

**BOARD OF PUBLIC WORKS AND SAFETY AND STORMWATER BOARD MEETING
HELD, AUGUST 12, 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 August 12, 2019, at 2 p.m. for their weekly Board meeting. Board Member Mike Landis was the presiding officer with Mayor Jeremy Stutsman taking over at 2:21:47 with members of the Board present or absent as follows:

PRESENT: Mayor Jeremy Stutsman (arrived at 2:15), Board Member Mitch Day, Board Member Mike Landis

ABSENT:

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~~
Assistant Fire Chief

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

No minutes were presented for approval.

REQUEST TO APPROVE RESOLUTION 2019-22

Legal Compliance Administrator Shannon Marks requested Board approval for Resolution 2019-22 entitled "REQUESTS FOR ACCESS TO PUBLIC RECORDS AND DOCUMENTS."

BE IT RESOLVED that the Goshen Board of Public Works and Safety that A City department or office shall process a request for access to public records and documents as follows:

When your department/office receives a request for a public record or document that your department/office normally maintains (ordinance, resolution, report, meeting minutes, map, agreement, permit, etc.) provide a copy of the public record or document to the person making the request. This includes requests made in person, over the telephone, or in writing by mail, fax or email.

If an individual makes a request for a public record or document, a response must be given to the person as follows:

Request is made in person or by telephone, a response must be given to the person within twenty-four (24) hours of receipt; or

Request is made by mail, fax or email, a response must be given to the person within seventy-two (72) hours of the receipt of the request.

A response can be producing the public record or document, but it also can be an indication of the time period that the public record or document will be provided. If the public record or document is not immediately provided to the individual, a written explanation of why the public record or document cannot be immediately provided must be included.

Immediately forward any public records or documents request to the Legal Department under any of the following circumstances:

- (a) Your department/office receives a request for a public record or document your department/office does not maintain.
- (b) The request is vague or confusing.
- (c) You question whether the public record or document should be provided or if you believe the public record or document should not be provided.
- (d) The request is for public records or documents that are maintained by more than one department/office. (more detail in actual Resolution)

To the extent that your department/office maintains personnel files for your employees, no information should be released from an employee's personnel file without the approval of the Legal Department, except all personnel file information shall be made immediately available to the employee upon the employee's request.

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

REQUEST TO APPROVE ROAD CLOSURE

Mary Anne Ballard, Riding to Remember Co-Chair, is requesting road closure approval for the 21st Annual Riding to Remember Charity ride that will take place Sunday, September 8, 2019 from approximately 3:40 p.m. - 5:00 p.m. She is requesting road closures, no parking signs and barricades. Road closure requested for motorcycle parking on Fifth Street south from Lincoln to Pearl, Jefferson closed from Fifth street west to Main Street for the memorial ceremony, Madison closed until motorcycles are parked and once again when motorcycles depart Goshen. Police department and street departments are ok with request.

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

REQUEST TO APPROVE RESOLUTION 2019-21

Legal Compliance Administrator Shannon Marks requested Board approval for Resolution 2019-21 entitled "SEWER CHARGE ADJUSTMENTS."

WHEREAS the majority of City Utility sewer customers are billed for sewer services based on water consumption as measured by the customer's water meter.

WHEREAS a utility customer may occasionally have damage to a water line or have running water which does not result in the water entering the City's sewer system.

WHEREAS the City had a practice that if the Utility can verify an even which resulted in water consumption, but did not result in the water entering the City's sewer system, the City credits the customer's sewer bill after a hearing before the Goshen Board of Public Works and Safety.

WHEREAS the City wishes to establish a policy that the sewer credit can be granted to the utility customer without requiring a hearing before the Board of Public Works and Safety.

BE IT RESOLVED that the Goshen Board of Public Works and Safety that will permit the Goshen Sewer Utility to credit a customer's sewer account if all of the following circumstances are met unless the Utility through the Director of Public Works or the customer requests a hearing before the Goshen Board of Public Works and Safety:

- (1) The customer informs the Goshen Utilities of the event that led to water usage that did not enter into the City's sewer system as soon as reasonable after the customer becomes aware of the event.
- (2) The Utility is able to confirm that the water did not enter the City's sewer system.
- (3) The credit the customer requests is not more than Five Hundred Dollars (\$500.00)
- (4) The event for which the residential customer requests a sewer credit did not occur between April 15 and October 1 (These are the usage dates for summer sewer. The utility bills which include those usage dates are issued in June through October

IT IS FURTHER RESOLVED that a customer will also receive credit for any late fee imposed as a result of the event leading to the credit if the customer has not had a late fee in the previous twelve (12) months.

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

REQUEST TO APPROVE RESOLUTION 2019-24

Legal Compliance Administrator Shannon Marks requested Board approval for Resolution 2019-24 entitled "INTERLOCAL MEMORANDUM OF UNDERSTANDING FOR 2019 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FORMULA PROGRAM AWARD."

WHEREAS in accordance with the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, the County of Elkhart, City of Elkhart and City of Goshen wish to submit a joint application for fiscal year 2019 JAG funding to be used for permissible criminal justice purposes;

WHEREAS the attached Interlocal Memorandum of Understanding between the three participating units of local government identifies County of Elkhart as the fiscal agent for the JAG funding, and sets forth the amount of funding to be distributed to each unit.

BE IT RESOLVED that the Goshen Board of Public Works and Safety approves the terms and conditions of the Interlocal Memorandum of Understanding for 2019 Edward Byrne Memorial Justice Assistance Grant Formula Program Award between County of Elkhart, City of Elkhart and City of Goshen attached to and made part of this resolution.

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

REQUEST TO APPROVE CDBG SUB-RECIPIENT AGREEMENTS

City Planning and Zoning Administrator Rhonda Yoder requested Board approval for the sub-recipient agreements, and authorize the Mayor to sign the agreements, for the CDBG planning and public service grants for Program Year 2019 as outlined below:

Planning Grant (for neighborhood outreach):

LaCasa, Inc.	\$7,000.00
--------------	------------

Public Service Grants:

Boys and Girls Clubs of Elkhart County--- Goshen Clubs	\$6,975.00
Center for Healing and Hope	\$4,650.00
Council on Aging of Elkhart County	\$4,650.00
Elkhart County Clubhouse	\$2,090.00
Goshen Interfaith Hospitality Network	\$10,450.00
Maple City Health Care Center, Inc.	\$4,650.00
Walnut Hill Early Childhood Center	\$12,750.00

Public Service and Planning Grants Total	\$53,215.00
--	-------------

The public service grants will be used to fund access to medicine, an early childhood education, daily nutrition programs, support for mental health services, senior transportation, and a program to increase availability of primary healthcare.

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

REQUEST TO APPROVE ROAD CLOSURE

Director of Public Works Dustin Sailor has requested Board approval to close a segment of Wilden Avenue.

Walsh & Kelly is scheduled to continue phase two of construction on the First Street Reconstruction Project the week of August 13, 2019.

The new road closure for the continuation of phase two will include construction from the intersection of Wilden Avenue including First Street to Oakridge Avenue. This segment of road is expected to be re-opened to traffic by August 17, 2019.

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

REQUEST TO APPROVE ROAD CLOSURE

Director of Public Works Dustin Sailor, on behalf of HRP Construction, has requested Board approval for the closure of Jefferson Street between 3rd Street and River Race Drive for the safety of the public starting Tuesday, August 13, 2019 and lasting until the project is complete or October 15 whichever comes first. In addition, the west southbound lane restriction on 3rd Street starting Tuesday, August 13 thru August 23, 2019.

The contractor will stage equipment and materials north of Jefferson Street requiring equipment to travel north and south across Jefferson Street as the parking lot is constructed to the south. HRP will be required to allow access on Jefferson Street and River Race Drive to the contractors currently involved with the Hawks Building renovation project. The west southbound lane of 3rd Street will also be restricted during the first several weeks to remove an existing drive approach and install new curb and sidewalk. INDOT requested the existing drive approach removed as part of the INDOT permit required for the parking lot project. The closure of Jefferson Street and the lane restriction on 3rd Street are contingent on the City receiving the approved INDOT permit from JPR.

Rachel Eisenhower of 524 South Third Street and Geri Roth of 413 South Third Street voiced concerns with project.

1. None of the neighbors in the neighborhood were made aware this was happening.
2. If this is a temporary parking lot until the permanent parking lot is finished, what does temporary mean?
3. Requesting a barrier so that headlights don't shine into 413 South Third Street owned by Geri Roth.

Civil Traffic Engineer Leslie Biek addressed the definition of temporary as until the end of construction around the end of October. Parking will be mainly for the offices whose parking has been temporarily displaced during construction of the permanent parking lot. Hawks building residents are not supposed to be parking there.

Mayor Jeremy Stutsman apologized for the oversight of letting the homeowners know what was happening. Barriers would be costly. Signage to remind Hawks building residents they are to park

in their own lot. It is public parking and we cannot control who does or does not park there. Residents can contact Engineering Department. City will look at options.

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

REQUEST TO APPROVE CHANGE ORDER NO. 1

Director of Public Works Dustin Sailor requested Board approval for Change Order No. 1 for Kerry's Kids Inclusive Playground at Hay Park (JN: 2018-0033) in the amount of \$11,840.00

An existing storm pipe along the west side of Minterest Road does not have adequate cover to prevent the storm pipe from future failure. A new section of 12" RCP storm pipe will be installed under the new entrance to the park to prevent future issues with the storm system.

Bid item 28, B-Borrow, has been split into two separate pay amounts. Material hauled on-site by Walsh & Kelly will be paid at the original \$28.00 per cubic yard. B-Borrow material hauled from the adjacent project, Northbrook Subdivision, will be paid at a cost of \$24.00 per cubic yard. The estimated total amount of item 28 did not change.

Change Order No. 1 for \$11,840.00 with Walsh and Kelly, Inc., will increase the project cost from \$492,582.96 to \$504,422.96 which represents a 2.40% increase.

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

REQUEST TO APPROVE CHANGE ORDER NO. 2

Director of Public Works Dustin Sailor requested Board approval for Change Order No. 2 for Tactical Fire Training Facility (JN2017-0017) in the amount of \$6,300.00

The City of Goshen Building Department has recommended the addition of toe kick plates to the interior and exterior staircases. The toe kick plates will prevent the person's foot/leg from being able to slip through the gap between the stair steps, causing injuries.

With the site work completed to date, the additional items fall within the Fire Department's revised budget.

The awarded contract amount was \$395,930.00. With the approval of this change order and previous change orders, the project cost would be increased by \$40,620.00, which is a 10.26% increase. The revised project total cost will be \$426,550.00.

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

REQUEST TO APPROVE RESIGNATION

Fire Chief Dan Sink requested Board approval to accept the resignation of Private Ryan Ule.

Ryan Ule has submitted his letter of resignation from GFD effective August 20, 2019.

We have enjoyed working with Ryan and thank him for his service to GFD and our community. All of us at GFD wish him and Lisa the very best in his new endeavors.

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

PRIVILEGE OF THE FLOOR

Matthew Lind of 407 North 1st Street regarding property at 414 River Avenue and was wondering about the demolition date and be sure there would be action at the next meeting. The house has been an issue for 10 years. If there is further delay he feels all the doors and windows need to be boarded up. Mayor Stutsman drove by the property last week and no work has been done. Attorney Barkes said Mr. Davidhizar has until the next meeting to present a plan and if no plan then the City will move forward with starting the demolition.

PRIVILEGE OF THE FLOOR

Julia King supports what Mr. Lind said about taking care of these kinds of houses.

PRIVILEGE OF THE FLOOR

Jessie of Goshen Brewing Company has a request for use of half of parking lot at Goshen Brewing Company for a concert Saturday September 21, 2019. He checked with Interra and Interra is ok with the request. Mayor Jeremy Stutsman moved to authorize blocking off half of the parking lot at Goshen Brewing Company from 9:00 p.m. Friday September 20, 2019 to midnight Saturday September 21, 2019.

Second by Board Member Landis and motion passed unanimously.

PRIVILEGE OF THE FLOOR

Adam Scharf, downtown building and business owner, says there is near unanimous support for head out angle parking in the 100 Block of East Lincoln Avenue on north side rather than traditional angle parking. People are worried about backing out and getting hit. Adam recognizes the concern of one block different than the other.

PRIVILEGE OF THE FLOOR

City Traffic Engineer Leslie Biek received an email from Norfolk Southern that they would be closing Indiana Avenue for 1 week and detour to Beaver Lane from 8/16/19 to 8/23/19. Leslie asked them to hold a couple of days until Wilden is back open. Mayor Stutsman asked if we could

request that they do not close anything until the contractor is actually present to do the work. Leslie will make the request.

PRIVILEGE OF THE FLOOR

Bill Linebach of 2244 Compton Avenue Elkhart is present on behalf of the Bike Elkhart and (?) Garden Bike ride that will be happening this Saturday August 16, 2019. They anticipate 300 bike riders coming thru between 7:30 a.m. until 3:00 p.m. Mayor Stutsman welcomed them to do the bike ride and thanked them for coming through Goshen.

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 Michael A Landis

ATTEST Angie McKee
CLERK-TREASURER ANGIE MCKEE