

**BOARD OF PUBLIC WORKS AND SAFETY AND
STORM WATER BOARD MEETING
HELD JULY 23, 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 July 23, 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, Director of Public Works, Utilities Administrative Engineer, Fire Chief, Police Chief, Building Commissioner, Street Commissioner, Legal Contracts and Claims Manager, Mayor's Administrative Assistant, Park Department Maintenance Superintendent, Utilities Superintendent, Utilities Office Manager.

Minutes of the meeting of July 16, 2007, were presented. On motion of Board Member Stegelmann and second by Board Member Landis, the minutes were approved as presented.

REQUEST TO PARK IN 'NO PARKING' ZONE

Floralia Palos, 1119 Westwood Drive, requested Board approval to allow vehicles to park in a NO PARKING zone on Briarwood Drive, on August 11, 2007 for a birthday party being held at her residence between the hours of 1:00 to 10:00 p.m.

Mayor Kauffman questioned Police Chief Gary Penland if Briarwood Drive happened to be public or private.

Chief Penland stated he believed the road to be private.

Mayor Kauffman then questioned Street Commissioner Barb LaDow if the City plowed snow from Briarwood Drive through the winter.

Ms. LaDow stated she also believed the road to be private as she does not believe the road is plowed by the City.

Mayor Kauffman suggested Ms. Palos approach Briarwood and request their permission because if the road is private the decision is not up to the Board.

City Planner Joseph Hauflaire suggested to Mayor Kauffman to make a motion in the event the property is public rather than private, therefore Ms. Palos does not have to return to the Board.

City Attorney Larry Barkes agreed with Mr. Hauflaire, further stating Ms. Palos could approach Briarwood stating that if the property were public, the City would be okay with parking in the NO PARKING zone.

Board Member Landis moved to approve the request contingent upon Briarwood Drive being deemed City property. Second by Board Member Stegelmann and motion passed unanimously.

REQUEST TO CLOSE PARKING LOT FOR ONE DAY

Tim Cataldo, DJ Construction, 3414 Elkhart Road, requested Board approval to close the entire municipal parking lot on the east side of the Shoots Building at 112 E. Lincoln Avenue between 6:00 a.m. and 5:00 p.m. on July 24th, 2007. The purpose of the closure is to install prefabricated sections of a steel stairway that will serve all five floors of the Shoots Building. The materials are to be loaded through a hole which has been placed in the roof. The steel will be staged in the center-west portion of the parking lot and the 60-ton rubber-wheeled crane will be located at the center-east portion of the parking lot. The pavement will be protected as necessary where steel is staged and under the crane outriggers. Neighboring businesses such as The Goshen News, Leatherman & Miller Law Office, and Tony's Restaurant, have been notified and agreed to the closure of the parking lot at that time. The alley immediately adjacent to the east side of the Shoots Building will be barricaded at Lincoln Avenue and the north side of The Goshen News building. The Goshen News will have access to the rear (west side of their building from the south). Mr. Cataldo also noted that DJ Construction has instructed all workers at the Shoots Building to not park on Lincoln Avenue or 5th Street on this day, per instructions from City Administrative Engineer Mary Cripe. These workers will park in one of the other City lots in the area, such as behind the Presbyterian Church.

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

REQUEST TO APPROVE FIBER OPTICS AGREEMENT WITH TELEDATA, INC.

Director of Public Works Robert McCoige requested Board approval to enter into agreement with Teledata, Inc. to design and build a fiber optics distribution system to connect the City of Goshen Utilities and Goshen Community Schools. The total cost of the contract is \$81,898.43 and will be paid with available utility funds.

Mr. McCoige stated the fiber optics are necessary in order to run the new SCADA system which will be used to operate plants on a 24/7 run and will eliminate the current night-shift and weekends for workers.

Board Member Landis questioned the projected time in which the project would pay for itself.

Mr. McCoige stated the water was to be paid back within five years, and in 10 years, have a 200% payback, further noting the City can not have the SCADA system without the fiber optics.

Mayor Kauffman questioned if the Legal Department has seen and reviewed the agreement.

Mr. McCoige stated the Legal Department has seen the agreement.

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

REQUEST TO AMEND AGREEMENT WITH GREELY AND HANSEN

Legal Contracts and Claims Manager Keitha Windsor requested Board approval to amend the original agreement with Greely and Hansen for the City of Goshen Waste Water Treatment Plant (WWTP) for renewal of their National Pollution Discharge Elimination System (NPDES) permit. The original agreement was approved on June 19, 2006 for \$5,000.00, which was estimation made by the Utilities Superintendent based on his anticipation of obtaining the permit within approximately six months.

For over a year, work by Greely and Hansen to obtain the permit has continued, mainly preparing responses to the Attorney General's Office regarding the City's proposal to IDEM. As a result of this continued work, the City has previously agreed to amend the June 19th agreement with Greely and Hansen on August 14, 2006 for an additional \$5,000.00 and on September 18, 2006 for an additional \$10,000.00.

Greely and Hansen is still preparing responses to the Attorney General's Office on behalf of the City. Therefore, the City wishes to increase the contract amount to an additional fee not to exceed \$5,000.00 based on Brett D. Barber of Greely and Hansen's hourly rate of \$220.00 plus expenses. The total of the four agreements for all on-call engineering consultation services shall not exceed \$25,000.00.

Mrs. Windsor further stated the matter is not in the City's hands anymore, it is now in the Attorney General's Office.

Mayor Kauffman questioned when the matter was going to end, further stating the Governor wants local governments to be more efficient.

Superintendent Doug Perry stated the issue keeps bouncing around between Departments within the State.

Mayor Kauffman stated the State can not do what IDEM can do.

Board Member Landis questioned if the Board could get a breakdown of what has been done so far, noting the Board cannot always remember what has been paid previously.

Mr. Perry stated that Mary Bainter in the Utilities Department could print out a history report for the Board.

Board Member Landis questioned how the agreement is already up to \$20,000.00 when most of the legwork for the NPDES permit was done in the beginning.

Mayor Kauffman questioned Mrs. Windsor as to how long it took to spend the last extension from September 28, 2006. Mayor Kauffman further questioned the average amount of the bills, and how often they are invoiced, noting he feels as though the City is being "milked."

Mr. Perry stated the invoices arrive approximately once per month, and the agreement has increased due to the Long Term Control Plan being implemented with the permit.

Board Member Landis questioned if it was a problem if the amendment was not approved today.

Mr. Perry stated there was not a problem should the amendment be denied, noting he can have Mary itemize everything from when the agreement began, and some of the initial agreement was for operator assistance, noting a facility plan through Donohue and Associates.

Board Member Landis questioned if the City had approved another agreement prior to June 19, 2006. If the City and Board have a place to start with reviewing the payment and billing history, that would be helpful.

Mayor Kauffman stated he is not opposed to extending the agreement with a stipulation that if another request is necessary; the Board is to review a detail history, not just a list of invoices from the Utilities Department. Mayor Kauffman suggested the amendment be changed to an additional \$2,000.00 rather than an additional \$5,000.00.

Board Member Stegelmann moved to approve the amended request for an additional \$2,000.00. Second by Board Member Landis and motion passed unanimously.

REQUEST TO ISSUE MECHANICAL LICENSE TO T. SEILER

Building Commissioner Michael Leasor requested Board approval to issue a City of Goshen Mechanical License to Todd Seiler, representing Four Winds Custom Heating & Air Conditioning, Inc., 1503 East Third Street, Osceola, Indiana. Mr. Seiler has met the requirements for a City of Goshen Mechanical License with a score of 90% of the Master Mechanical exam.

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

ANNOUNCEMENT OF CITY WIDE BRUSH PICK-UP

Street Commissioner Barb LaDow announced the Street Department would be collecting brush throughout the City from July 23rd through July 27th. Mrs. LaDow also noted the next scheduled pickup would be from August 20th through August 24th, 2007.

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