

**BOARD OF PUBLIC WORKS AND SAFETY  
AND STORM WATER BOARD MEETING  
HELD APRIL 16, 2007  
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 16, 2007, at 4:00 P.M. for their weekly Board meeting. Mayor Kauffman was the presiding officer with members of the Board present or absent as follows:

PRESENT: Mayor Kauffman, Board Member Stegelmann, Board Member Landis

ABSENT:

OTHERS: Clerk-Treasurer Office Assistant, City Attorney, City Planner, Assistant City Planner, Director of Public Works, Fire Chief, Assistant Police Chief, Building Commissioner, Street Commissioner, Legal Compliance Administrator, Legal Contracts and Claims Manager, Park Superintendent, Park Department Recreation Director, Park Department Maintenance Director, Utilities Superintendent, Utilities Office First Deputy, Cemetery Director.

Minutes of the meeting of April 9, 2007 were presented. On motion of Board Member Stegelmann and second by Board Member Landis, the minutes were approved as presented.

**OPEN BIDS FOR 2007 SIDEWALK PROJECT, PROJECT 2007-0012**

Mayor Kauffman opened the following bids:

- |  |              |
|--|--------------|
| • Reith-Riley Construction<br>Goshen, IN | \$174,763.00 |
| • Selge Construction<br>Niles, MI        | \$154,175.00 |
| • Niblock Excavating<br>Bristol, IN      | \$145,475.00 |

Mayor Kauffman moved to refer the bids to the Engineering Department for review and recommendation at the April 23<sup>rd</sup> Board of Public Works meeting. Second by Board Member Landis and motion passed unanimously.

**REQUEST FOR DOOR TO OPEN INTO RIGHT-OF-WAY**

Michael Rody and Susan Rody, owners of 121 S. Main Street, requested Board approval to install a doorway in the front of the building which would open into the right-of-way onto a 3x3 landing. Mr. and Mrs. Rody stated they are planning to reopen the second floor of their building at 121 S. Main Street and the doorway would provide access for renovation using the existing stairway. Mr. Rody stated the landing would

have rails on each side for public safety. Mrs. Rody stated this would help in returning the building to the way it was originally.

Board Member Landis questioned if the 3x3 landing would be a raised step outside the door. Mr. Rody responded, stating only one step should be necessary as they need a 36" landing for the doorway. Mrs. Rody added that currently they have no way to maintain the upstairs of the building.

Board Member Landis moved to approve the request as presented. Second by Board Member Stegelmann and motion passed unanimously.

Dave Daughtery, Goshen Chamber of Commerce President stated he appreciates their approval of this matter as he had planned to encourage the Board to pass Mr. & Mrs. Rody's request. Mr. Daughtery also agreed that allowing the door to open into the right of way onto a landing will help to restore the historic appearance.

#### **REQUEST TO PLACE DUMPSTER AT SHOOT'S BUILDING**

Tim Cataldo, representative of D.J. Construction, requested Board approval to place a dumpster at the Shoot's Building in the alley on the east side. The dumpster would require the closing of 6 or 7 parking spaces to allow passage or vehicle traffic in the alley. Mr. Cataldo stated traffic cones and/or barricades will be placed as required, adding the dumpster is scheduled to be placed on April 23<sup>rd</sup> and remain until approximately November 30<sup>th</sup>, 2007.

Mayor Kauffman noted the loss of parking spaces would not create a public hardship.

Board Member Landis questioned if the parking spaces to be blocked off were for the travel portion of the alley. Mr. Cataldo confirmed this, further stating when remodeling the Lincoln Hotel, the dumpster could be tied to the building with chutes, however that could not be done at the Shoot's Building as all four sides are on the lot line.

Board Member Stegelmann moved to approve the request as indicates with the presented closure of parking spaces. Second by Board Member Landis and motion passed unanimously.

#### **REQUEST TO VARY CDBG MORTGAGE TERMS**

Assistant City Planner and CDBG Administrator Rhonda Yoder requested Board approval to vary the terms of the mortgage for CDBG activity #90 for the Program Year 2001, owner-occupied housing rehabilitation. According to information received, a CDBG mortgage in the amount of \$15,000.00 was recorded, to be forgiven over a period of ten years, beginning June 18, 2002 and requiring the property owner to reside in the home or sell to another income qualifying owner (at or below 80% median area income) in order to not be required to pay off the mortgage.

The property owner is currently residing in a nursing home and LaCasa of Goshen is considering purchasing the property in order to rehabilitate it and then sell or rent to an income-qualified buyer or renter.

At the present time, the payoff due to the City is approximately \$7,875.00, and LaCasa holds a second mortgage of approximately \$7,000.00. LaCasa proposes to purchase the property, further proposing one of the following options:

1. Rehabilitate and then rent to an income qualified tenant of the remainder of the affordability period, through June 17, 2012; or
2. Rehabilitate and then sell to an income qualified buyer.

Because the mortgage does not permit renting, approval is needed in order to allow the first option.

Board Member Landis questioned if Mrs. Yoder was coming to the Board for the request because the Board has the power to change the original contract.

City Attorney Larry Barkes stated that as a general contract rule the City has the power to make modifications to contracts.

Mrs. Yoder stated if LaCasa buys the property, they have to sell to an income qualified buyer.

Mayor Kauffman questioned how the City would know what LaCasa does with the property, to which, Mrs. Yoder stated the City can require documentation of their action.

Board Member Landis moved to approve the request with required documentation. Board Member Landis moved to modify the approval and allow LaCasa to purchase the property in order to sell or rent to an income qualified buyer. Second by Board Member Stegelmann and motion passed unanimously.

### **REQUEST TO ENTER INTO MOWING AGREEMENT FOR WEST GOSHEN CEMETERY**

Legal Contracts and Claims Manager Keitha Windsor requested Board approval to enter into agreement with Ken Horst to provide mowing services at West Goshen Cemetery for 2007 for a total cost of \$3,240.00. According to the agreement, mowing service is based on the following rates:

- Part 1 of West Goshen Cemetery: \$110 per mowing, no more frequently than one mowing per week;
- Part 2 of West Goshen Cemetery: \$50.00 per mowing, no more frequently than once each two weeks.

Mayor Kauffman questioned if outsourcing a portion of the mowing duties would be more economical than part-time employees.

Cemetery Director Dan Liechty stated by outsourcing part of the mowing duties, it would be more cost effective than part-time employees, further noting that Part 2 of West Goshen Cemetery is located by the golf course so it is not done as often.

Board Member Landis questioned if the contract costs included the mower and fuel.

Mr. Liechty stated that Mr. Horst would be providing his own mower and fuel costs.

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

#### **REQUEST TO CONDUCT MEMORIAL DAY PARADE**

Fire Chief Danny Sink, on behalf of the VFW, DAV, and American Legion, requested Board approval to conduct a Memorial Day parade on Monday, May 28, 2007. Chief Sink further requested the closure of Jefferson Street in front of the Goshen Police Department and the 300 block of South 5<sup>th</sup> Street for parade parking. Chief Sink stated the parade route would not change from previous years, beginning on Jefferson Street at the Police Department, to follow Main Street, Pike Street, to North First Street, and conclude at Oakridge Cemetery.

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

#### **REQUEST TO CONDUCT AERIAL SPRAYING OF GYPSY MOTHS**

Mayor Kauffman requested Board to allow Agriflite Services, Inc. to fly over the area of Goshen for the purpose of dispensing pesticide for Gypsy Moths as part of the "Slow the Spread Area" project. The disbursement of BT pesticide is scheduled from April through May, 2007. Agriflite Services, Inc. is in cooperation with the DNR for this project.

Board Member Stegelmann questioned why an agreement was necessary at this time. Mayor Kauffman stated he was unsure why the City was involved, however the DNR is asking for approval to conduct the fly-over.

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

#### **REQUEST TO ENTER INTO AGREEMENT WITH DLZ INDIANA, LLC TO PROVIDE ENGINEERING SERVICES FOR THE PLYMOUTH AVENUE BICYCLE-PEDESTRIAN TUNNEL, PROJECT NO. 2005-0032 & THE GOSHEN COLLEGE BICYCLE-PEDESTRIAN RAILROAD UNDERPASS, PROJECT NO. 2006-0015**

Director of Public Works Robert McCoige requested Board approval to enter into agreement with DLZ Indiana, LLC for the two pedestrian tunnel projects noted above. The total design fee for both projects is \$323,450.00 which has been based upon a time and material basis.

The design fees for the Plymouth Avenue Bicycle-Pedestrian Tunnel, Project No. 2005-0032, are \$144,650.00, which will be funded by the City. The design fees for the Goshen College Bicycle-Pedestrian Railroad Underpass, Project No. 2006-0015, are \$178,800.00, which will be paid by Goshen College. This agreement was approved by the Board of Works on April 9, 2007. Cost of this agreement to the City is estimated at \$144,650.00.

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

#### **REQUEST TO TEMPORARILY CLOSE PARKWEST DRIVE**

Director of Public Works Robert McCoige requested Board approval to temporarily close Parkwest Drive due to the required water main tap and extension of water main for Parkwest Sixth Subdivision. McKibbin Brothers, Inc. will be extending the water main, and will need Parkwest Drive between Greene Road and Pringle Drive closed on Thursday, April 19<sup>th</sup> and Friday, April 20<sup>th</sup>.

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

#### **REQUEST TO TEMPORARILY CLOSE PLYMOUTH AVENUE FOR TRY-ATHALON**

Park Department Recreation Director Tanya Heyde requested Board approval to temporarily close Plymouth Avenue on Saturday July 7, 2007 from 7:00a.m. to 12:00p.m. for the safety of children participating in the second annual Kids & Teen Try-Athlon. Participants will have to cross Plymouth Avenue during their biking and running routes. Participants and community members will also cross Plymouth Avenue to enter and exit the event.

According to information received, the closure would consist of barricades at Plymouth Avenue and 3<sup>rd</sup> Street, and at Plymouth and Indiana Avenues. Traffic traveling South on 3<sup>rd</sup> will be permitted to turn east only onto Plymouth and no traffic will be permitted to travel east onto Plymouth at the Indiana Avenue intersection. Barricades will also be placed on each side of the events crossing to ensure the safety of the participants and spectators.

The Police Department has been contacted and is willing to be present to assist in setting up the barricades; however it will be the responsibility of the Park Department to provide the staff. Residents who live north of Plymouth will receive notice of the closure from the Park Department prior to the event. The Street Department has been contacted and will implement the closing upon receiving the INDOT permit. Mary Cripe from the Engineering Department will submit the request to INDOT upon approval of this request from the Board of Works and Public Safety.

Ms. Heyde stated in 2006 the closure took place later and though no problems occurred, they would like to close earlier this year to ensure everybody's safety. Ms.

Heyde further stated that only a couple of residents on Plymouth Avenue would be affected by the closure and the Park Department is keeping in contact with them.

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

**RELIEF FROM HIGH WATER & SEWER BILL REQUEST**

Park and Recreation Director Sheri Howland requested Board approval of relief from the water bill for Shanklin Park due to breaks in the line. The Park Department provided documentation of prior billings to show the differences between the break and normal cycles. Two breaks occurred in February and March, 2007 causing charges of \$2,532.60 broken down as follows:

February break:	Water: \$582.20	Sewer: \$1,639.10
March break:	Water: \$ 85.60	Sewer: \$ 225.70
Total:	Water: \$667.80	Sewer: \$1,864.80

Mayor Kauffman questioned how much the water lines were going to cost to replace. Mrs. Howland stated Engineering had just completed the schematics and an estimate had not been provided yet.

Mayor Kauffman further questioned what was forgiven last year due to other breaks, if the City had forgiven Sewer or Water and Sewer. Mrs. Howland stated last year, the Park Department was reading the meters daily to find the breaks and determine the amount of loss.

Board Member Landis questioned what the annual Park Department budget was, which Mrs. Howland stated was estimated at \$1.2 million, however, there was not enough room in the water and sewer portion of the budget to cover such a loss.

Board Member Stegelmann moved to forgive the sewer portion of the bill at a cost of \$1,864.80. Second by Board Member Landis and motion passed unanimously.

**REQUEST TO PROCLAIM APRIL 28, 2007 GOSHEN YOUTH SERVICE DAY**

Brittney Wise from Communities in Schools requested Board approval for Mayor Kauffman to proclaim April 28, 2007 Goshen Youth Service Day. Miss Wise read the following statement:

For the third year in a row, Goshen area youth with the help from Communities in Schools and the Elkhart County Anti-Gang Coalition have collaborated with the Corporation for National Community Service and Youth Service America to organize a community-wide service day. Goshen Youth Service Day will be celebrated on April 28, 2007 in conjunction with Global Youth Service Day which will be celebrated everywhere else from April 20 through April 22, 2007. Youth organizers are arranging to involve 75 youth representing 7 different youth groups from the Goshen area.

Each group is planned to begin their “cleaning march” from various locations throughout the community. The youth groups will begin at 10:00 a.m. at locations such as the Boys and Girls Club, Goshen High School, Parkside Elementary School, and Rogers Park. The groups of kids will pick up trash beginning at their start locations which will lead them to the Elkhart County Courthouse at approximately 12:00 p.m. Along the way, they will clean the grounds of public buildings and properties such as churches and parks. There will be a special team working on graffiti cleanup at two different locations, further asking the community to notify the organization if they have a graffiti problem that needs attention as the team involved would like to help paint over the graffiti for free.

The event will conclude with pizza, presentations, and awards from the youth organizers. Goshen Youth Service Day is a celebration of the energy of young people and an opportunity to recognize the contributions young people make in their communities everyday. It is important that the young people know that they belong to this community and they are responsible to share their gifts and talents with the community to make it better.

Miss Wise stated this is an effort to show the community that not all teens are bad and can serve the community in a positive way.

Mayor Kauffman stated that a Dial-A-Truck has been reserved for the event to provide disposal of what had been cleaned up. Mayor Kauffman further expressed appreciation for this event and understood the idea was to work with church youth groups as well.

Mayor Kauffman moved to approve the request. Second by Board Member Stegelmann and motion passed unanimously.

Mayor Kauffman then proclaimed April 28, 2007 as Goshen Youth Service Day.

#### **REQUEST TO INCREASE DIAL-A-TRUCK USER’S FEE**

Street Commissioner Barb LaDow requested Board approval to increase the Dial-A-Truck User’s Fee from \$35.00 to \$40.00 for the 2007 program.

Mayor Kauffman stated the issue could not be approved by the Board of Works and would have to be addressed to the City Council instead.

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

#### **BOARD OF PUBLIC WORKS AND SAFETY AND STORM WATER BOARD:**

**MAYOR**

**ALLAN**

**KAUFFMAN**

**BOARD MEMBER RUDY STEGELMANN**

**BOARD MEMBER MICHAEL A. LANDIS**

**ATTEST**

**CLERK-TREASURER TINA M. BONTRAGER**