

**BOARD OF PUBLIC WORKS AND SAFETY AND STORMWATER BOARD
MEETING HELD APRIL 17, 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 April 17, 2017, 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, City Planning and Zoning Administrator, Fire Chief, Police Chief, Assistant Building Commissioner, Assistant Street Commissioner, Human Resources Manager, Contracts and Claims Manager, Legal Compliance Administrator, Mayor's Administrative Assistant, Parks and Recreation Superintendent, Wastewater Superintendent, Water and Sewer Superintendent, Utilities Billing Office Manager, Director of Public Works, Civil Traffic Engineer, Central Garage Fleet Maintenance Manager.

REQUEST TO APPROVE VARIANCE FOR WATER TAP AND SEWER TAP

JN: 2016-2009

DJ Construction Project Engineer Dustin Miller requested Board approval for a water/sewer tap variance for the Boys & Girls Club, located at 306 Crescent Street. The Boys & Girls Club is in the process of upgrading the facilities on its campus. Site changes were deemed necessary during construction that included a different garage layout and the addition of water and sewer to the garage space to support program needs. It is DJ Construction's intent to extend water service from the existing building and water meter and extend a sewer service south from the garage addition south to intercept the existing sewer line running east from the southeast corner of the building.

The Boys & Girls Club understands Ordinance 4333, Section 3.03(M) and Ordinance 4290; Section 1(F) covers a subordinate sewer tap and water tap to a primary structure's sewer tap, and requests the Board's permission to service the garage space from the site's existing utilities.

As a condition of approval, the Boys & Girls Club understands the garage will be required to connect to a public sewer main and a public water main should the structure be parceled off from the rest of the campus and sold to another entity.

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

REQUEST TO ACCEPT PLAT FOR GATEWAY SOUTH LOT 3 REPLAT

City Planning and Zoning Administrator Rhonda Yoder requested Board approval for the acceptance of a replat. A subdivision replat has been submitted for Lot 3 of Gateway South, part of a three-lot commercial subdivision. The subject property is generally located on the east side of Gateway South Drive, south of Eisenhower Drive North, and is zoned Commercial B-3 PUD (Planned Unit Development). The Purpose of the replat is to configure a drainage easement to facilitate plans for a parking lot.

Goshen Engineering Department has reviewed and approved the proposed replat, and the Plan Commission is scheduled to review the replat on April 18, 2017, at which time they may grant primary and secondary approval and sign the plat if the Board of Works and Public Safety has accepted and signed the plat. The plat does not include dedication of right-of-way, but does include a number of easements.

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

**REQUEST TO APPROVE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
CONFLICT OF INTEREST DISCLOSURE**

City Planning and Zoning Administrator Rhonda Yoder requested Board approval to accept the CDBG Conflict of Interest Disclosure. Irma Rodriguez, owner and occupant of the property

located at 411 Summit Street, has applied for assistance through LaCasa’s owner-occupied housing rehabilitation program, which receives funding through the City of Goshen’s CDBG program. LaCasa, as a sub-recipient, operates the owner-occupied housing rehabilitation program on behalf of the City.

Irma Rodriguez’s daughter, Jessica Rodriguez, is currently an unpaid intern at LaCasa, and although she has no direct connection to the rehabilitation program and makes no decisions related to the rehabilitation program, a public disclosure and application to HUD for a waiver are required under the regulations which govern the CDBG program.

Board Member Landis moved to acknowledge the Conflict of Interest Disclosure. Second by Board Member Day and motion passed unanimously.

REQUEST TO DECLARE AS AND DISPOSE OF SURPLUS PROPERTY

Contracts and Claims Manager Keitha Windsor requested Board approval to declare the following items as surplus property and to dispose of the surplus property in accordance with Indiana Code §5-22-22:

Tech Department

- 1 HP fax/printer
- 1 HP printer
- 2 Cannon printer
- 1 dex 150 fax
- 2 CRT monitors
- 2 Panasonic phones
- 5 keyboards
- 1 APC battery backup
- 1 zip drive
- 5 CD-ROM drives
- 4 computer towers

Fire Department

- 3 sections of 5 inch supply hose, 35 feet long

Maintenance Department

- 12 foot light pole

The Board of Public Works and Safety is requested to:

1. Declare the above equipment as surplus; and
2. Resolve to dispose of the surplus property in accordance with Indiana Code §5-22-22.

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

REQUEST TO APPROVE RESOLUTION 2017-10—AUTHORIZE ACQUISITION OF REAL ESTATE FROM ELKHART TOWNSHIP OF ELKHART COUNTY, INDIANA

Legal Compliance Administrator Shannon Marks requested Board approval to approve Resolution 2017-10. The City of Goshen, Indiana is planning to make improvements to Kercher Road near the intersection of Dierdorff Road. The City of Goshen, Indiana needs to acquire certain real estate more particularly described in the legal description as Exhibit A and depicted upon the Right-of-Way parcel Plat as Exhibit B, hereinafter referred to as the “Parcel”.

The City of Goshen, Indiana has offered to purchase the Parcel from Elkhart Township of Elkhart County, Indiana, for a total purchase price of Ten Thousand Eight Hundred Fifty and no/100 Dollars (\$10,850.00).

Indiana Code §36-1-11-8 permits the transfer or exchange of property between governmental entities upon terms and conditions agreed upon by the entities as evidenced by the adoption of a substantially identical resolution by each entity.

BE IT RESOLVED by the Goshen Board of Public Works and Safety that the City of Goshen, Indiana is authorized to acquire the Parcel from Elkhart Township of Elkhart County, Indiana, by paying Township a total purchase price of Ten Thousand Eight Hundred Fifty and no/100 Dollars (\$10,850.00) upon Township's execution of a warranty deed conveying the Township's interest in the parcel to the City of Goshen, Indiana.

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

PASSED and ADOPTED by the Goshen Board of Public Works and Safety on April 17, 2017.

REQUEST TO APPROVE RESOLUTION 2017-11—APPROVING AND AUTHORIZING EXECUTION OF THE AGREEMENT WITH STATE OF INDIANA AND NORFOLK SOUTHERN CORPORATION FOR THE RECONSTRUCTION OF RAILROAD-HIGHWAY GRADE CROSSING AND INSTALLATION OF GRADE CROSSING WARNING DEVICES BY FORCE ACCOUNT

Legal Compliance Administrator Shannon Marks requested Board approval to approve Resolution 2017-11. The City of Goshen is reconstructing Kercher Road from Main Street/State Road 15 to Dierdorff Road which crosses the railroad tracks to the east of Main Street/State Road 15, and part of the project will include the installation of new train activated warning devices and reconstructing the grade crossing.

The work required for the installation of new train activated warning devices and reconstructing the grade crossing will be performed by Norfolk Southern Railroad on a force account basis. The City is seeking federal aid funds for this force account project in 2017.

BE IT RESOLVED by the Goshen Board of Public Works and Safety that the terms and conditions of the agreement with the State of Indiana and Norfolk Southern Railroad are approved as attached to and made a part of this resolution, and the Board is authorized to execute the agreement on behalf of the City of Goshen.

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

PASSED and ADOPTED by the Goshen Board of Public Works and Safety on April 17, 2017.

REQUEST TO APPROVE HORN DITCH BANK STABILIZATION CHANGE ORDER #1 JN: 2015-0033

Director of Public Works Dustin Sailor requested Board approval for the Horn Ditch Bank Stabilization Change Order #1. This change order extends the project by 105 calendar days bringing the final completion date to August 11, 2017. The time is needed because of unexpected high water levels in the ditch. The DNR permit for this project also restricts work in the ditch from April 1st until June 30th.

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

REQUEST TO APPROVE LOGAN STREET & MONROE STREET & COTTAGE AVENUE WATER MAIN REPLACEMENT CHANGE ORDER #1 JN: 2014-0072

Director of Public Works Dustin Sailor requested Board approval for the Logan Street & Monroe Street & Cottage Avenue water main replacement change order #1. Due to construction conflicts between the City's water main project and INDOT's bridge project at Lincoln Avenue and the railroad tracks, it has been determined that sheet piling is necessary to protect the new bridge abutment. As an alternative to the sheet piling option, the water main casing would have to be shifted into Lincoln Avenue and would cause the roadway to be closed for up to ten weeks. With all of the other traffic conflicts in Goshen, this option is a concern for traffic movement and public safety.

Rieth-Riley Construction (INDOT's contractor) already has the necessary equipment mobilized within the corridor to place the sheet piling and has offered HRP Construction a favorable price for its installation. The additional cost to install forty linear feet of sheet piling wall is \$35,000.00 and brings the total contract price to \$3,929,289.28, which is a 0.90% cost increase. This change order also includes a 122 day extension for a project completion date of November

20, 2017. This extension is necessary to address delays in receipt of the multiple railroad permits.

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

**REQUEST TO APPROVE HARD SURFACE VARIANCE—
FAITH MENNONITE CHURCH**

Director of Public Works Dustin Sailor requested Board approval for a hard surface variance. Pastor Deron Bergstresser of Faith Mennonite Church has submitted a letter stating that the church has been granted a use variance for their property at 411 South Seventh Street to use two guest rooms as short term transitional housing. The variance requires them to install one additional, hard surface parking space for a total of four parking spaces along the alley behind the property. At 36-feet wide, this addition will exceed the maximum residential driveway width of 24-feet.

Board Member Day moved to table the request until the May 8th meeting of the Board of Public Works and Safety. Second by Board Member Landis and motion passed unanimously.

**REQUEST TO APPROVE KERCHER ROAD RECONSTRUCTION FROM
DIERDORFF ROAD TO US 33 DES # 1401747 JN: 2004-0021**

Director of Public Works Dustin Sailor requested Board approval for the Kercher Road reconstruction from Dierdorff Road to US 33. At the request of the City of Goshen, INDOT solicited a Request for Proposals (RFP) for engineering services for the Kercher Road reconstruction project. The RFP included Design and Right-of-Way services. The contract for the Design and Right-of-Way Engineering services was approved last year. Now is the time in the project to approve the Right-of-Way Acquisition services.

DLZ, Inc. has submitted a LPA-Consulting contract for complete land acquisition services with the following estimated costs.

Right-of-Way Acquisition Services \$236,900.00
(Includes Right-of-Way Project Management and Supervision, Appraisal Services and Review, and Negotiation Services)

The contract is not to exceed \$236,900.00 except if condemnation is required. This project is 80% federally funded with a Transportation Enhancement (TE) grant and 20% locally funded.

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

**REQUEST TO APPROVE CONTRACT AWARD TO R. YODER CONSTRUCTION
FOR NORTH WATER PLANT STANDBY GENERATOR PROJECT PN: 2015-0019**

Director of Public Works Dustin Sailor requested Board approval to award a contract for the North Water Plant Standby Generator Project. On June 20, 2016, the City received bids for the above referenced project. Following are the results:

R. Yoder Construction \$430,489.40
Michiana Contracting \$452,556.00

The Engineering Department requests the Board of Public Works and Safety to award the contract to R. Yoder Construction as the lowest responsive and responsible bidder.

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

**REQUEST TO APPROVE LOGAN STREET & MONROE STREET & COTTAGE
AVENUE WATER MAIN REPLACEMENT ROAD CLOSURE JN: 2014-0072**

Director of Public Works Dustin Sailor requested Board approval for a road closure for the Logan Street & Monroe Street & Cottage Avenue water main replacement. HRP Construction is beginning milling operations on the south bound lane of Logan Street in preparation of water main installation as they are continuing from Monroe Street. Monroe Street will continue to be

one way east from Lincolnway East to Logan Street until the water main testing and services are transferred to the new main and asphalt is replaced.

The traffic control plan calls for one-way traffic on Logan Street to the north between Monroe Street and the Brunk Corp. railroad spur. All traffic will be diverted to exit the corridor on Lincoln Avenue east and west. Work on this stretch of the corridor is estimated to take 11 weeks.

Fliers notifying residents and businesses along Monroe Street and Logan Street were distributed on Friday, April 14th. The closure will begin on April 17th and extend until June 30th, unless otherwise updated.

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

REQUEST TO APPROVE RESOLUTION 2017-12—TITLE VI ASSURANCES
CITY OF GOSHEN, INDIANA

Human Resources Manager Dorene Stahl requested Board approval to accept Resolution 2017-12. The City of Goshen (hereinafter referred to as the “Recipient”) AGREES THAT it will comply with the Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all the requirements imposed by or pursuant to Title 49, Code of Federal Regulations (CFR), Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted programs of the Department of Transportation—Effectuation of the Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes—Implementation and Review Procedures (hereinafter referred to as Regulations) and other pertinent nondiscrimination authorities and directives, to the end that in accordance with the Act, Regulations, and other pertinent nondiscrimination authorities and directives, no person in the United States shall, on the grounds of race, color, or national origin, sex (23 US 324), age (42 U.S.C 6101), disability/handicap (29 USC790), and low income (Executive Order 12898) be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal-Aid Highway Program.

1. That the Recipient agrees that each “program” and each “facility” as defined in 49 CFR subsections 21.23(e) and (b) and 23 CFR 200.5(k) and (g) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all the requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all the solicitations for bids for work or material subject to the Regulations and made in connection with all Federal-Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

The Recipient in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes, issued pursuant to such Acts, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap, religion, and/or low income in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Acts and the Regulations.

4. That the Recipient shall insert the clauses of Appendix B of this assurance, ‘as a covenant running with the land’, in any deed from the United States effecting transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or a part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal-Aid Highway Program; and (b) for the construction or use of an access to space on, over, or under the Federal-Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with All requirements imposed or pursuant to the Act, the Regulations, and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

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

PASSED and ADOPTED by the Goshen Board of Public Works and Safety on April 17, 2017.

REQUEST TO APPROVE RESOLUTION 2017-13—NONDISCRIMINATION POLICY
CITY OF GOSHEN, INDIANA

Human Resources Manager Dorene Stahl requested Board approval to accept Resolution 2017-13. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d) provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794) provides that no otherwise qualified individual with a disability in the United States shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Section 162(a) of the Federal-Aid Highway Act of 1973 (23 U.S.C. §324) provides that no person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under this title [Title 23, United States Code] or carried on under this title [Title 23, United States Code].

The Age Discrimination Act of 1975 (42 U.S.C. §6102) provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or

be subjected to discrimination under, any program or activity receiving Federal financial assistance.

The Civil Rights Restoration Act of 1987 (PL 100-259) amended Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975 to clarify that a recipient of Federal financial assistance must comply with civil rights laws in all operations of the recipient and not just the program or activity receiving the Federal funding.

Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. §12132) provides that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

Presidential Executive Order 12898, Federal Action to Address Environmental Justice in Minority Populations and Low-Income Populations, requires Federal agencies to administer and implement its programs, policies, and activities that affect human health or the environment so as to identify and avoid “disproportionately high and adverse” effects on minority and low-income populations.

Presidential Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, requires recipients of Federal financial assistance to provide meaningful access to programs and activities for persons who, as a result of national origin, are limited in their English proficiency.

For the purposes of this policy the above referenced Federal statutes and executive orders and any other Federal or State law prohibiting discriminatory practices shall be collectively referred to as Nondiscrimination Statutes/Rules/Regulations; and

The City of Goshen, Indiana is a public entity and a recipient of Federal financial assistance for which these Nondiscrimination Statutes/Rules/Regulations apply.

BE IT RESOLVED by the Goshen Board of Public Works and Safety that:

Section 1. Discrimination Prohibited

- 01 It shall be the policy of the City of Goshen, Indiana that no person shall, on the grounds of race, color, national origin, sex, age, income status, or limited English proficiency be excluded from participation in, be denied the benefits of, or be subject to discrimination under any of the City of Goshen’s services, programs, or activities.
- 02 It shall be the policy of the City of Goshen, Indiana that no qualified person with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the City of Goshen, or be subjected to discrimination by the City.

Section 2. Notices.

- 01 Notice of Nondiscrimination. The City of Goshen Notice of Nondiscrimination attached to this policy is the City of Goshen’s notice to inform applicants, participants, beneficiaries, and other interested persons of the protections against discrimination assured by this policy in the services, programs, and activities of the City.
- 02 Notice Under the Americans with Disabilities Act. The City of Goshen Notice Under the Americans with Disabilities Act attached to this policy is the City of Goshen’s notice to inform applicants, participants, beneficiaries, and other interested persons of the protections against discrimination assured by the Title II of the Americans with Disabilities Act and this policy in the services, programs, or activities of the City.
- 03 The Notice of Nondiscrimination and Notice Under the Americans with Disabilities Act shall be provided to the public by posting at all City of Goshen facilities open to the public, distributing to all City of Goshen departments and offices, publishing on the City of Goshen’s website, and presenting in other accessible formats as may be determined from time to time.

Section 3. Title VI Coordinator and ADA Coordinator

The City of Goshen Human Resources Manager is designated as the Title VI Coordinator and ADA Coordinator. The Title VI Coordinator and the ADA Coordination is responsible for coordinating the efforts of the City of Goshen to comply with the Nondiscrimination Statutes/Rules/Regulations/Policies and to assist in processing any complaint communicated to the City alleging discrimination. The Title VI Coordinator and ADA Coordinator may be contacted at:

City of Goshen Human Resources Department
Attention: Title VI Coordinator and ADA Coordinator
204 East Jefferson Street, Suite 3
Goshen, Indiana 46528
Phone: (574)534-8475
TDD: (574)534-3185
Fax: (574)534-2410
Email: humanresources@goshencity.com

Section 4. Grievance Procedure

- 01 The City of Goshen Grievance Procedure Under the Americans with Disabilities Act and Nondiscrimination Policy attached to this policy is the City of Goshen's process for a person to file a complaint of alleged discrimination.
- 02 This grievance procedure shall be provided to the public by posting at all City of Goshen facilities open to the public, distributing to all City of Goshen departments and offices, publishing on the City of Goshen's website, and presenting in all other accessible formats as may be determined from time to time.
- 03 The Title VI Coordinator and ADA Coordinator shall maintain documentation of all complaints received alleging discrimination, resolutions provided, hearings requested, and other pertinent information for at least three (3) years.

Section 5. Title VI Program/Nondiscrimination Implementation Plan

- 01 The Goshen Board of Public Works and Safety shall adopt and annually update a Title VI Program/Nondiscrimination Implementation Plan to ensure continuous compliance with Nondiscrimination Statutes/Rules/Regulations and the City's Nondiscrimination Policy. The Title VI Program/Nondiscrimination Implementation Plan shall include, but is not limited to:
 - A. This policy, including the current notices, Title VI Coordinator and ADA Coordinator information, and grievance procedures.
 - B. Monitoring of program participants and beneficiary demographics and activities promoting compliance with the Title VI Program.
 - C. Process and procedures for handling complaints alleging discrimination.
 - D. Title VI training of staff.
 - E. Title VI Assurances document.
 - F. Annual work plan of Title VI activities and actions.
 - G. Annual accomplishment report highlighting efforts to ensure nondiscrimination practices in all City of Goshen activities.

Section 6. Miscellaneous

- 01 The notices and grievance procedure under this policy shall be updated as needed with the name of the current individual employed as the Human Resources Manager and designated as the Title VI Coordinator and the ADA Coordinator without amending this resolution.
- 02 Resolution 2011-Q, A Resolution of the City of Goshen Board of Public Works and Safety Adopting the Americans with Disabilities Act (ADA) Accessibility Guidelines for Standards for Accessible Design and Guidelines for Pedestrian Facilities in the Public Right-of-Way, adopted December 12, 2011 continues in full force and effect.

- 03 Resolution 2012-J, Adopting the Americans with Disabilities Act Transition Plan for Pedestrian Facilities in the Public Right-of-Way, adopted July 9, 2012, continues in full force and effect.
- 04 This policy specifically repeals and replaces Resolution 2011-P, A Resolution of the City of Goshen's Board of Public Works and Safety Adopting the Americans with Disabilities Act (ADA) ADA Coordinator and Procedures, adopted December 12, 2011.

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

PASSED and ADOPTED by the Goshen Board of Public Works and Safety on April 17, 2017.

REQUEST TO APPROVE TEMPORARY PAY CHANGE FOR L. BROWN

City attorney Larry Barkes asked for Board approval for a temporary pay change for Assistant Street Commissioner Larry Brown. Due to the absence of Street Commissioner Denny Long, it is recommended that Assistant Street Commissioner Larry Brown assume the duties of Street Commissioner. This action is retroactive to, and effective, Friday, April 14, and will remain in effect until Street Commissioner Long returns from leave. Assistant Street Commissioner Long is to receive Street Commissioner's pay during the same time period.

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

REQUEST TO APPROVE KERCHER ROAD AND SR 15 INTERSECTION IMPROVEMENT ROAD CLOSURES PN: 2012-0017

Director of Public Works Dustin Sailor announced that Elkhart County and the City of Goshen Engineering Departments have been working closely on the intersection improvement at Kercher Road and SR 15. The first phase of the intersection project is scheduled to begin April 24, 2017, with installation of a storm pipe across SR 15. Traffic on SR 15 will be limited to one lane during the work day Monday, April 24th, and Tuesday, April 25th. Flaggers will be utilized to control traffic during these two days. The full closure of Kercher Road (CR 38) from SR 15 to the railroad crossing is scheduled to begin Wednesday, May 3rd. The work is anticipated to take three weeks. The work will include removal of the existing asphalt pavement. The posted detour route will direct traffic onto Dierdorff Road to Waterford Mills Parkway to SR 15. Once Kercher Road east of SR 15 is complete, the road will be reopened to SR 15. SR 15 will remain open to traffic throughout the project with some lane restrictions and delays.

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

REQUEST TO APPROVE AGREEMENT FOR EASEMENT

Legal Compliance Manager Shannon Marks requested Board approval for an Agreement with and Easement from Denise R. Kerns, or the successor, as Trustee of the Doris Yoder Family Trust under the agreement dated the 6th day of June, 2016, and Doris O. Yoder. The City is constructing a sewer main project from County Road 40 south to the Goshen Municipal Airport which required the acquisition of an easement.

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

**PUBLIC HEARING ON ORDER OF THE BOARD OF PUBLIC WORKS AND SAFETY:
304 QUEEN STREET**

Mayor Stutsman opened the public hearing:

City Attorney Larry Barkes asked if there was anyone present to represent 304 Queen Street. Mr. Raul Ochoa Matta purchased the property at a tax sale and was present for the hearing. Mr. Mata was informed that this was an informational hearing to notify all parties with an interest in the property of the actions against the property. The Board advised Mr. Matta that the current property owners have the option to pay the tax bill and retain ownership of the property, so there was no action currently available to him. Once the deadline for the current property owners to

redeem their property has expired, Mr. Matta can move forward with property repairs and improvements.

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