

**BOARD OF PUBLIC WORKS AND SAFETY  
AND STORM WATER BOARD MEETING  
HELD JANUARY 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 January 16, 2007, at 3:00 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:** Third-Deputy Clerk-Treasurer, City Attorney, City Planner, Director of Public Works, Fire Chief, Police Chief, Building Commissioner, Street Commissioner, Legal Compliance Administrator, Legal Contracts and Claims Manager, Mayor's Administrative Assistant, Park Superintendent, Utilities Superintendent, Utilities Office Manager.

Minutes of the meeting of January 8, 2007 were presented. On motion of Board Member Stegelmann and second by Board Member Landis, the minutes were approved as presented.

**REQUEST TO ACCEPT INDIANA FINANCE AUTHORITY GRANT**

City Planner Joseph Hauflaire requested Board approval to accept a grant from the Indiana Finance Authority in the amount of \$35,000.00 for a Phase II assessment for the property at Quality Drive Away. According to information received, the City of Goshen was awarded a grant for \$35,000.00 to perform and complete the balance of Phase II environmental work for the Quality Drive Away property. This is the third grant associated with this property related to the Phase II environmental assessment. The scope of work has changed and increased the areas the project has developed, therefore the grants have been adjusted accordingly, and any subsequent grants will be for cleanup of the site. Mr. Hauflaire further stated he expected this to be the last time bringing a grant request before the Board regarding the Phase II assessment.

Board Member Landis questioned what was different about this request which makes it the last request.

Mr. Hauflaire responded, stating he can't imagine any other requests regarding the property in question. Mayor Kauffman further stated each time the scope of work is changed, the amount of funding is also changed.

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

**REQUEST TO AWARD ENVIRONMENTAL CONSULTANT PHASE II CONTRACT**

City Planner Joseph Hauflaire requested Board approval to accept Wightman Petrie Environmental Inc. for Phase II assessment for the Quality Drive Away property. According to information received, Wightman Petrie Environmental Inc. would serve as the environmental consultant for Phase II work to be performed at the Quality Drive Away property for a cost of \$35,000.00.

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

**REQUEST TO APPROVE CHANGE ORDER NO. 3 FOR THE SIDEWALK IMPROVEMENT PROJECT, PROJECT NO. 2005-0033**

Director of Public Works Robert McCoige requested Board approval of Change Order No. 3 with Brooks Construction for the Sidewalk Improvement Project, Project No. 2005-0033. This is the final Change Order, balancing out all quantities. The Change Order would increase the contract total \$226,635.91, a 27.64% increase, creating a total contract price of \$1,070,674.16.

Mayor Kauffman added the Change Order was anticipated by the Goshen City Council.

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

**REQUEST TO AMEND AGREEMENT WITH WIGHTMAN PETRIE, INC. FOR THE INTERSECTION OF COLLEGE & MAIN, PROJECT NO. 2004-0013**

Director of Public Works Robert McCoige requested Board approval to amend the agreement with Wightman Petrie for work performed at the intersection of College and Main, Project No. 2004-0013. Due to the ever-changing requirements of INDOT, the amendment is required. The amendment will increase the original agreement amount by \$10,850.00.

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

**REQUEST TO AMEND AGREEMENT WITH KEN HERCEG & ASSOCIATES, INC. FOR MAPLE CITY GREENWAY, PHASE V, PROJECT NO. 2002-0006**

Director of Public Works Robert McCoige requested Board approval to amend the agreement with Ken Herceg & Associates, Inc. for the Maple City

**Greenway, Phase V, Project No. 2002-0006. The amendment will increase the original contract amount by \$4,379.00.**

**Mayor Kauffman questioned if this was due to the route of the bike path being changed, and who changed it. Mr. McCoige stated the City had changed the route, which changed the original agreement.**

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

**REQUEST TO ENTER INTO AGREEMENT WITH DLZ INDIANA, LLC. FOR MAPLE CITY GREENWAY, PHASE VII, PROJECT NO. 2002-0056**

**Director of Public Works Robert McCoige requested Board approval to enter into agreement with DLZ Indiana, LLC for the Maple City Greenway Phase VII Bike Path, Project No. 2002-0056. According to information received, DLZ, Inc. will provide topographic survey and design engineering services of the Maple City Greenway Phase VII, which commences at the Millrace Powerhouse, meanders along the Elkhart River to the pedestrian bridge that connects to Rogers Park. Also, reconstructing the sidewalk from the northeast corner of New Street and Clinton Street, continuing east to Second Street (north side), then north along Second Street (west side) to U.S. 33 (Pike Street), then west along Pike Street (north side), terminating at the north east corner of Pike Street and First Street. The construction of this project is being funded with TEA federal funds. The Agreement is a time and material contract not to exceed \$84,900.00 based on a current scope by INDOT.**

**Board Member Landis questioned if the request was just for survey, design, and engineering services. Mr. McCoige stated those were the services to be provided.**

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

**REQUEST TO ACCEPT RIVER PROPERTY FROM MARTIN MANOR ASSOCIATION**

**City Attorney Larry Barkes requested Board approval to accept property on behalf of Martin Manor Association, located between Kercher Road on the north and Violett Cemetery on the south which is titled in the names of Howard S. Brembeck, John E. Parsons, and John Jennings, Trustees of the Martin Manor Association.**

**According to information received from George E. Buckingham of Yoder, Ainlay, Ulmer & Buckingham, LLP, the Association of Lot Owners has long been defunct, and there has been no election of trustees since 1959 or before. John Parsons is deceased, Howard Brembeck is 96 years of age,**

and John Jennings is approximately 90 years of age. Mr. Brembeck has personally been paying the real estate taxes on this parcel for many years.

Mr. Buckingham has been discussing the situation with Howard and John, and has concluded the best thing for this real estate would be to convey it to the City of Goshen. In order to expedite this matter and because of the ages of both Howard and John, a deed has been prepared and signed in order to convey this real estate to the City. Howard and John further understand the City will need to agree to accept this real estate.

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

**REQUEST TO ACCEPT AGREEMENT WITH BARKES, KOLBUS, & RIFE, LLP**

City Attorney Larry Barkes requested Board approval to enter into agreement with the law firm of Barkes, Kolbus, and Rife, LLP. The term of the agreement shall begin on January 1, 2007, and shall terminate on December 31, 2007, to be automatically renewed for an additional one year period under the same terms and conditions unless written notice of the intent to terminate the employment relationship is delivered by either party to the other on or before subsequent anniversary date.

Changes from the previous agreement include an hourly rate increase to \$140.00 per hour for all services rendered on behalf of the City.

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

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