

**BOARD OF PUBLIC WORKS AND SAFETY AND
STORM WATER BOARD MEETING
HELD OCTOBER 29, 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 October 29, 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, Clerk Treasurer Office Assistant, City Attorney, City Planner, Director of Public Works, Utilities Administrative Engineer, Fire Chief, Assistant Police Chief Priem, Building Commissioner, Street Commissioner, Legal Compliance Administrator, Legal Contracts and Claims Manager, Mayor's Administrative Assistant, Park Administrative Assistant, Utilities Superintendent, Utilities Office Manager.

Minutes of the meeting of October 22, 2007 were presented. On motion of Mayor Kauffman and second by Board Member Landis, the minutes were approved as presented.

**REQUEST TO AWARD BID FOR WATER AND WASTEWATER TREATMENT
PLANT CHEMICALS**

Legal Contracts and Claims Manager Keitha Windsor requested Board approval for awarding bid acceptance for the purchase of chemicals for the Water Department and Wastewater Treatment Plant for the City of Goshen. It was recommended that the bids are awarded to the lowest responsive and responsible bidders as follows:

- * Alexander Chemical Corp. for Chlorine at \$0.3983 per pound and Sodium Bisulfate at \$0.135 per pound; and
- * Rowell Chemical Corp. for Sodium Hypochlorite at \$0.6975 per gallon.

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

REQUEST TO AWARD BID FOR WALNUT PARK WATER SPRAY SPLASH PAD

Legal Contracts and Claims Manager Keitha Windsor requested Board approval for awarding the bid contract for the purchase and installation of a water spray splash pad at the City's Walnut Park. The following bids were opened by the Board on October 22, 2007:

1. RecSource bid: \$51,360.00
2. Ziolkowski Construction Inc. bid: \$125,540.00

RecSource has identified that the origin of their products is Canada. Indiana Code 5-22-15-21 promotes the purchase of supplies manufactured in the United States. It provides that supplies manufactured in the US shall be specified and purchased unless the following apply:

- 2) The price of the supplies manufactured in the US exceeds by an unreasonable amount the price of available and comparable supplies manufactured outside the US; and
- 4) The purchase of supplies manufactured in the US is not in the public interest.

Due to the price difference between the two bids, that both #2 and #4 are applicable.

It is recommended that the Walnut Park Water Splash Pad project is awarded to RecSource as the lowest responsive and responsible bidder for the bid amount of \$51,360.00 with all work to be completed by April 30, 2008.

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

**REQUEST TO APPROVE PROMOTION OF ROB SCHROCK
TO PARAMEDIC SERGEANT**

Fire Chief Danny Sink requested Board approval for the promotion of Rob Schrock to the rank of Paramedic Sergeant for the Goshen Fire Department. Mr. Schrock had passed all the required tests for promotion to his new rank. His promotion will take effect for October 29, 2007.

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

Clerk Treasurer Tina Bontrager swore Mr. Schrock into the position of Paramedic Sergeant.

**REQUEST TO APPROVE PARAMEDIC BONUS AGREEMENT
WITH BRIAN J. BROWN**

Legal Compliance Administrator Shannon Marks requested Board approval for an agreement with Brian J. Brown to serve a minimum period of six (6) years in the capacity as a paramedic with the Goshen Fire Department beginning September 27, 2007. Pursuant to this agreement, Mr. Brown would receive a one-time bonus in the amount of \$7,500.00. To be eligible for this bonus payment, the paramedic must be a certified paramedic in the State of Indiana, must be hired by the City of Goshen as a member of the Goshen City Fire Department after January 1, 2003, must have completed his probationary period, and must execute an agreement to serve a minimum period of six (6) years in the capacity as a paramedic for the Goshen City Fire Department. Brian J. Brown was hired as a member of the Fire Department on March 7, 2006, and he is already certified as a paramedic.

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

**REQUEST TO APPROVE PARAMEDIC BONUS AGREEMENT
WITH SHANE P. HEETER**

Legal Compliance Administrator Shannon Marks requested Board approval for an agreement with Shane P. Heeter to serve a minimum period of six (6) years in the capacity as a paramedic with the Goshen Fire Department beginning September 27, 2007. Pursuant to this agreement, Mr. Heeter would receive a one-time bonus in the amount of \$7,500.00. To be eligible for this bonus payment, the paramedic must be a certified paramedic in the State of Indiana, must be hired by the City of Goshen as a member of the Goshen City Fire Department after January 1, 2003, must have completed his probationary period, and must execute an agreement to serve a minimum period of six (6) years in the capacity as a paramedic for the Goshen City Fire Department. Shane P. Heeter was hired as a member of the Fire Department on February 27, 2006, and he is already certified as a paramedic.

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

**REQUEST TO APPROVE PARAMEDIC BONUS AGREEMENT
WITH WILLIAM R. PHILLIPS**

Legal Compliance Administrator Shannon Marks requested Board approval for an agreement with William R. Phillips to serve a minimum period of six (6) years in the capacity as a paramedic with the Goshen Fire Department beginning September 27, 2007. Pursuant to this agreement, Mr. Phillips would receive a one-time bonus in the amount of \$7,500.00. To be eligible for this bonus payment, the paramedic must be a certified paramedic in the State of Indiana, must be hired by the City of Goshen as a member of the Goshen City Fire Department after January 1, 2003, must have completed his probationary period, and must execute an agreement to serve a minimum period of six (6) years in the capacity as paramedic for the Goshen City Fire Department. William R. Phillips was hired as a member of the Fire Department on March 28, 2006, and he is already certified as a paramedic.

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

**REQUEST TO APPROVE WARRANTY DEED OF EASEMENT TO
CORPORATE RESOURCES, INC**

Legal Compliance Administrator Shannon Marks requested Board approval for a Warranty Deed of Easement from the City of Goshen to Corporate Resources, Inc. to document the easement and the right to connect to City utilities.

The City of Goshen and Corporate Resources, Inc. entered into an Agreement for the Sale and Purchase of Real Estate on December 6, 1994. This agreement was approved by the Common Council by the adoption of Resolution 94-38. Pursuant to this 1994 agreement, the City acquired a small tract of real estate upon which a driveway for the Reliance Memorial Fire Station was constructed. Corporate Resources, Inc. was to retain an ingress/egress easement across the tract to access its remaining real estate located to the north, however, nothing was recorded to document this easement. Further, Corporate Resources Inc. was given the right to connect to the City's water and sewer utilities without needing to pay tap-on fees.

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

**ACCEPTANCE OF EASEMENT FROM LIPPERT COMPONENTS
MANUFACTURING, INC.**

Legal Compliance Administrator Shannon Marks requested Board approval of a Grant of Easement from Lippert Components Manufacturing, Inc. This easement is for City water and sewer utilities and is located across the northern and western boundaries of Lippert's real estate that is south of the Maple City Industrial Park. Shannon Marks also attached drawings to show the general location of the easement.

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

**REQUEST TO APPROVE ELECTRICAL MAINTENANCE CONTRACT CHANGE
ORDER WITH MIDDLEBURY ELECTRIC**

Utility Superintendent Doug Perry requested Board approval of a change in the estimated hours for the Water Department's electrical maintenance contract with Middlebury Electric from 160 hours per year to 200 hours per year. All the unit cost for the existing contract will remain the same. The Board discussed the hours with Utility Superintendent Perry. The Change Order increases the contract by \$2,400 bringing the total contract amount to \$28,200.

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

**REQUEST TO APPROVE AGREEMENT AMENDMENT FOR EISENHOWER DRIVE
NORTH EXTENSION PROJECT NO. 2004-0038**

Director of Public Works Robert McCoige requested Board approval of an Agreement Amendment No. 2 for the Eisenhower Drive North Extension. Agreement Amendment No. 2 is needed for two reasons, the Indiana Department of Transportation requested modifications to the storm sewer and installation of a culvert pipe under Eisenhower Drive North at US 33. The second reason for the Amendment is for the location of the sanitary sewer crossing the Horn Ditch, which was moved to avoid conflicts. With the new crossing of the sanitary sewer, IDEM, US Army Corps of Engineers, IDNR and Elkhart County Drainage Board required us to submit new permit applications and receive approvals. The amendment will increase the contract by \$9,450 bringing the total contract amount to \$179,100.

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

**REQUEST TO APPROVE CHANGE ORDER NO. 2 FOR CR 17 UTILITY
RELOCATION PROJECT NO. 2006-0046**

Director of Public Works Robert McCoige requested Board approval of Change Order No. 2 for the CR 17 Utility Relocation. This Change Order is for modifications to the contract to relocate the existing and new water main outside of the ditch line. This Change Order will increase the

Contract by \$16,100.00, making the total Contract amount \$266,842.75, which with Change Order No. 1 is still a decrease of 7.07 % from the original contract amount. Robert McCoige also addressed the Board that the County Commissioners had granted unanimous approval.

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

UPDATE ON 112 WEST WILKINSON

Mayor Kauffman stated the burned house located at 112 West Wilkinson has been torn down.

**PUBLIC HEARING ON ORDER OF THE BUILDING COMMISSIONER
FOR 720 LINCOLNWAY EAST**

Mayor Kauffman opened the public hearing:

Building Commissioner Michael Leasor presented the Board with an Order of the Building Commissioner for the building located at 720 W. Lincolnway East as it is still in violation of the City's Neighborhood Preservation Ordinance 4068. The Order was served by certified mail to four of the parties with an interest in the property between September 27th and September 29th, 2007 of which none of the parties were in attendance at the Public Hearing.

The structure is in violation of the following Sections of Ordinance 4068:

1. The structure was so damaged in the fire that parts of it have collapsed (violation of Section 3.20).
2. The structure is completely open such that persons and animals may enter freely (violation of Section 3.21)

The Order states the parties are ordered to demolish the structure and remove all trash and debris by October 31, 2007.

Mr. Leasor presented the Board with pictures of the violations dated October 29, 2007.

Board Member Stegelmann asked City Attorney Larry Barkes if there had been any response from any of the parties.

Attorney Barkes informed the Board that Chase Mortgage primarily does not have a title or have possession of the stated property and are delayed on getting a foreclosure judgment, and as such, has decided not to demolish the building. The insurance for 720 Lincolnway East had also lapsed and Chase Mortgage is self insured for the first \$1,000,000.00. City Attorney Barkes stated that an outside firm would most likely have to be hired to cleanup the property at the City's expense. It was also stated that the City may not be reimbursed for the cost of the cleanup involved, but if the City does the cleanup process, Attorney Barkes feels that the City may have a priority lien on the property ahead of Chase Mortgage.

Mayor Kauffman asked the question of who is the violator of said property; Attorney Barkes stated that the name of the violator is the business Los Gallanes and discussed the issue of citing

ordinance violations if the property is not cleaned up. City Attorney Larry Barkes further stated that if the property is not being cleaned up by the October 31, 2007 deadline, he would come to the Board for Solicitations of Cleanup Bids.

Board Member Landis moved to find the property in violation of the Neighborhood Preservation Ordinance with the above specified violations and that the Order of the Building Commissioner stands giving the property owner until October 31, 2007 to make the necessary repairs. Second by Board Member Stegelmann and motion passed unanimously.

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