

**BOARD OF PUBLIC WORKS AND SAFETY AND STORMWATER BOARD
MEETING HELD NOVEMBER 20, 2017, GOSHEN, INDIANA**

The Board of Public Works and Safety and Stormwater Board of the City of Goshen met in the Council Chambers, 111 East Jefferson Street on November 20, 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 Administrative Assistants, City Attorney, City Planning and Zoning Administrator, Assistant Fire Chief, Police Chief, Street Commissioner, Assistant Street Commissioner, 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, Central Garage Fleet Maintenance Manager.

Minutes of the meeting of November 6, 2017 were presented. On motion of Board Member Day and second by Board Member Landis, the minutes were approved as presented.

REQUEST TO APPROVE ONE YEAR REVIEW—MAPLE INDIAN CUISINE

City Attorney Larry Barkes requested Board approval for the one year review for Maple Indian Cuisine. At the November 21, 2016 Board of Public Works and Safety meeting, Mr. Bobby Singh, owner of Maple Indian Cuisine at 127 South Main Street, requested and was approved by the Board to allow an extension of the awning into the right-of-way as well as approval to close the alley to allow loading, unloading, and cleaning of food trucks. At the November 21, 2016 Board of Works meeting, Mr. Singh obtained approval for one year to encroach into the alleyway for loading, unloading, and cleaning of food trucks, as well as allowance of the awning into the alleyway. Mr. Singh was to have reappeared before the Board to address any concerns one year later. It is requested that the Board permit the encroachment to continue until further action by the Board of Public Works and Safety. It is further requested that the Board remove the condition of annual review.

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

**REQUEST TO APPROVE MOVING UNPAID UTILITY ACCOUNTS TO
COLLECTIONS, SEWER LIENS, AND WRITE-OFFS**

Utilities Billing Manager Kelly Saenz requested Board approval to move unpaid Utilities accounts to Collections, Sewer Liens, and Write-Offs. The original amount of unpaid final Water/Sewer accounts for this period was \$3,782.71. Collection letters were sent out and payments of \$1,457.97 has been collected. The uncollected amount equals \$2,324.74 and is broken down into the following:

Water: \$1,910.43
Sewer: \$414.31

These are accounts that were for the most part finalized through Wednesday, June 21, 2017.

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

**REQUEST TO APPROVE PARTIAL RELEASE OF JUDGMENT—922 EAST
LINCOLN AVENUE**

Legal Compliance Administrator Shannon Marks requested Board approval for a partial release of judgment. The City of Goshen is in the process of selling a portion of the real estate at 922 East Lincoln Avenue. In order for the City to convey clear title to the real estate, it is necessary for the City to partially release a judgment entered against the real estate. On behalf of the City of Goshen, Indiana, it is recommended that the Board release the real estate for judgment entered on August 14, 2009 in favor of the Goshen City Plan Commission against Augustin Ramirez in

the amount of One Thousand Five Hundred Dollars (\$1,500.00), plus interest and costs, if any, under Cause No. 20D03-0801-PL-00001 in Elkhart Superior Court 3, Elkhart, Indiana. This partial release only applies to the real estate and does not otherwise release or affect the judgment.

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

REQUEST TO APPROVE OCCUPANCY PERMIT—LIONSHEAD DEVELOPMENT, LLC AND MAJORITY BUILDERS, INC.

Legal Compliance Administrator Shannon Marks requested Board approval for an Occupancy Permit Agreement with Lionshead Development, LLC and Majority Builders, Inc. for the new building addition constructed at 305 Steury Avenue, Goshen. The construction project is now substantially complete except for certain exterior work that cannot be completed due to weather conditions.

Lionshead, LLC and Majority Builders, Inc. agree to complete all remaining work as soon as conditions permit, but no later than June 15, 2018. Upon the execution of the agreement and delivery of surety in the amount of \$63,150.00 to insure the timely completion of the remaining work, the City will issue a certificate of occupancy for the location.

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

REQUEST TO APPROVE CONTRACT—BORDEN WASTE-AWAY SERVICE, INC.

Legal Compliance Administrator Shannon Marks requested Board approval for a contract with Borden Waste-Away Service, Inc. The Board of Public Works and Safety awarded the bid for solid waste collection services to Borden Waste-Away Service, Inc. as the lowest responsible and responsive bidder on October 9, 2017. It is recommended that the Board approve and execute the contract with Borden Waste-Away Service, Inc.

The contract is based on a 51- month term with services beginning February 1, 2018. Services include solid waste collection from each eligible residence, city buildings and facilities solid waste collection and recycling services, and public trash receptacles solid waste collection. Compensation for these services is based on \$92.15 per ton of solid waste collected and transported to the Elkhart County Landfill. Also included is solid waste collection for City project and events in which Borden will supply roll-off containers when needed at the rate of \$190.00 per container delivered with the waste collected and transported to the Elkhart County Landfill. The City will pay the Elkhart County Landfill directly for the tonnage of waste disposed.

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

REQUEST TO APPROVE AGREEMENT—FACILITY MECHANICAL SERVICES

Legal Compliance Administrator Shannon Marks requested Board approval for an agreement with Facility Mechanical Services. The City needs to replace the roof top heating unit for the CSO Building #280 that burned up on the inside and solicited quotes from Facility Mechanical Services, Goshen Plumbing & Heating, and Havel. Havel and Facility Mechanical Services submitted quotes with Facility Mechanical Services being the lowest. The City wishes to contract with Facility Mechanical Services to remove the damaged unit and to provide and install the new unit. Work on the project shall be completed by January 31, 2018 and the total cost shall not exceed \$13,250.23.

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)
SUB-RECIPIENT AGREEMENT FOR OWNER-OCCUPIED HOUSING
REHABILITATION--LACASA**

CDBG Administrator Rhonda Yoder requested Board approval for a CDBG sub-recipient agreement with LaCasa for the owner-occupied housing rehabilitation program and authorize the Mayor to sign the agreement.

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

**REQUEST TO APPROVE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
INSTALLMENT PAYMENT REQUEST**

CDBG Administrator Rhonda Yoder requested Board approval for an installment payment request for a CDBG owner-occupied housing rehabilitation project from Activity #208, Project Year 2012. The homeowner is recently deceased, and a child is the owner through a Quit Claim Deed that was recorded before the homeowner died. The child is taking care of the estate and has submitted a request to pay the CDBG deferred mortgage installment payments over a period of one year.

A deferred real estate mortgage for CDBG was recorded for a total of \$3,200.00 to be paid upon conveyance, death of owner, foreclosure, rental, or vacancy. Monthly payments in the amount of \$266.67 are proposed.

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

REQUEST TO ACCEPT PLAT FOR KEYSTONE SQUARE THIRTEENTH

City Planning and Zoning Administrator Rhonda Yoder requested Board approval for the acceptance of a plat for Keystone Square Thirteenth. The secondary subdivision has been submitted for Keystone Square Thirteenth (Lot 17). The subject property is generally located at the southeast corner of Keystone Drive and Ashburn Drive and is zoned Commercial B-3 PUD (Planned Unit Development), part of Keystone Square commercial subdivision that was granted primary approval by the Plan Commission on July 18, 2000.

Following primary subdivision approval, secondary subdivision approval has been granted for twelve phases, including lots 1-12, Lot 13A and B, Lots 15-16, and various rights of way. Keystone Square Thirteenth includes one lot, Lot 17. The subdivision meets the Keystone Square {UD and Zoning and Subdivision Ordinance (SO) requirements.

Per SO Sections 512 and 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 Public Works and Safety before construction begins and secondary approval is granted. No surety/performance bond is required as all infrastructure is existing.

The plat does not include dedication of right of way, but does include a number of easements. There are several easements that are only partially within Lot 17, and one adjacent easement, that are being recorded as part of a document titled *Common And Cross-Access And Drainage easements, for lots Seven (7), Seventeen (17) And Other Land In Keystone Square, A Planned Unit Development* dated April 11, 2017, which will be recorded when the plat is recorded, with the instrument number then added to the plat for reference before the plat is recorded.

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

**REQUEST FOR DRAINAGE PLAN ACCEPTANCE—KEYSTONE SQUARE
THIRTEENTH JN: 2016-2007**

Director of Public Works Dustin Sailor requested Board approval for a drainage plan. In accordance with the City's Subdivision Control Ordinance 3196, Section 512 "Drainage Plan," the City's Engineering Department has reviewed the drainage plan for the Keystone Square Thirteenth, located within Keystone Square Subdivision at the intersection of Keystone Drive and Ashburn Drive. The new subdivision phase will be the site of a hotel and will utilize drainage improvement established with earlier phases of the development. The development's

proposed drainage improvements will reduce the subdivision’s reserve wetland storage volume, but is not anticipated to have any impacts on the adjoining land and property.

After due consideration of the proposed drainage plan for Keystone Square Thirteenth, the Goshen Engineering Department recommends acceptance of the drainage plan. Please let 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 Day moved to approve the request. Second by Board Member Landis and motion passed unanimously.

REQUEST FOR APPROVAL DICKERSON LANDING PHASE V
CHANGE ORDER #2 PN: 2014-0046

Director of public Works Dustin Sailor requested Board approval for Dickerson Landing Phase 5 Change Order #2. Change Order #2 is a balancing change order. The original contract amount was \$269,589.25; Change Order #1 increased the contract by \$444.00. The final quantities decreased the contract amount by \$3,759.08 for a revised contract amount of \$266,274.17.

Contract Amount	\$269,589.25
Change Order #1	\$ 444.00
Change Order #2	\$ 3,759.08
Revised Contract Amount	\$266,274.17

Board Member Landis moved to approve the request. Second by Board Member Day 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 STORMWATER BOARD:

MAYOR JEREMY STUTSMAN _____

BOARD MEMBER MITCHELL DAY _____

BOARD MEMBER MICHAEL A. LANDIS _____

ATTEST _____
CLERK-TREASURER ANGIE MCKEE