

**BOARD OF PUBLIC WORKS AND SAFETY AND STORM WATER BOARD
MEETING HELD OCTOBER 31, 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 October 31, 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 Administrative Assistant, City Attorney, City Planner, Fire Chief, Police Chief, Building Inspector Bice & Grise, Street Commissioner, Legal Contracts and Claims Manager, Legal Compliance Administrator, Mayor's Administrative Assistant Lung, Recreation Supervisor, Superintendent of Waste Water, Superintendent of Water and Sewer, Utilities Billing Office Supervisor, Director of Public Works, Central Garage Fleet Manager, Legal Administrative Assistant.

Minutes of the meeting of September 12th & 19th, 2016 were presented. On motion of Board Member Landis and second by Board Member Day, the minutes were approved as presented.

**REQUEST TO APPROVE REVOCABLE LICENSE TO ENCROACH INTO PUBLIC
RIGHT-OF-WAY AT 123 E. LINCOLN AVENUE**

Venturi owner Eric Kanagy requested Board approval to relocate and install a freezer in the vault in the right-of-way at 123 E. Lincoln Avenue, Goshen. At the September 12, 2016 Board of Public Works and Safety meeting the original request was tabled to allow time to do a further site review and language re-working of the installation plan/agreement. An agreement was achieved and a Revocable License to Encroach into Public Right-of-Way was presented to the Board of Public Works and Safety for review and approval. The continued encroachment into the right of way shall be reviewed by the Board of Works no later than December 1, 2019.

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

**REQUEST TO APPROVE AWNING INSTALLATION OVER
RIGHT-OF-WAY AT 701 S. MAIN**

Mr. Randy Harvell representing Awnings Unlimited, Inc. requested Board approval to install an awning at Shoo-be-doo Salon located at 701 S. Main Street, Goshen, IN. The Standard Statement for Right-of-Way work to be done at the Owner's expense was noted.

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

**REQUEST TO APPROVE AWNING INSTALLATION OVER
RIGHT-OF-WAY AT 101 S. THIRD STREET**

Mr. Randy Harvell representing Awnings Unlimited, Inc. requested Board approval to install 3 awnings at 101 S. Third Street, Goshen, IN. The Standard Statement for Right-of-Way work to be done at the Owner's expense was noted.

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

**REQUEST TO APPROVE AWNING INSTALLATION OVER
RIGHT-OF-WAY AT 127 S. MAIN STREET**

Mr. Randy Harvell, representing Awnings Unlimited, Inc., and Mr. G. Singh, owner of Maple Indian Restaurant, requested Board approval to install an awning at 127 S. Main Street, Goshen, IN in the alley way side of the building. The awning is required for the loading and unloading of the food truck Mr. Singh is currently working on to expand his business to the City of Elkhart, IN.

After a brief discussion with the concerns of the proposed awning being too far into the Right-of-Way, it was decided that a rework of the awning to a retractable one and this request be tabled until a new design is available and can then come before the Board. Mayor Stutsman removed himself from participating in the vote citing personal conflict.

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

**REQUEST TO ACCEPT DEDICATION AND EASEMENT OF PLAT FOR
WATERFORD COMMONS BUSINESS PARK NORTH**

The Planning & Zoning Administrator Rhonda Yoder requested Board approval and Acceptance of Plat for Waterford Commons Business Park North.

The Plan Commission, at their meeting of July 19, 2016, granted primary approval for a 10-lot major industrial subdivision, Waterford Commons Business Park North, PUD, Tract2. The subject property is generally located on the West side of Dierdorff Road, South of Kercher Road, and zoned Industrial M-1 PUD (Planned Unit Development). The subdivision meets the Waterford Commons Business Park PUD and Zoning and Subdivision Ordinance requirements.

Per SO Sections 512 & 812, an overall subdivision drainage plan shall be prepared and certified by a registered engineer or registered land surveyor, submitted to the City Engineer, and approved by the Board of Works before construction begins and secondary approval is granted.

Infrastructure improvements were bid by the City, through an agreement with the developer and Goshen Redevelopment Commission, so a Performance Bond is not required. The plat includes dedication of right of way along the West side of Dierdorff Road, as well as dedication of right of way for a new street, Ardmore Court. The plat includes a number of easements.

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

**REQUEST FOR DRAINAGE PLAN ACCEPTANCE – WATERFORD COMMONS
BUSINESS PARK, TRACT 2 – JN: 2016-0033**

Director of Public Works Dustin Sailor requested Board approval of a Drainage Plan JN: 2016-0033 at Waterford Commons Business Park, Tract 2.

In accordance with the City’s Subdivision Control Ordinance No. 3196, Section 512 “Drainage Plan”, the City’s Engineering Department has reviewed the drainage plan for the Waterford Commons Business Park, Tract 2, located West of Dierdorff Road, South of Kercher Road, North of Regent Street and East of the Waterford Commons Residential Development. Because the development is located within the City of Goshen’s wellhead projection area for the Kercher Wellfield, the development was designed with stormwater retention basins located outside of the delineated wellhead protection area. A stormwater basin is located at the development’s entrance along Dierdorff Road and another is located west of the development lots on vacant land. Each development lot within the subdivision is being permitted to release its stormwater into the City maintained stormwater system to minimize potential groundwater impacts within the wellhead protection area.

After due consideration of the proposed drainage plan for the Waterford Commons Business Park, Tract 2, the Goshen Engineering Department recommends acceptance of the drainage plan.

Please let the records show the City of Goshen is no way guarantees the proposed drainage improvements will adequately function as designed by the developer’s licensed professional, and further the City accepts no liability in conjunction with the acceptance of this drainage plan.

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

**REQUEST TO APPROVE PRIMARY SUBDIVISION PLAT FOR MILL RACE
TOWNHOMES PHASES 1 - 3**

The Planning & Zoning Administrator Rhonda Yoder requested Board approval and Acceptance of Primary Subdivision Plat for Mill Race Townhomes, Phases 1-3.

The Plan Commission at their meeting of September 15, 2015, granted primary approval for a 24-lot major residential subdivision, Mill Race Townhomes. The subject property is Lot 1 of River Race Subdivision, generally located North of Purl Street, South of Monroe Street, between River Race Drive and South 2nd Street, and zoned Commercial B-2 PUD (Planned Unit Development).

The proposed subdivision will create 24 lots for attached single family residential townhomes, in three phases, one building per phase. Because each townhome building will involve common party walls sharing a property line, the final lot lines will be based on as-built drawings at the time of construction, and the secondary subdivision for each phase will be recorded before a Certificate of Occupancy is issued. As a result, the primary subdivision plat, showing the three

phases and associated easements, is being presented for acceptance and will be recorded prior to the start of construction. The subdivision meets the requirements of the Mill Race Townhomes PUD and Goshen Subdivision and Zoning Ordinances.

Per SO Sections 512 & 812, an overall subdivision drainage plan shall be prepared and certified by a Registered Engineer or Registered Land Surveyor, submitted to the City Engineer, and approved by the Board of Works. Acceptance of the subdivision drainage plan is required before the primary plat is recorded.

Infrastructure improvements have already been constructed by the City, through an agreement with Goshen Redevelopment Commission, so construction drawings, utility plans, and a Performance Bond are not required. The plat does not include dedication of right of way, as right of way was dedicated through River Race Subdivision and is not changing. The plat includes a number of easements.

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

**REQUEST TO ACCEPT DRAINAGE PLAN – MATTHEW’S TOWNHOMES
ON THE MILLRACE – JN: 2016-2028**

Director of Public Works Dustin Sailor requested Board approval of a Drainage Plan JN: 2016-2028 Matthew’s Townhomes on the Millrace.

In accordance with the City’s Subdivision Control Ordinance No. 3196, Section 512 “Drainage Plan”, the City’s Engineering Department has reviewed the drainage plan for the Townhomes on the Millrace, located West of River Race Drive, South of Monroe street and North of Purl Street. The development is located within a Brownfield Redevelopment corridor constructed by the City of Goshen. Due to the underlying soils, groundwater infiltration was not made a development requirement and the City provided the development a drainage release into the Purl Street storm sewer. Because the stormwater collected from the Townhomes on the Millrace will be limited to roof runoff, no waterway contamination of any significance is anticipated from this stormwater connection.

After due consideration of the proposed drainage plan for the Townhomes on the Millrace, the Goshen Engineering Department recommends acceptance of the drainage plan.

Mr. Sailor requested the record show the City of Goshen in no way guarantees the proposed drainage improvements will adequately function as designed by the developer’s licensed professional, and further the City accepts no liability in conjunction with the acceptance of this drainage plan.

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

REQUEST TO APPROVE ROAD CLOSURE FOR PIKE STREET
WATER MAIN REPLACEMENT – JN: 2015-0010

Director of Public Works Dustin Sailor requested Board approval of road closures for the Pike Street Water Main Replacement at the Elkhart River.

The list of road closures requested follows:

- Chicago Avenue on the North side of Pike Street
- Oakland Avenue on the North side of Pike Street
- Alley 125 – on the North side of Pike Street
- Denver Street on the North side of Pike Street
- Alley 123 – on the North side of Pike Street

The roads and alleys will be closed starting Tuesday, November 1, 2016 for approximately 1 week, until November 8, 2016. HRP Construction will be directional drilling a new 24” water main underneath the Elkhart River. Goshen Engineering Department has been out to meet with the affected businesses and has explained the pending closure.

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

REQUEST TO APPROVE CHANGE ORDER FOR PLYMOUTH AVENUE TRAIL
CROSSING MODIFICATION – JN: 2015-0051

Director of Public Works Dustin Sailor requested Board approval of Change Order No. 2 for the Plymouth Avenue Trail Crossing Modification.

Change Order #2 includes three items that were not included on the original bid sheet but shown on the original plans. The original contract was \$763,296.49, and this change order increases the contract by \$4,055.00 for a total contract of \$807,522.96. Listed are the items on Change Order No. 2

• Thermoplastic arrows	\$ 660.00
• RPM reflectors	\$3,098.00
• Delineators	<u>\$ 297.00</u>
Total	<u>\$4,055.00</u>

Revised Contract Amount:

• Original Contract Amount	\$763,296.49
• Change Order No.1	\$ 70,171.47
• Change Order No.2	<u>\$ 4,055.00</u>
Total Revised	<u>\$807,522.96</u>

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

REQUEST TO APPROVE TEMPORARY BUS PARKING AREA
AT GOSHEN COMMUNITY SCHOOLS – JN: 2016-2030

Director of Public Works Dustin Sailor requested Board approval of a temporary bus parking area at Goshen Community Schools.

The City has received a site plan from Goshen Community Schools for their new bus parking lot. The plan was reviewed and comments were returned to the school's designer. Even if the site plan could be approved by the City at this late date in the construction season, construction could not take place and be completed before the asphalt plants shutdown around Thanksgiving. The school has requested permission to install a temporary gravel pad at the East end of the old bus parking lot to allow them to operate through the winter. Because the improvements will be temporary, Goshen Engineering and Planning support the school's request.

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

REQUEST TO APPROVE RESOLUTION 2016 – W AUTHORIZING PURCHASE OF STRYKER AMBULANCE COT MOUNTING SYSTEM

Legal Contracts and Claims Manager Keitha Windsor requested Board approval of Resolution 2016-W authorizing the purchase of a Stryker Ambulance Cot Mounting System.

The City's Fire Department wishes to replace the current mounting system that secures their Stryker ambulance cots to the ambulance with a more secure system that also includes the capability of lifting the cot in and out of the ambulance. Stryker Corporation is the only supplier of the mounting system for the City's Stryker ambulance cots.

Indiana Code § 5-22-10-8 allows for a special purchase to be made when the compatibility of equipment or accessories is a substantial consideration in the purchase and only one source meets reasonable requirements.

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

Permission is requested from the Board of Public Works and Safety that the purchase of mounting system for the City's Stryker ambulance cots is approved from the single source supply in accordance with Indiana Code § 5-22-10-8.

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

REQUEST TO APPROVE AGREEMENT TO INSTALL STRYKER AMBULANCE COT MOUNTING SYSTEM

Legal Contracts and Claims Manager Keitha Windsor requested Board approval of installation of ambulance cot mounting system.

The City wishes to have the newly purchased 4 Stryker Power-LOAD system for the City's ambulance cots installed by the Stryker Corporation's approved agent Crossroads Ambulance Sales & Service, LLC. The City wishes to contract with Crossroads Ambulance Sales & Service, LLC to install the replacement mounting systems at the cost of \$980.00 per Stryker Power-LOAD system for a total contract price of \$3,920.00

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

REQUEST TO AMEND THE COLLECTIVE BARGAINING AGREEMENTS

Legal Compliance Administrator Shannon Marks requested Board approval to amend the Collective Bargaining Agreements.

The City and each of three bargaining units have negotiated a 3.5% increase in wages only for 2017 for the positions covered by the respective agreements. The Board's approval and execution are amendments incorporating this wage increase into the agreements with the Fraternal Order of Police Labor Council, Inc., representing the Goshen Lodge No. 81; the Teamsters Local Union No. 364, Affiliated with the International Brotherhood of Teamsters of America; and the Goshen Firefighters Association Local No. 1443, International Association of Firefighters. A request that an additional clause be added to the Bargaining Agreement stating the agreement is for 1 year only.

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

**REQUEST TO APPROVE THE EMPLOYMENT PRECONDITIONS
FOR TRAFFIC ENGINEER NEW HIRE**

Mayor Stutsman requested Board approval on the negotiated vacation and sick time in the contract signed for the hiring of Leslie Biek, Civil City Engineer.

During the interview process with Leslie Biek, it was negotiated and essential to her decision making for choosing the job opportunity of Civil City Engineer with the City of Goshen. Leslie Biek, City Civil Engineer, will be eligible on her hire date of November 7, 2016, for forty (40) hours of vacation time and eight (8) hours of sick time.

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

**PUBLIC HEARING ON ORDER OF THE BOARD OF WORKS:
407 ½ CROSS STREET**

Mayor Stutsman opened the public hearing:

City Attorney Larry Barkes asked if Justin Miller or anyone representing was present on behalf of 407 ½ Cross Street. No response was received.

Building Inspector Steve Bice did a scheduled inspection of the property and it showed there has been no compliance done from a previous order. The inspection revealed there is structural damage to the back of the garage that was not detected in previous inspections. It appears that a vehicle previously hit the structure and caused expansive damage to the block structure.

After a brief discussion and review of the most recent inspection pictures Mayor Stutsman moved to find the following items unsafe:

1. The roof structure is failing - Section 6.3.1.1(20).
2. The exterior walls are failing due to rotting from excessive roof leakage – Section 6.3.1.1 (20).
3. The roof has a large hole near the chimney – Section 6.3.1.1 (2).
4. The kitchen floor has large holes – Section 6.3.1.1 (2).
5. The wall on the South side of the house is not plumb and is pulling away from the chimney – Section 6.3.1.1(14).

Second by Board Member Day and motion passed unanimously.

Mayor Stutsman moved to order the demolition of the property at 407 ½ Cross Street to be done within 45 days of this order. 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 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