

**BOARD OF PUBLIC WORKS AND SAFETY AND STORMWATER BOARD MEETING
HELD, MARCH 25, 2019, GOSHEN, INDIANA**

The Board of Public Works and Safety and Stormwater Board of the City of Goshen met in the Council Chambers, 111 E. Jefferson St., on March 25, 2019, at 2 p.m. for their weekly Board meeting. Board Member Mike Landis was the presiding officer with members of the Board present or absent as follows:

PRESENT: Board Member Mike Landis, Board Member Mitch Day

ABSENT: Mayor Jeremy Stutsman,

OTHERS:

Clerk-Treas. Admin Assistants
Asst. Brownfield Coordinator
Central Fleet Maint. Manager
Fire Chief
Street Commissioner
~~Human Resources~~
Director of Public Works
~~Wastewater Superintendent~~
Mayor's Admin Assistant

Police Chief
Utilities Office Manager
~~Contracts & Claims Manager~~
Water & Sewer Superintendent
City Attorney
~~Asst. Street Commissioner~~
Civil Traffic Engineer
Brownfield Coordinator
~~Asst. Fire Chief~~

~~Asst. Building Commissioner~~
~~City Planner~~
Assistant City Planner
Legal Compliance Administrator
Communications Coordinator
Assistant Police Chief
Building Inspector
Parks Superintendent

Minutes of the meeting of March 11, 2019, were presented. On motion of Board Member Day and second by Board Member Landis, the minutes were approved as presented.

PRESENTATION OF TWO LIFE SAVING AWARDS

Assistant Police Chief Bill Hubbard presented Life Saving awards to; Lt. Jeremy Welker and Officer Jon McKalips for their actions on January 10, 2019.

The above Officers are being commended for their responses where their fast actions, calm demeanor and decisive intervention that saved an individual's life.

REQUEST TO PROMOTE—SHANE D. MCKERCHIE GFD

Fire Chief Dan Sink requested Board approval for the promotion of Shane D. McKerchie to rank of EMS Lieutenant for the Goshen Fire Department. Shane has passed all of the required tests and standards promotion to the rank of EMS Lieutenant effective March 11, 2019.

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

REQUEST TO PROMOTE—LUCAS L. MASON GFD

Fire Chief Dan Sink requested Board approval for the promotion of Lucas L. Mason to rank of EMS Sergeant for the Goshen Fire Department. Lucas has passed all of the required tests and standards promotion to the rank of EMS Sergeant effective March 11, 2019.

OPEN BIDS FOR LAWN MOWING

Board Member Mike Landis opened the following bids:

COMPANY	BID	+ Fall Cleanup
Yardshark	\$20,270.00	+ 10 sites \$460.00
Sliver Group	\$15,400	+ 10 sites \$585.00

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

**REQUEST TO AWARD QUOTE AND CONTRACT WITH ANCON CONSTRUCTION
FOR TACTICAL FIRE TRAINING FACILITY**

Director of Public Works Dustin Sailor requested Board approval to award and authorize execution of the contract with Ancon Construction for the Tactical Fire Training Facility

At the Board of Works meeting held on March 18, 2019, the Board received bids for the "Tactical Fire Training Facility." Bids were received from Ancon Construction (\$395,930.00) and R. Yoder Construction (\$442,420.10). Both contractors took exception to the bid stating, "The container structures used to form the structure are not manufactured in the United States." Ancon Construction also offered alternative premanufactured grounding units that have been deemed a suitable alternative to the fabricated on-site grounding units.

Indiana Code 5-22-15-21 and City Ordinance 3828 provide that the City shall promote the purchase of supplies manufactured in the United States unless the governing body makes a determination otherwise. At the City Council meeting on March 19, 2019, Resolution 2019-11 was passed and authorized the purchase of steel containers manufactured outside the United States.

Goshen Engineering on behalf of Goshen Fire Department, requests the Board of Works and Safety award the contract to Ancon Construction, as the lowest and responsive bidder.

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

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

City Attorney Larry Barks requested Board approval to have the following equipment declared as surplus property and to dispose of the surplus property in accordance with IC 5-22-22:

HP Laser Jet Printer	Model CD 462A	Serial: CNB9D06722
Brother Laser Jet Printer	Model HL 5140	Serial: U60964H4J521820

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

REQUEST TO APPROVE SEWER RELIEF—114 S. 8th STREET

Carol Fore, resident at 114 S. 8th Street, requested sewer relief in the amount of \$623.16 due to a leak in a crawl space. Water and Sewer Superintendent Kent Holdren, inspected the site and recommended relief be given as the water did not enter the sewer.

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

REQUEST TO APPROVE SEWER RELIEF—304 E. OAKRIDGE AVE B

Carol Marie McClain, resident at 304 E. Oakridge Ave. B, requested sewer relief in the amount of \$137.22 due to a leak in a backyard hose. Water and Sewer Superintendent Kent Holdren, inspected the site and recommended relief be given as the water did not enter the sewer.

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

REQUEST TO SIGN REVISED LETTER OPPOSING 2019 HB 1266

Stormwater Coordinator Jason Kauffman requested Board approval to sign a revised letter opposing 2019 HB 1266.

Last Monday the Stormwater Department provided an update on amendments to HB 1266 and the Board approved the writing of a second letter of opposition to be provided to the Senators on the Senate Environmental Affairs Committee and the Bill's Authors and Sponsors.

The Stormwater Department was not able to write the letter last week so it is being presented to the Board today for consideration and review. Please note, the sections added or changed from the original opposition letter are in bold while the rest of the letter is the same. After review and any requested revisions or additions by the Board, 11 copies of the letter will be provided for your signatures and then they will be mailed and emailed to each person listed on the letters.

At this time there is still no indication of when the Senate Environmental Affairs Committee will meet again to consider HB 1266.

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

**REQUEST TO APPROVE AGREEMENT AND AGREEMENT AMENDMENT WITH
NATIONAL CINEMEDIA LLC (NCM)**

Stormwater Coordinator Jason Kauffman requested Board approval for the execution of an agreement with National CineMedia to provide creative services and to display the City's Public Service Announcement (PSA) at the Linway Cinema, 514 W. Lincoln Ave., Goshen.

By showing the City's PSA to the public, the Goshen Stormwater Department will be fulfilling one of their MS4 requirements to educate the public on stormwater runoff, stormwater pollution and what the public can do to prevent stormwater pollution.

The 15 second PSA will run for 26 weeks on each of the 15 theater screens for a total of 89,906 impressions and on the Lobby screen for a total of 24,299 impressions.

The cost for the impressions is \$3769.97 and for the creative service is \$525 for a total contract price of \$4,294.97.

Additionally the City has amended NCM's "Terms and Conditions" and permission is requested for the Board of Public Works and Safety to enter into this agreement amendment.

Board Member Day moved to enter into the agreement and approve the amendment. Second by Board Member Landis and motion passed unanimously.

REQUEST TO APPROVE AGREEMENT AND AGREEMENT AMENDMENT WITH JARRETT COMPANIES, INC.

City Attorney Larry Barkes requested Board approval for the execution of an agreement with Jarrett Companies, Inc., to provide sewer service to a second building on the same zoning lot through the primary building's sewer service. Buildings are located at 2632 and 2664 Lincolnway East.

This agreement concerns two buildings at 2632 and 2664 Lincolnway East which are under the same ownership and on the same zoning lot, but now occupied by two different entities. Each building is connected directly to the public water main; however the building at 2664 Lincolnway East is connected to the public sewer main through the building at 2632 Lincolnway East. Prior approval from the Board for sewer service to a second building on the same zoning lot through the primary building was never given.

This is to serve as the Board's written approval for sewer service to a second building on the same zoning lot through the primary building's sewer service upon the terms and conditions set forth in the agreement.

Board Member Day moved to enter into the agreement and approve the amendment. Second by Board Member Landis and motion passed unanimously.

REQUEST TO APPROVE WATER AND SEWER AGREEMENT WITH HK NEW PLAN ERP PROPERTY HOLDINGS, LLC AND ACCEPTANCE OF EASEMENTS

City Attorney Larry Barkes requested Board approval for the execution of a Water and Sewer Agreement with HK New Plan ERP Property Holdings, LLC. for the construction of a sanitary sewer main, granting easements to the City for public utilities, and the connection of the buildings being constructed on the Out Parcels at Market Centre to the water main and sewer main.

The water main is already constructed. The Property Owner is agreeing to design the sanitary sewer main by October 31, 2019 and construct the sanitary sewer main by July 31, 2021. Under this

agreement, the Property Owner is agreeing to provide the City with a surety in the amount of \$200,000.00 to insure the timely and proper completion of the design and construction work.

It is also recommended that the Board accept the attached easements for public utilities at this location.

Board Member Day moved to enter into the agreement and accept the easements. Second by Board Member Landis and motion passed unanimously.

REQUEST TO APPROVE REITH RILEY ROAD RESTRICTIONS ON KERCHER ROAD FROM NORFOLK SOUTHERN RAILROAD TO DIERDORFF

Civil Traffic Engineer Leslie Biek requested Board approval on behalf of Rieth Riley to restrict Kercher Road between Norfolk Southern's Marion railroad line and Weymouth starting Monday 3/25/2019 for one month to complete the first half of the Kercher Ph. 1 project. They will keep traffic in both directions open with cones and barricades and will be working on the multi-use path on the south side of the road.

Rieth Riley also requests the complete closure of Kercher from Weymouth to Dierdorff starting 4/1/19. A detour route will be clearly marked with signs directing traffic along Dierdorff road to Waterford Mills Parkway to State Road 15. This phase of the project is expected to be completed by late summer.

Board Member Day moved to approve both requests. Second by Board Member Landis and motion passed unanimously.

REQUEST TO APPROVE 1ST STREET RECONSTRUCTION, ROCK RUN CREEK TO WILDEN AVE. CHANGE ORDER NO. 2 (JN:2014-0053)

Director of Public Works Dustin Sailor requested Board approval for a change order for the First Street Reconstruction, Rock Run Creek to Wilden Ave.

In 2018, Walsh and Kelly was not able to start their work on the project because NIPSCO gas was not able to clear the construction corridor of their utility in the time needed to start the project. With the start of construction in 2019, the contractor found the groundwater elevation to be 3 feet higher than what was shown in contract documents. The additional groundwater height requires dewatering of a larger section of the project, and the contractor is requesting compensation for the additional pumps, generator and outfall protection.

With this change order, the project schedule is also being reset based on the original contract days allotted for the project. 180 calendar days has been added to Walsh and Kelly's start date and for a new completion date of September 9, 2019.

Change Order No. 2 is in the amount of \$52,874.00 which raises the total project cost to \$1,075,582.0 and is a 5.17% increase.

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

REQUEST TO DISPOSE OF UNPAID FINAL UTILITY ACCOUNTS

Utilities Business Office Manager Kelly Saenz requested Board approval to move unpaid final accounts from active to collection, sewer liens, and write-offs. The original amount of unpaid final Water/Sewer accounts for the period was \$8,857.59. Collection letters were sent out and payments of \$4,868.22 have been collected. The uncollected amount equals \$3,989.37. These are accounts that were for the most part finalized through December 21, 2018.

Water:	\$2,416.67
Sewer:	\$1,572.70

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

REQUEST TO APPROVE RESOLUTION 2019-09

City Attorney Larry Barks requested Board approval for Resolution 2019-09 entitled, "DEVELOPMENT AGREEMENT WITH GOSHEN RETAIL LLC."

WHEREAS, Goshen will permit Developer to proceed through the development review process for the Site and construction of the Commercial building and;

WHEREAS, Developer agrees to complete the development requirements prior to the occupancy of the construction project and;

WHEREAS, Developer shall submit a drainage plan for the Site to Goshen Engineering by May 15, 2019 and;

WHEREAS, the drainage plan, including improvement to the stormwater treatment unit if necessary, shall be constructed prior to the City issuing a certificate of occupancy for the commercial building to be constructed on the Site.

NOW, THEREFORE, BE IT RESOLVED that the Goshen Board of Public Works and Safety approves the terms and conditions of the development agreement including the following:

1. All work must be completed on or before September 30, 2019.
2. Upon execution of this agreement, Developer agrees to provide Goshen a surety in the amount of Twenty Five Thousand Dollars (\$25,000.00) to insure the timely and proper completion of the work under the terms of this agreement.
3. Terms of the Development Agreement are approved as submitted.

Board Member Day moved to approve Resolution 2019-09. Second by Board Member Landis and motion passed unanimously.

There being no further business Board Member Landis moved to process claims and then to adjourn. Second by Board Member Day and motion passed unanimously.

BOARD OF PUBLIC WORKS AND SAFETY AND STORMWATER BOARD:

MAYOR JEREMY STUTSMAN _____

BOARD MEMBER MITCHELL DAY *Mitchell Day*

BOARD MEMBER MICHAEL A. LANDIS *Michael A Landis*

ATTEST *Angie McKee*
CLERK-TREASURER ANGIE MCKEE