 700 BLOCK OF SOUTH EMERSON STREET FOR THE SHANKLIN MILLRACE NEIGHBORHOOD PICNIC**

Troy Vandermay, on behalf of the Shanklin Millrace Neighborhood Association, requested Board approval to close the 700 block of S. Emerson Street between Douglas Street and Garfield Street on October 8, 2016 from 4:00 pm to 9:00 pm for a neighborhood picnic.

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

**REQUEST TO INSTALL A WALK-IN FREEZER INSIDE THE VAULT AT 123 E. LINCOLN**

Eric Kanagy, on behalf of Pizzeria Venturi LLC., requested Board approval to install a walk-in freezer inside the vault under sidewalk in front of 123 E. Lincoln Ave., Goshen. The vault was reconstructed in the 1990's and the slab ceiling is in excellent shape, no signs leaks or previous leaks since the vault was constructed. Maust Architects has done an observational assessment and certified the vault in good condition. They will be leaving space in the vault for future inspections. Walk-in freezer comes in sections and can be dis-assembled if required for inspection purposes.

Discussion began on concerns for sidewalk repairs/replacement and possible relocation of the walk-in freezer to a basement location rather than in the vault. City Attorney, Larry Barks suggested to let installation proceed and do a review in five years for the moving of the walk-in freezer from the vault to the location's basement or when a sidewalk repair/replacement must be done.

Mayor Stutsman motioned to table this request for further site review and language re-working of the installation plan/agreement then revisit at the September 19<sup>th</sup> Board of Works and Safety meeting. Second by Board Member Landis and motion passed unanimously.

**REQUEST TO APPROVE RESOLUTION S-2016: AGREEMENT WITH  
STATE FOR IMPROVEMENTS AT SR 15 AND CR 38**

City Attorney Larry Barkes requested Board approval for execution of Interlocal Cooperative Agreement with the State of Indiana for intersection improvements at State Road 15 and Kercher Road/County Road 38.

The City of Goshen and Elkhart County have entered into an Interlocal Agreement for the design and reconstruction of Kercher Road/County Road 38 and State Road 15 intersection. The City and County agreed to seek financial participation through InDOT for improvements to the intersection.

The State of Indiana agrees to reimburse City an amount not to exceed \$225,000.00 for the actual cost of the work under the Project that is completed within InDOT's right-of-way pursuant to the terms of the Interlocal Cooperative Agreement. Indiana Code § 36-1-7 provides that a power that may be exercised by a political subdivision and by one or more governmental entities may be exercised by one entity on behalf of another political subdivision if the entities enter into a written agreement.

This Resolution and Agreement shall replace the Resolution previously adopted by the Board on June 16, 2014.

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

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

Legal Contracts and Claims Manager Keitha Windsor requested Board approval to declare surplus property and approve disposal of surplus property.

**2002 F250 Ford Truck VIN 1FTNF21L42ED12465** to be declared as surplus property and to donate the surplus property in accordance with IC 36-1-11 to the Boys and Girls Club of America, a non-profit corporation that is exempt from Federal Income Taxation under Section 501 of the Internal Revenue Code.

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

**City's Fire Department clothing/equipment listed** request to declare as surplus property and to dispose of the surplus property in accordance with IC 5-22-22:

- 19 rolls of 1 ¾ inch cloth jacketed fire hose, 15 rolls of 2 ½ inch cloth jacketed fire,
- 11 rolls of 3 inch cloth jacketed fire hose, 5 yellow rain coats, 10 pair fire gloves,
- 3 suspenders, 2 Cairns fire helmets, Pro Warrington fire boots, 8W serial # wp311058348 and 12W serial # wp3110291887

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

**REQUEST TO RE-EVALUATE OLIVE STREET  
NO PARKING SIGNS JN: 2016-0008**

Administrative Utilities Engineer Dustin Sailor requested Board approval to reconsider the Mayor's Traffic Commissions JN: 2016-0008 installation of Olive Street "No Parking" signs approved at the August 22, 2016 Board meeting.

The installation of the "No Parking" signs on the East side of the 200 block of Olive Street has caused a hardship to a resident and he has come forth explaining that he has 6 drivers residing at his home with 6 cars and only has 4 parking spaces. Lionshead requested the installation of the signs due to damage of the yard they maintain on the City's right-of-way.

Request is for the Board to look into some type of compromise to accommodate the extra vehicles. Discussion began on previous solutions offered to Lionshead from the Street's Department prior to the sign installation which were refused.

Mayor Stutsman made a motion to table until all parties are contacted and staff brings back to a future Board meeting. Second by Board Member Landis and motion passed unanimously.

**NOTICE OF PUBLIC INFORMATION FOR EASTLAKE ATHLETIC CLUB STORM  
SEWER SMOKE TESTING**

Administrative Utilities Engineer Dustin Sailor notified the Board that on September 13, 2016 Goshen Engineering will be smoke testing the storm sewer at the Eastlake athletic Club located at 1400 Fairfield Avenue. The potentially affected area will be the Eastlake Athletic Club and Fairfield Avenue between Lincolnway East and South 16<sup>th</sup> Street. The tracer smoke that will be pumped into the sewer is non-toxic, but residents and businesses in the area are requested to check their plumbing to make sure drain traps are filled with water. Goshen Utility personnel will distribute notification flyers to residents and businesses that are within the potential reach of the tracer smoke.

**REQUEST TO APPROVE SIDEWALK AND CURB 50/50 PROGRAM JN: 2016-0001**

Administrative Utilities Engineer Dustin Sailor requested Board approval of Sidewalk & Curb 50/50 Program Agreement with Abel Pizana to replace the sidewalk at 401 W. Oakridge Avenue. The total cost is \$2,697.00 and the City's portion would be \$1,348.50. Mr. Pizana has already submitted his payment of \$1,348.50.

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

**REQUEST TO APPROVE SIDEWALK AND CURB 50/50 PROGRAM JN: 2016-0001**

Administrative Utilities Engineer Dustin Sailor requested Board approval of Sidewalk & Curb 50/50 Program Agreement with C-Par to replace the sidewalk and curb at 318 S. 7<sup>th</sup> Street. The total cost is \$3,436.00 and the City's portion would be \$2,012.00. The City is paying 100% for 12 LF of curb the City's Utilities tore out. Mark Bigler has already submitted payment of \$1,424.00

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

**REQUEST TO APPROVE SIDEWALK AND CURB 50/50 PROGRAM JN: 2016-0001**

Administrative Utilities Engineer Dustin Sailor requested Board approval of Sidewalk & Curb 50/50 Program Agreement with Ernie Pletcher to replace the sidewalk and curb at 125 S. Main Street. The total cost is \$2,301.00 and the City's portion would be \$1,150.50. Mr. Pletcher has already submitted his payment of \$575.25 and EID will submit \$575.25.

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

**REQUEST TO APPROVE CHANGE ORDER NO. 3 JN: 2011-0041**

Administrative Utilities Engineer Dustin Sailor requested Board approval of Change Order No.3 for US Highway 33 JN: 2011-0041. The change order reduces the City Wastewater Department cost by \$4,879.71. The cost reduction was offered by the contractor to reuse the existing sanitary structure in the intersection of Lincoln Avenue and 7<sup>th</sup> Street. The Wastewater Department initial investment was \$113,401.50. This reduction will re-establish the participation cost at \$108,521.79.

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

**REQUEST FOR POST-CONSTRUCTION PLAN APPROVAL JN: 2015-2023**

Administrative Utilities Engineer Dustin Sailor requested Board approval:

**Greencroft Park Lot Repaving & Entrance Relocation**

The developer of the Greencroft Paring Lot Repaving & Entrance Relocation project, affecting 1 or more acres of land, has submitted a sufficient post-construction plan that is compliant with Ordinance 4329 "Uniform Requirements for Post-Construction Stormwater Management.

The Stormwater Department requests the Stormwater Board's acceptance to the plan.

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

**REQUEST FOR POST-CONSTRUCTION PLAN APPROVAL JN: 2016-2030**

Administrative Utilities Engineer Dustin Sailor requested Board approval:

**BirMar Manufacturing Expansion**

The property owner of BriMar Manufacturing Expansion, affecting 1 or more acres of land, has submitted sufficient post construction plan that is compliant with Ordinance 4329 "Uniform Requirments for Post-Construction Stormwater Management.

The Stormwater Department requests the Stormwater Board's acceptance to the plan.

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

**COMMISSION APPOINTMENT TO THE ALCOHOLIC BEVERAGE COMMISSION**

Mayor Stutsman was pleased to announce that Larry Sarver is the mayoral appointment to the Alcoholic Beverage Commission. Mr. Sarver is filling a vacated position, and his term ends on December 31, 2016. It is an annual appointment.

**PROCLAMATION: CONSTITUTION WEEK**

Mayor Stutsman stated the following Proclamation:

September 2016 marks the 229<sup>th</sup> anniversary of the drafting of the Constitution for the United States of America by the Constitutional Convention. It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary and to the patriotic celebrations which will commemorate the occasions. Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating Constitution Week.

Therefore, Mayor Stutsman proclaimed the week of September 17 through September 23, 2016 as Constitution Week in the City of Goshen, and asked all citizens to reaffirm the ideals of the Framers of the Constitution in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained. Furthermore Mayor Stutsman asked the citizens to reaffirm that these freedoms have been granted to each and every person, and no one person's freedoms will supersede another's.

**REQUEST TO GIVE MAYOR STUTSMAN AUTHORITY TO  
TRANSFER RESPONSIBILITIES FOR EROSION CONTROL**

City Attorney Larry Barkes requested Board approval to give Mayor Stutsman authority to transfer Responsibilities for Erosion Control from the City of Goshen to the Millrace Neighborhood, LLC.

On April 16, 2014 the City prepared and began implementation of Rule 5 Erosion Control Plan JN: 2011-0036. On April 30, 2015 the Millrace Neighborhood submitted a Stormwater Pollution Prevention Plan for part of the Northeast Quarter of Section 16, Township 36 North Range 6 East, Elkhart Township, Elkhart County, Indiana.

The City has completed all City's developmental obligations covered by the City's Rule 5 Erosion Control Plan and the Stormwater Pollution Prevention Plan submitted by the Millrace Neighborhood located East of the maintenance easement along Millrace Canal and West of River Race Drive.

City and Millrace Neighborhood agree and acknowledge the City has put in place all the requirements of the erosion control measures and agrees to assume responsibilities for the proper maintenance and maintain all erosion control measures in place located on the described area East of the maintenance easement long Millrace Canal and West of River Race Drive.

The City through its contractor, RGB Sales, LLC, will continue to implement and maintain the erosion control plan while the work to stabilize the canal bank is being completed on the West of the maintenance easement. Access to the site will be a drive off Douglas Street. RGB will be

responsible to sweep Douglas Street each time leaving the site and Millrace Neighborhood will track any issues on Douglas Street through another source.

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

**ANNOUNCEMENT OF ROAD CLOSURE FOR JN: 2016-0033**  
**AT WATERFORD COMMONS BUSINESS PARK**

Administrative Utilities Engineer Dustin Sailor announced to the Board that Dierdorff Road (CR 27) will be closed between Kercher Road and Regent Street September 19, 2016. A new water and sanitary sewer main will be installed across Dierdorff Road as part of the new Waterford Commons Business Park located on the West side of the road. Traffic will be detoured on Kercher Road to CR 40 then to US 33.

**PUBLIC HEARING TO REVIEW COMPLIANCE ORDER OF BOARD OF PUBLIC**  
**WORKS AND SAFETY: 1109 EGBERT AVENUE**

Mayor Stutsman opened the public hearing:

Building Inspector Steve Bice addressed the Board that upon his inspection of 1109 Egbert Avenue 2 items still are not completed as previously ordered at the August 1, 2016 Board of Public Works and Safety meeting.

These items were identified as:

1. Clamp on the bathroom drain connection, fernco fitting, has not been properly installed.
2. The broken front window has not been repaired/replaced.

Michelle Korach stated that a new window is on order with Menard's and provided a copy of the receipt for review by the Board.

Board Member Landis made a motion to find the property in compliance except for the items identified as not compliant and the work is to be done within 30 days and an inspection to be done by the Legal or Building Department. If found in compliance there will be no further need to come before the Board. Second by Board Member Day and the motion passed unanimously.

**PUBLIC HEARING TO REVIEW COMPLIANCE ORDER OF BOARD OF PUBLIC**  
**WORKS AND SAFETY: 217 QUEEN STREET**

Building Inspector Steve Bice addressed the Board that all the items on the order addressed at the August 1, 2016 Board of Works and Public Safety meeting have been repaired but are not Code Compliant except for item 3 under the unsafe violations that is compliant.

Mr. Davidhizar addressed the statements regarding the following items on the order and stated he disagreed as they are in compliance.

- Unsafe Violations – 1, 2 a-c
- Additional Violations – 1 a, 2

Discussion resumed with Inspector Bice on what major safety -issues he had the most concern before making a motion. Items identified are: Girder hangers to be replaced with proper hangers and holes in the siding to be covered/blocked.

Mayor Stutsman made a motion to find the property in compliance only if the identified items are corrected within 30 days and the proper authorities are notified. Second by Board Member Landis and the motion passed unanimously.

**PRIVILEGE OF THE FLOOR**

**Bike ride from Goshen Brewing Co:**

Jessie came before the Board to notify there is a bike ride scheduled from the Goshen Brewing Company down Millrace Trail on Saturday, September 17<sup>th</sup>. Maps have been provided and approval from Parks Department has been given. They are expecting between 25 to 50 participants to attend this year. No road blockages or closures are required so no action needs to be done by the Board.

**Request to place 30 yd dumpster for 312 S. Cottage Avenue at curb:**

Doug Martin of Tru-Kote Roofing Systems, on behalf of Greg Kuhns, requested Board approval to place a 30 yard dumpster at the curb for a roofing project at 312 S. Cottage Avenue. Dumpster location will be along the East curb approximately 50 feet North of East/West Alley between Lincoln Hwy and Jefferson St. from September 12 to September 20, 2016.

Street Commissioner Denny Long stated the street is already narrow and placing the dumpster at the curb would narrow it too much to allow any emergency vehicles passage. It was recommended that the dumpster be placed in the alley with access coned off. Street Department will provide the cones. All parties agreed to the relocation.

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

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** \_\_\_\_\_

**CLERK-TREASURER TINA M. BONTRAGER**