

**BOARD OF PUBLIC WORKS AND SAFETY AND
STORM WATER BOARD MEETING HELD
MAY 23, 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 May 23, 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, Director of Public Works, City Planner, Assistant City Planner, Fire Chief, Assistant Fire Chief, Police Adjutant, Acting Building Commissioner, Legal Compliance Administrator, Legal Contracts and Claims Manager, Mayor's Administrative Assistant, Park Recreation Coordinator, Utilities Superintendent, Utilities Office Manager, Utilities Administrative Engineer.

Minutes of the meeting of May 19, 2008 were presented. On motion of Board Member Stegelmann and second by Board Member Landis, the minutes were approved as presented.

REQUEST TO PROMOTE J. ERB TO PRIVATE FIRST CLASS

Fire Chief Danny Sink requested Board approval to promote Jerod Erb to Private First Class. Probationary Private Jerod Erb will be completing his probationary year at the Goshen Fire Department as of June 2, 2008. Based on his performance and recommendations from his shift officers, Fire Chief Danny Sink requests Jerod Erb is promoted to Private First Class effective June 3, 2008.

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

Clerk-Treasurer Tina Bontrager swore Jerod Erb into the position of Private First Class with the Goshen Fire Department.

OPEN BIDS FOR RESIDENTIAL DEMOLITION

Mayor Kauffman opened the following bids:

	Item 803 N. Indiana	1 Item 807 N. Indiana	2 Item 813 N. Indiana	3 Item 803 N. Indiana 807 N. Indiana 813 N. Indiana	4 Item 803 N. Indiana 807 N. Indiana 813 N. Indiana
Akins Excavating	\$ 7,450.00	\$ 7,000.00	\$ 7,850.00	\$ 22,300.00	
Clarkco, Inc	\$ 5,900.00	\$ 6,900.00	\$ 7,400.00	\$ 19,400.00	
Concord Excavating	\$ 6,000.00	\$ 7,500.00	\$ 9,000.00	\$ 21,000.00	
Jareds Excavating	\$ 6,400.00	\$ 6,400.00	\$ 6,400.00	\$ 18,000.00	
John Ward Concrete Inc	\$ 4,780.00	\$ 5,700.00	\$ 7,100.00	\$ 15,000.00	

R&R Excavating, Inc	\$ 10,045.00	\$ 13,910.00	\$ 13,610.00	\$ 35,565.00
Radabaugh Truck Service Inc	\$ 5,000.00	\$ 5,000.00	\$ 5,600.00	\$ 14,777.00

Mayor Kauffman moved to refer the bids to the Legal Department for review. Second by Board Member Landis and motion passed unanimously.

REQUEST TO AWARD BID FOR 2008 CONCRETE PAVEMENT REPLACEMENT

PROJECT NO: 2008-0026

Director of Public Works Robert McCoige requested Board approval to award the bid for the 2008 Concrete Pavement Replacement Project #2008-0026. On May 19, 2008 bids were received for the referenced project. The following are the results, including the Alternate Proposal:

Premium Concrete	\$ 53,020.00
Selge Construction	\$ 87,011.00
Rieth-Riley Const.	\$ 89,410.00
Brooks Construction	\$ 122,775.00

The Engineering Department is requesting the Board of Public Works and Safety award the contract to Premium Concrete with the lowest bid of \$53,020.00.

The Board discussed the extreme price difference of some items on the Bid Form 96.

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

REQUEST TO BEGIN RESIDENTIAL SUMMER SEWER RATES

Utilities Manager Tana Brooks requested Board approval for the residential Summer Sewer Break. This will be active for residential customers starting with their June 2008 billing. Residential customers do not have to do anything special to receive this break. It is automatically given to all residential customers that do not have a separate sprinkling meter.

The following mobile home parks have requested a summer sewer break. Per our current sewer ordinance they must request this every year from this board. Creekside Estates and Sun Communities have requested a summer sewer break for the 2008 year.

The Board discussed with City Attorney Larry Barkus about the sewer break. From the copy of the Ordinance number 4333, section 4, City Attorney Larry Barkus told the Board it appears that the Summer Sewer Break does make a difference for the residents of the mobile home parks that participate in the program.

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

REQUEST TO EXECUTE CASH FARM LEASE AGREEMENT

Legal Compliance Administrator Shannon Marks requested Board approval for Mayor Kauffman to execute a cash farm lease agreement with Lowell Stolfus. The City of Goshen would lease to Mr. Stolfus approximately 31.19 acres of real estate generally located north of County Road 40

and west of County Road 27. The term of the lease is for the 2008 farming season commencing on the day of execution of the agreement by both parties and ending on December 31, 2008. Mr. Stolfus agrees to hold the City of Goshen harmless from any obligation incident to the occupation of the leased real estate and the City assumes no responsibility for the costs of production input nor bears any risk. The lease payment to the City of Goshen is in the sum of \$100.00 per acre for the total sum of \$2365.00 annual rent for tract #1 of the leased real estate which is based on 23.65 acres. The City of Goshen will allow Mr. Stolfus to farm tract #2 which is approximately 7.54 acres for no rent in 2008 since the City of Goshen or the City's contractor will likely need to utilize all or a portion of tract #2 for a utility/road construction project along County Road 27. The City of Goshen will not reimburse Mr. Stolfus for any damages that may be caused to any crops planted on tract #2 as a result of the construction project. The annual cash rent shall be due and payable on or before June 20, 2008.

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

REQUEST TO PROCESS UNPAID FINAL ACCOUNTS

Utilities Office Manager Tana Brooks requested Board approval to move \$25,308.91 of finalized accounts from active to Credit Bureau, Sewer Liens and Write Off's. The original amount of unpaid finals was \$38,406.19 but collection letters were sent out and payments of \$13,097.28 have been collected. The uncollected amount equals \$25,308.91; these are accounts that for the most part were finalized thru December 2007.

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

REQUEST TO RETAIN ENGINEER FOR SUPREME WATER MAIN EASEMENT SURVEY (JN: 2007-0060)

Utilities Administrative Engineer Dustin Sailor requested Board approval to retain an engineer for the Supreme Water Main Easement. The City of Goshen's Water Utility has negotiated the dedication of 3,020-feet of water main located on various properties on the southeast side of Goshen. To complete the legal transfer of the water main, the water main's location must be tied to the following boundary descriptions and a 15-foot easement must be prepared over the centerline of the water main.

- * Ag Trucking, inc. at 2430 Lincolnway East
- * Hostetler Door at 2421 Lincolnway East
- * Goshen Farm & Lawn Center, Inc. at 2413 Lincolnway East
- * Tractor Supply Company at 2323 Lincolnway East
- * Aurora Cabinet Company at 2469 East Kercher Road
- * Maple City Mattress, Inc. at 2616 Caragana Court
- * Holiday Inn Express at 2309 Lincolnway East
- * Ritter's Frozen Custard at 2702 Caragana Court
- * Joxer Enterprises at 2703 Caragana Court
- * Raeco Promo-Sports, LLC at 2249 Lincolnway East

The Water Utility requests permission to retain Brads-Ko Engineering and Surveying to perform the necessary survey work for a not to exceed fee of \$18,960.00.

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

**REQUEST FOR APPROVAL AND ACCEPTANCE OF INFRASTRUCTURE OF
NORTH MEADOW ESTATES PHASE 6 (JN: 2005-2055) AND NORTH MEADOW
ESTATES PHASE 10 (JN: 2006-2054)**

Utilities Administrative Engineer Dustin Sailor requested Board approval and acceptance of Infrastructure of North Meadow Estates Phase 6 and Phase 10. Following a long project closeout process with the developer, the Engineering Department is prepared to recommend the infrastructure (water main, sanitary and storm sewer, curb and asphalt) in North Meadows Estates Sections 6 and 10 as having been satisfactorily completed. This determination was made following the developer, Carl VanGilst, agreeing to correct an undersized section of storm sewer pipe located in North Meadows Estates Section 5 by the end of 2008. The correction of the drainage issue in Section 5 was tied to Sections 6 and 10 because the drainage system from these subdivision sections is connected to Section 5.

Regarding the bonds for Phases 6 and 10, the Engineering Department is requesting an exception to the rule. Rather than three year maintenance bonds from the date of acceptance, the Engineering Department currently holds bonds (10% of the construction cost) from the contractors that are backdated from the date when the contractors completed their work. Beer & Slabaugh's bond for both sections is backdated to August 25, 2006, and is effective until August 25, 2009. Brooks Construction has two bonds of which one is backdated to August 25, 2006, and the second is backdated to November 14, 2006. Brooks Construction's bonds are effective until August 25, 2009, for Section 6 and November 14, 2009, for Section 10. As support for this request, the Engineering Department has not observed any construction related defects since the work was completed almost two years ago.

Board Member Landis moved to approve the request including the exception to the rule regarding the maintenance bonds. Second by Board Member Stegelmann and motion passed unanimously.

**REQUEST TO APPROVE 12TH STREET RIGHT-OF-WAY DEDICATION
PROJECT NO. 2008-0013**

Director of Public Works Robert McCoige requested Board review and approval of six right-of-way dedication projects.

Director of Public Works Robert McCoige requested Board approval of the dedication of the 12th Street right-of-way. As a part of the Goshen College Music Building Project, Goshen College was required to dedicate land adjacent to 12th Street from LeRoy Street to College Avenue. The land was given to the City, but has never been dedicated as right-of-way. Attorney Jim Kolbus prepared the documentation required for the dedication of this land as right-of-way.

REQUEST TO APPROVE GREENE ROAD RIGHT-OF-WAY DEDICATION
PROJECT NO. 2008-0013

Director of Public Works Robert McCoige requested Board approval of the dedication of the Greene Road right-of-way. Prior to the reconstruction of Greene Road from SR. 119 to Wilden Avenue, the City of Goshen had to acquire land at various locations along Greene Road. The land was acquired, but has never been dedicated as right-of-way. Attorney Jim Kolbus prepared the documentation required for the dedication of this land as right-of-way.

REQUEST TO APPROVE INDIANA AVENUE RIGHT-OF-WAY DEDICATION
PROJECT NO. 2008-0013

Director of Public Works Robert McCoige requested Board approval of the Indiana Avenue right-of-way dedication. Prior to the reconstruction of Indiana Avenue from Plymouth Avenue to Lincoln Avenue, the City of Goshen had to require land from adjacent property owners along the east side of Indiana Avenue. The land was acquired, but has never been dedicated as right-of-way. Attorney Jim Kolbus prepared the documentation required for the dedication of this land as right-of-way.

REQUEST TO APPROVE MAPLE CITY GREENWAY PHASE III-DEDICATION OF
RIGHT-OF-WAY: PROJECT NO. 2008-0013

Director of Public Works Robert McCoige requested Board approval of the Maple City Greenway Phase III dedication of right-of-way. Prior to the construction of the Maple City Greenway south of Goshen College along the railroad corridor, the City of Goshen had to acquire land from the adjacent property owners. The land was acquired, but has never been dedicated as trail right-of-way. Attorney Jim Kolbus prepared the documentation required for the dedication of this land as right-of-way.

REQUEST TO APPROVE SUPREME COURT RIGHT-OF-WAY DEDICATION
PROJECT NO. 2008-0013

Director of Public Works Robert McCoige requested Board approval of the Supreme Court right-of-way dedication. Supreme Corporation dedicated one of their access roads and land for right-of-way to the City when Elkhart County decided to install the horse and buggy road to Wal-Mart. However, the land was never dedicated as right-of-way. Attorney Jim Kolbus prepared the documentation required for the dedication of this land as right-of-way.

REQUEST TO APPROVE THIRD STREET RIGHT-OF-WAY DEDICATION
PROJECT NO. 2008-0013

Director of Public Works Robert McCoige requested Board approval of the Third Street right-of-way dedication. Prior to the reconstruction of Third Street from Main Street to Pike Street, the City of Goshen had to acquire land from adjacent property owners along Third Street and Madison Street. The land was acquired, but has never been dedicated as right-of-way. Attorney Jim Kolbus prepared the documentation required for the dedication of this land as right-of-way.

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

TORNADO SIREN WARNINGS

Fire Chief Danny Sink reminded the Board of Public Works and Safety that next Thursday, May 29, 2008, the tornado sirens will be tested between 9:00 am through 1:00 pm.

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