

**BOARD OF PUBLIC WORKS AND SAFETY AND  
STORM WATER BOARD MEETING HELD  
APRIL 14, 2008  
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 14, 2008, 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, Fire Chief, Assistant Police Chief McCloughen, Assistant Street Commissioner, Legal Contracts and Claims Manager, Mayor's Administrative Assistant, Park Administrative Assistant, Utilities Superintendent, Utilities Administrative Engineer.

Minutes of the meeting of April 4, 2008 were presented. On motion of Board Member Stegelmann, with one correction as the meeting for April 4, 2008 was held at 11:00 am instead of 4:00 pm. Second by Board Member Landis and the minutes were approved as presented.

**REQUEST TO ADJUST LIQUIDATED DAMAGES FOR AMBULANCE  
SOLICITATION: NO. B07-01-001**

Legal Contracts and Claims Manager Keitha Windsor requested Board approval to Adjust Liquidated Damages for Ambulance Solicitation (No. B07-01-001). On April 9, 2007, the Board of Public Works and Safety awarded the bid for the purchase of a new Ambulance to McCoy Miller, LLC, Elkhart. Delivery was due on or before February 1, 2008.

The Ambulance was delivered late on March 14, 2008. The bid's Specification and Contract Documents stated a Liquidated Damages clause of \$100.00 per day for delayed delivery. The Liquidated Damages is assessed at a total of \$4,100.00.

However, the Board of Public Works and Safety is requested to reduce this amount by \$1,400.00 due to the following delays caused by the City that are estimated at a total of 14 days:

1. An older head set model number was in the bid specifications and required changing.
2. The City requested customized positioning of radio equipment and the unit had to be taken off production line to install.
3. Mobile Data Terminal and console install was customized by City
4. Delivery was delayed by availability of City personnel to complete final inspection.

Because the Lease/Purchase Agreement included the \$4,100.00 deduction, the amount of \$1,400.00 will be paid out of the Fire Department's 101-520-12-445-0201 Ambulance Other Equipment line.

The Board of Public Works and Safety is requested to consider the credit of \$1,400.00 and to therefore approve the adjusted amount of \$2,700.00 in Liquidated Damages to be deducted from the \$163,062.00 invoice McCoy Miller, LLC, for the purchase of the new ambulance.

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

**REQUEST TO APPROVE ACCEPTANCE OF ADDITIONAL RIGHT OF WAY AND EASEMENTS FOR STARBEST SUBDIVISION**

City Planner Joseph Hauflaire requested Board approval to accept dedication of additional right of way and easements for Starbest Subdivision. The property is generally located on the west side of Lincolnway East, south of Fairfield Avenue, and zoned commercial B-3 PUD. At the Plan Commission meeting of October 16, 2007, the plat was approved conditional upon the Board of Public Works and Safety accepting right of way and easements. Lot 1 exceeds the minimum developmental zoning standards and the plat meets the requirements of the subdivision ordinance.

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

**REQUEST TO APPROVE ACCEPTANCE OF RIGHTS OF WAY AND EASEMENTS FOR DIERDORFF SQUARE PUD SUBDIVISION**

City Planner Joseph Hauflaire requested Board approval to accept dedication of additional rights of way and easements for Dierdorff Square PUD Subdivision. This is for a four lot professional office park subdivision. The property is generally located on the west side of Dierdorff Road, north of Eisenhower Drive and zoned commercial B-3 PUD. At the Plan Commission meeting of February 19, 2008, the plat was approved conditional upon the Board of Public Works and Safety accepting rights of way and easements. Each lot exceeds the minimum developmental zoning standards and the plat meets the requirements of the subdivision ordinance.

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

**REQUEST TO APPROVE THE PLAN, BONDS AND EASEMENT FOR DIERDORFF SQUARE- PROJECT NO. 2008-2004**

Utilities Administrative Engineer Dustin Sailor requested Board approval for the Plan, Bonds and Easement for Dierdorff Square – Project No. 2008-2004.

**Drainage Plan Recommendation:**

In accordance with the City's Subdivision Control Ordinance No. 3196 Section 512 "Drainage Plan", the City's Engineering Department has reviewed Dierdorff Square Subdivision's drainage plan on behalf of the Board of Public Works and Utilities. Goshen's Engineering Department recommends acceptance of the Dierdorff Square Subdivision drainage plan.

In conjunction with this acceptance, it should be noted that the City of Goshen's Engineering Department in no way guarantees that the proposed drainage improvements will adequately function as designed and accepts no liability in conjunction with the acceptance of the drainage plan.

**Performance Bonds:**

The City has received Subdivision/Site Improvement Bond from Majority Builders, Inc. for 100% of the infra-structure construction costs for Dierdorff Square.

**Utility Easement from Gene Riegsecker:**

An existing 6" water main along the south property line that will be dedicated to the City requires an easement from Gene Riegsecker. The Grant of Utility Easement that was attached for the Board needs to be accepted and then it can be recorded. The 6" water main will be accepted when the construction of the infra-structure for Dierdorff Square is accepted.

**Recommended conditions for Approval:**

The following conditions are recommended to be tied to this approval:

- \* The Post Construction Storm Water Management plan and a Storm Water Maintenance Agreement for Dierdorff Square will be reviewed and approved prior to the issuance of a Certificate of Occupancy permit. The plan and agreement shall be approved by the Storm Water Management Board per Ordinance No. 4329.
- \* The lighting plan has not been submitted to the Engineering Department for approval, which is a requirement prior to light installation.

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

**REQUEST TO APPROVE THE CRESCENT STREET RECONSTRUCTION  
PROJECT NO. 2007 – 0054 AGREEMENT AMENDMENT**

Utilities Administrative Engineer Dustin Sailor requested Board approval of an Agreement Amendment with The Abonmarche Group for the Crescent Street Reconstruction from Bridge Street to Fifth Street. This Amendment increases the scope of work for additional survey and engineering work to extend a 24" storm sewer south on Fifth Street. This increases the cost by \$2,615.00, raising the Agreement amount to \$82,515.00. This Amendment also extends the Engineering Design Phase III deadline of 120 days after receipt of Notice to Proceed from the City, to no later than August 1, 2008.

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

**REQUEST TO APPROVE POST-CONSTRUCTION PLAN APPROVALS**

Utilities Administrative Engineer Dustin Sailor requested Board approval for Post Construction Plan Approvals. The developer's of the following developments, affecting 1 or more acres of land, have submitted sufficient post-construction plans that are compliant with Ordinance 4329, "Uniform Requirements for Post-Construction Stormwater Management."

- \* Starbest Subdivision (Holiday Inn Express at 1415 Lincolnway East)
- \* Grace Community Church (20076 County Road 36)
- \* Mutual Federal Savings Bank (4330 Elkhart Road)
- \* Walgreens (4430 Elkhart Road)
- \* Starquest Products (2006 Century Drive)

The Stormwater Department requests the Stormwater Board's acceptance of these plans.

Board Member Landis moved to approve the request. 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.