

**BOARD OF PUBLIC WORKS AND SAFETY AND STORM WATER BOARD
MEETING HELD JANUARY 9, 2017 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 January 9, 2017, 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, Clerk-Treasurer Administrative Assistants, City Attorney, Assistant City Planner, Police Chief, Assistant Fire Chief, Building Inspector, Street Commissioner, Assistant Street Commissioner, Legal Contracts and Claims Manager, Legal Compliance Administrator, Mayor's Administrative Assistant Lung, Park Superintendent, Superintendent of Waste Water, Assistant Superintendent of Waste Water, Superintendent of Water and Sewer, Utilities Billing Office Supervisor, Director of Public Works, Communications Coordinator.

Minutes of the meeting of November 28, 2016 and December 5, 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—PUMPER-RESCUE FIRE TRUCK

Mayor Stutsman opened the following bids:

BASE BID: New Pumper-Rescue Fire Truck

Global Emergency Products	\$619,800.00
Hoosier Fire Equipment	No Bid

Optional Items

Global Emergency Products	\$83,249.50
Hoosier Fire Equipment	\$26,358.40

Board Member Day moved to refer the bids to the Legal department for review and recommendation. Second by Board Member Landis and motion passed unanimously.

REQUEST TO OPEN BIDS—FERRIC CHLORIDE

Mayor Stutsman opened the following bids:

	Ferric Chloride	Mercury Free/Reduced Ferric Chloride
Rowell Chemical Corp.	No Bid	No Bid
Kemira Water Solutions Inc.	\$0.542/unit	\$0.542/unit

Technologies Inc.	\$0.690/unit	\$0.690/unit
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Mayor Stutsman moved to refer the bids to the Legal Department for review and recommendation. Second by Board Member Landis and motion passed unanimously.

REQUEST TO OPEN BIDS—2017 UTILITIES ELECTRICAL MAINTENANCE FOR WATER & WASTEWATER PN: 2017-0006

Mayor Stutsman opened the following bid:

Middlebury Electric	Item 1: \$22,950.00
	Item 2: \$13,600.00
	Item 3: \$1,360.00
	Item 4: \$100.00
	Item 5: \$55.00
	Item 6: \$75.00

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

REQUEST TO AWARD SALE OF SURPLUS GRAVEL

Legal Contracts & Claims Manager Keitha Windsor requested Board approval to award the sale of surplus gravel. On December 28, 2016, offers were opened for the sale of gravel and top soil that the City had declared as surplus property. There were no offers for the top soil. The following bids were received for the gravel:

Beer & Slabaugh, Inc.	\$7,200.00
Q & E Enterprises, Inc.	\$7,500.00

It is recommended that the Board of Public Works and Safety award the sale of approximately 4,000 yards of gravel to the highest bidder, Q & E Enterprises, Inc., for the amount of \$7,500.00.

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

REQUEST TO APPROVE RELIEF FROM SEWER BILL AT 408 E KERCHER ROAD

Melissa Kinney, homeowner for 408 E Kercher Road, requested Board approval for the relief of her sewer bill. A meter technician for the City was sent to the above address on December 27, 2016 and reported back that the outside spigot was leaking and the water was discharged to the grass in the back of the property. This water did not enter the sewer. The Department of Water and Sewer is recommending a credit of \$278.44 to be applied to the account.

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

REQUEST TO APPROVE ALLOCATION OF 2017 MAINTENANCE REPAIR FUND

Water and Sewer Superintendent Kent Holdren requested Board approval for the allocation of the 2017 Maintenance Repair Fund. As per Ordinance No. 4531, the Board of Public Works and Safety and Stormwater Board are to annually review the Residential Water and Sewer Line Maintenance Repair Fund balances and make a determination on how the \$0.70 repair fee is to be divided and assessed per the monthly water and sewer bills.

The total expenditure in 2016 for water repair costs was \$20,969.69 and for sewer repair costs was \$16,608.44. Based on the expenditure and year-end balance information, it is the Water and Sewer Superintendent's recommendation that \$0.35 be allocated to the Water Fund and \$0.35 be allocated to the Sewer Fund in 2017.

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

REQUEST TO APPROVE AND AUTHORIZE THE EXECUTION OF THE INTERLOCAL AGREEMENT WITH ELKHART COUNTY FOR OPERATION AND MANAGEMENT OF TRAFFIC SIGNALS—RESOLUTION 2017-01

Legal Compliance Administrator Shannon Marks requested Board approval to approve and authorize Resolution 2017-01, the interlocal agreement with Elkhart County for the operation and management of traffic signals. The City of Goshen and Elkhart County have negotiated an agreement in which the County will provide programming, data collection, timing, and other engineering related tasks for the operation and management of traffic signals located in the City of Goshen that are under the City's jurisdiction. Pursuant to Indiana Code § 36-1-7 et seq. a power that may be exercised by one government entity may be exercised by one entity on behalf of another governmental entity if the entities enter into a written agreement.

THEREFORE, BE IT RESOLVED that the Goshen Board of Public Works and Safety approves the terms and conditions and authorizes execution of the Interlocal Agreement with Elkhart County for operation and management of City of Goshen traffic signals attached to and made a part of this resolution.

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

REQUEST TO APPROVE THE JOINT RESOLUTION OF THE COUNTY OF ELKHART, INDIANA AND THE CITY OF GOSHEN, INDIANA FOR THE TRANSFER OF TAX SALES CERTIFICATES—RESOLUTION 2017-02

Legal Compliance Administrator Shannon Marks requested Board approval for the joint resolution of the County of Elkhart, Indiana and the City of Goshen, Indiana for the transfer of Tax Sale Certificates. The County of Elkhart, Indiana ("County") recently conducted and completed its 2016 tax sale pursuant to Indiana Code § 6-1.1-24 et seq. Certain real estate in Elkhart, Indiana was offered for sale in the 2016 tax sale and an amount was not received nor bid equal to or in excess of the minimum sales price prescribed by Indiana Code § 6-1.1-24-5. The County has acquired a lien in the amount of the minimum sales price with respect to the tax sale real estate identified by the parcel numbers shown in Exhibit A ("Tax Sale Real Estate"). The

Elkhart County Auditor has issued tax sale certificates to the County for the Tax Sale Real Estate pursuant to Indiana Code § 6-1.1-24-6 and Indiana Code § 6-1.1-24-9. The City of Goshen, Indiana (“City”), for and on behalf of the City of Goshen Redevelopment Commission, has expressed an interest in acquiring the Tax Sale Real Estate in order to facilitate reuse and redevelopment of the Tax Sale Real Estate for the betterment of the County and City. Indiana Code § 6-1.1-24-9(d) and 36-1-11-8 contemplates the transfer of tax sale certificate interests in real estate between governmental entities upon terms and conditions agreed upon by the entities as evidenced by an adoption of a substantially identical resolution by each entity.

THEREFORE, BE IT RESOLVED jointly by the County of Elkhart, Indiana by and through the Board of Commissioners of the County of Elkhart, Indiana and the City of Goshen, Indiana by and through the Board of Public Works and Safety of the City of Goshen, Indiana, as follows:

1. Following the approval and execution of this resolution by the County and the City, the County agrees to assign and the City agrees to accept assignment of the original tax sale certificates for the Tax Sale Real Estate.
2. The City agrees to follow and comply with the required statutory procedures for the issuance of a tax deed for the Tax Sale Real Estate pursuant to Indiana Code § 6-1.1-25 et seq. Pursuant to Indiana Code § 6-1.1-24-9(d), the period of redemption is one hundred twenty (120) days after the date of assignment. The City agrees to indemnify, defend, and hold harmless the County from any and all claims, demands, actions, causes of action, and liabilities of any nature whatsoever arising from City’s actions and/or omissions with respect to the City obtaining and attempting to obtain a tax deed to the Tax Sale Real Estate and from all judgments therefore, and for all expenses in defending or appealing said matters, including without limitations court costs, attorney fees, and other expenses.
3. In the event City is unsuccessful on obtaining a tax deed to all or any part of the Tax Sale Real Estate and/or all or any part of the Tax Sale Real Estate is redeemed prior to the issuance of a tax deed pursuant to Indiana Code § 6-1.1-25 et seq., City shall return the tax sale certificate to the County for any of the Tax Sale Real Estate parcels for which the City does not obtain a tax deed. City shall have no right nor remedy against the County for any reason whatsoever in the event City is unsuccessful in obtaining a tax deed for all or any part of the Tax Sale Real Estate. In the event that all or any part of the Tax Sale Real Estate is redeemed prior to the issuance of a tax deed pursuant to Indiana Code § 6-1.1-25 et seq., the proceeds of the redemption received by the County shall be applied as required by law irrespective of and as if this resolution did not exist.

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

**REQUEST TO APPROVE VOLUNTARY RESIGNATION FROM RANK OF
DETECTIVE OF J.R. PAULS FOR POLICE DEPARTMENT**

Police Chief Wade Branson requested Board approval for the voluntary resignation from rank of Jennifer R. Pauls from the rank of Detective to the rank of patrol officer retroactive to Friday, January 6, 2017.

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

**REQUEST TO APPROVE PROMOTION OF C.M. MOSHER TO PATROL OFFICER
FOR POLICE DEPARTMENT**

Police Chief Wade Branson requested Board approval to promote Probationary Patrol Officer Corey M. Mosher to the rank of Patrol Officer retroactive to Wednesday, January 4, 2017. Corey has completed his one year of probationary status.

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

**REQUEST TO APPROVE ACCIDENT SETTLEMENT AND SIGN POWER OF
ATTORNEY FOR VEHICLE OWNERSHIP**

Legal Contracts and Claims Manager Keitha Windsor requested Board approval to accept the insurance settlement for the City's 2010 Chevrolet Impala police sedan that was damaged in an accident and is a total loss. Indiana Farmer's Mutual Insurance Company requires a Power of Attorney for the ownership of the vehicle before providing the settlement payment.

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

**REQUEST FOR NIPSCO TEMPORARY CLOSURE OF KERCHER ROAD FROM
NORFOLK SOUTHERN'S RAILROAD TRACKS TO STATE ROAD 15 JN: 2012-0017**

Director of Public Works Dustin Sailor requested Board approval for the temporary closure of Kercher Road. NIPSCO has requested permission to close Kercher Road between Norfolk Southern's Marion Line and State Road 15 in order to make the final gas main connection. The closure will begin January 16, 2017 and will extend through January 20, 2017.

The designated detour will be Kercher Road to Dierdorff Road (north), to Eisenhower Drive North, to Fifteenth Street, to College Avenue. And alternate, but unmarked route to the south will be Kercher Road to Dierdorff Road to Waterford Mills Parkway, which includes the recently completed connection to State Road 15.

Because of traffic impacts experienced last year, notification to the public will begin one week in advance. Postings on the City's Facebook page and the City's website are part of the public notification process.

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

**REQUEST TO APPROVE MECHANICAL LICENSE FOR J.M. BUCHER
AND J.W. DAHLKE**

Building Inspector Myron Grise requested Board approval to issue mechanical licenses to Jeffrey M. Bucher, Jr. and James W. Dahlke.

Jeffrey M. Bucher, Jr., of Edward J. White, Inc., located at 1011 South Michigan Street, South Bend, Indiana, 46601 has met the requirements for a City of Goshen Mechanical License. He achieved a score of 83% on the Prometric Limited Air Conditioning examination taken on September 3, 2014 in Columbus, Indiana.

James W. Dahlke of Bravo Kilo, Inc., located at 4220 Edison Lakes Parkway, Mishawaka, Indiana, 46545 has met the requirements for a City of Goshen Mechanical License. He achieved a score of 80% on the Prometric Master Unlimited Air Conditioning examination taken on December 15, 2015 in Columbus, Indiana.

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

REQUEST TO APPROVE ELECTRICAL LICENSE FOR R.K. SLEETH

Building Inspector Myron Grise requested Board approval to issue an electrical license to Richard K. Sleeth. Richard K. Sleeth of Sleeth Electric, Inc., located at 48W605 Hinkley Road, Big Rock, Illinois, 60511, has met the requirements for a City of Goshen Electrical License. He achieved a score of 92% on the Master Electrical examination taken on October 11, 2014 in Indianapolis, Indiana.

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

**ANNOUNCEMENT OF APPOINTMENTS AND REAPPOINTMENTS TO BOARDS
AND COMMISSIONS**

Mayor Stutsman was pleased to announce the following appointments and reappointments to boards and commissions:

Larry Sarver, Alcoholic Beverage Commission
Ryan Sensenig, Elkhart River Restoration Association
Adam Scharf, Redevelopment Commission
Tom Stump, Redevelopment Commission
Vince Turner, Redevelopment Commission

**NOTIFICATION TO RESCHEDULE BOARD OF PUBLIC WORKS
AND SAFETY MEETING**

Mayor Stutsman Announced that due to the Martin Luther King, Jr. holiday, the Board of Public Works and Safety has been rescheduled from Monday, January 16, 2017 to Friday, January 13, 2017.

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 ANGIE MCKEE