

**BOARD OF PUBLIC WORKS AND SAFETY AND
STORM WATER BOARD MEETING
HELD AUGUST 11, 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 August 11, 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 Office Assistants, Director of Public Works, City Planner, Assistant City Planner, Assistant Fire Chief, Assistant Police Chief, Building Department Administrative Assistant, Street Commissioner, Human Resources Manager, Legal Contracts and Claims Manager, Legal Administrative Assistant, Mayor's Administrative Assistant Fradenburg, Park Administrative Assistant, Utilities Superintendent, Utilities Office Manager.

Minutes of the meeting of August 4, 2008 were presented. On motion of Board Member Stegelmann and second by Board Member Landis, the minutes were approved as presented.

**COUNTY ROAD 21 PEDESTRIAN BIKE PATH-PROJECT #2007-0065:
REQUEST TO FIND GREENFIELD CONTRUCTION'S BID UNRESPOSIVE
AWARD BID TO MCKIBBIN BROTHERS**

Director of Public Works Robert McCoige requested two items to be approved by the Board for the County Road 21 Pedestrian Bike Path project #2007-0065. Bids were received and opened at the July 28, 2008 Board of Public Works and Safety meeting for the above referenced project. The results are as followed:

Greenfield Construction:	\$29,779.00
McKibbin Brothers:	\$38,378.40
Yaw Construction	\$38,894.30
Beer & Slabaugh	\$43,773.00
Niblock Excavating	\$46,972.00

Item No. 1- Finding Greenfield Construction Inc.'s Bid Unresponsive

The proposal submitted by Greenfield Construction, Inc. is deemed unresponsive as provided by Indiana Code 36-1-12-4 (b) (10) (A) and should be rejected as it does not conform in all material respects to the City's specifications for the following reasons.

The City's Specification and Contract Documents state that unit prices are requested and shall be entered and extended on the Itemized Bid and that the City agrees to compensate the Contractor

for the work performed in accordance with the unit prices and based on the quantities actually used in the project.

The Specification and Contract Documents provided by the City to the Contractors included an Itemized Bid proposal sheet. The City subsequently issued Addendum No. 1 to the Specification and Contract Documents that included information altering the Itemized Bid proposal sheet, provided a revised Itemized Bid proposal sheet and instructions that it replace the original. Addendum No. 1 also requires that a signed copy of the Addendum be submitted with the proposal to acknowledge receipt of the Addendum.

Greenfield Construction, Inc.'s proposal is deemed unresponsive for the reasons that:

1. Unit prices were not entered; only total prices for the items.
2. Their proposal was not submitted on the revised Itemized Bid proposal sheet included in Addendum No. 1. Greenfield Construction, Inc. did acknowledge receipt Addendum No. 1 by including the signature page with their proposal.
3. Also as acknowledgement of receipt of Addendum No. 1 is their addition of Item 9.1 "Rip Rap" as identified in Addendum No. 1, however Greenfield Construction, Inc. deleted Item 8.1 "Mobilization" for that inclusion and therefore there is no proposed bid for Item 8.1 "Mobilization".
4. Addendum No. 1 adjusted quantities for Items 2.2, 3.1 and 4.1 and because Greenfield Construction, Inc. acknowledges receipt of Addendum No. 1 and because they have not entered unit prices, it is unclear which quantities were used in their proposed bid for those items.
5. Their proposal combined Items 2.1 and 2.2 for a single total price so that not only is there no clarity in which quantity was used, in the event the actual quantities used in the project for either or both items should differ from the estimated quantities, the City has no way to calculate the actual cost.

Item No. 2- Award the Contract to McKibbin Brothers

The Engineering Department is recommending that the Board of Public Works and Safety award the contract to McKibbin Brothers as the lowest responsible and responsive bidder with the bid price of \$38,378.40.

Board Member Landis moved to approve the request to find the Greenfield Construction bid unresponsive. Second by Board Member Stegelmann and motion passed unanimously. Board Member Stegelmann moved to approve the request to award the contract bid to McKibbin Brothers. Second by Board Member Landis and motion passed unanimously.

REQUEST TO BLOCK 5TH STREET FOR SCHOOL OPEN HOUSE

Chamberlain PTO President Sherrie Byler requested Board approval to have 5th Street, between Middlebury and Crescent Street, closed on Thursday, August 28, 2008 from 6:00 to 9:00 p.m. for the School Open House and Ice Cream Social.

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

REQUEST TO BLOCK CLINTON STREET FOR CHURCH CONCERT

Pastor of the Goshen City Church of the Brethren Yvonne Riege requested Board approval for the closing of Clinton Street from 5th Street to the alley from 1:30 p.m. to 5:00 p.m. on Sunday, September 7th, 2008. This request is to accommodate a potential crowd for the southern gospel concert, "Unity". A letter will be circulated to the business neighbors of the church on August 7th, 2008. The church is trying to be pro-active in welcoming guests from the community and church. Signs placed throughout the area indicate individuals are to bring blankets and lawn chairs.

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

REQUEST TO ACCEPT DEDICATION OF DUTCHMEN WATER EASEMENT AND WATER MAIN (JN: 2007-0149)

Director of Public Works Robert McCoige requested Board approval for the acceptance and dedication of a water easement and water main. The City of Goshen has negotiated the dedication of 1,400 linear feet of 10-inch water main at Dutchmen's facility located at 305 Steury Avenue. Dutchmen has agreed to provide the water main dedication and easement for the nominal fee of \$4,115.00, which is a portion of the cost Dutchmen incurred to purchase the land where their old fire protection booster pumps were located.

To adequately describe the water main easement, three easement descriptions were prepared that require the Board's signature.

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 THE 2008 ASPHALT PROJECT (JN: 2008-0002)

Director of Public Works Robert McCoige requested Board approval of Change Order No. 2 for the 2008 Asphalt Paving Project. The Change Order is necessary for the proper construction at the intersection of 9th Street and Bridge Street, and was not in the original bid. This Change Order increases the contract amount \$7,974.86, which is 2.03%.

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

**ANOUNCEMENT OF THE CLOSURE OF CRESCENT STREET FOR
RECONSTRUCTION: PROJ. NO. 2007-0054**

Director of Public Works Robert McCoige announced that the Engineering Department would like to notify the Board that Niblock Excavating will be closing Crescent Street for the Crescent Street Reconstruction Project.

The road will be closed between Cross Street and Bridge Street starting August 18, 2008 and will remain closed until the work is finished, being no later than November 28, 2008.

Mayor Kauffman also noted that 5th Street will also be closed one of the same days as Crescent Street.

Board Member Landis moved to approve the closing of Crescent Street starting August 18, 2008. Second by Board Member Stegelmann and motion passed unanimously.

**REQUEST TO APPROVE UTILITY AGREEMENTS WITH IVAN ANDERSON,
DEVON & ESTHER BONTRAGER AND KEYSTONE RV**

Legal Administrative Assistant Christy Ryman requested Board approval of Utility Agreements with Ivan R. Anderson, 65514 County Road 27, Devon & Esther Bontrager, 65706 County Road 27 and Keystone RV, 65482 County Road 27. The terms and conditions of these Agreements, made part of this resolution have been pre-approved by the Common Council. The Comprehensive Plan for the City of Goshen has been considered by the Board of Public Works and Safety in granting this approval. Mayor Allan Kauffman is authorized to execute the Agreements attached to and made a part of the resolution on behalf of the Board of Public Works and Safety and the City of Goshen.

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

**REQUEST TO APPROVE RESOLUTION APPROVING AN ANNEXATION
AGREEMENT WITH M.A. INVESTMENTS DBA WATERFORD PARK**

Legal Administrative Assistant Kristi Ryman requested Board approval of a Resolution approving the annexation agreement with M.A. Investments doing business as Waterford Park. The terms and conditions of the Annexation Agreement attached to and made a part of this resolution have been approved by the Common Council. Christy Ryman told the Board that this approval would only be for approving the agreement and not the annexation. The Comprehensive Plan for the City of Goshen has been considered by the Board of Public Works and Safety in granting this approval. Mayor Allan Kauffman is authorized to execute the Annexation Agreement attached to and made part of this resolution on behalf of the Board of Public Works and Safety and the City of Goshen.

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

**REQUEST TO AWARD ROAD SALT CONTRACT WITH ELKHART COUNTY
TO CARGILL, INC**

Legal Contracts and Claims Manager Keitha Windsor requested Board approval to award a road salt contract with Elkhart County to Cargill, Inc. The Elkhart County Highway Department solicited quotes for bulk deicing salt for their requirements and for the requirements of the City of Goshen's Street Department's estimated 2,100 tons.

The summary of the bids received by Elkhart County Highway Department is:

International Salt:	No bid
Detroit Salt:	No bid
North American Salt:	No bid
Morton Salt:	\$108.65/ton
Cargill, Inc:	\$63.33/ton (Note: this is a \$17.91/ton increase of last year's rate of \$45.42/ton).

The recommendation to the City of Goshen Board of Public Works and Safety is to award, with Elkhart County Highway Department, the contract to Cargill, Inc. as the lowest responsive and responsible bidder at the rate of \$63.33 per ton of delivered bulk deicing salt for a contract period from October 1, 2008 through April 30, 2009.

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

REQUEST TO APPROVE THE 2008 CDBG GRANTS AND CONTRACTS

Assistant City Planner Rhonda Yoder requested Board approval for the CDBG Transitional Housing Sub-recipient Agreement, Planning Grant, and Public Service Grants for Program Year 2008, as outlined below:

<u>Transitional Housing Sub-recipient Agreement:</u>	
Goshen Housing Authority	\$6,000.00
<u>Planning Grant (for neighborhood outreach):</u>	
LaCasa, Inc.	\$4,500.00
<u>Public Service Grants:</u>	
Boys and Girls Club of Greater Goshen, Inc.	\$2,700.00
Center for Healing and Hope	\$4,000.00
Goshen Interfaith Hospitality Network	\$4,500.00
Kids Care	\$7,200.00
Maple City Health Care Center, Inc.	\$4,500.00
Walnut Hill Early Childhood Center	\$9,100.00
Public Service Grants Total:	\$32,000.00

The public service grants will be used to fund access to medicine, a daycare scholarship program, daily nutrition programs, summer day camp, and a program to increase availability of primary healthcare.

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

REQUEST TO APPROVE LEAVE OF ABSENCE FOR R. KENNEDY

Human Resources Manager Patty Morgan requested Board approval for a leave of absence for Robert Kennedy. Robert Kennedy, night operator at the Wastewater Treatment Plant, is having back surgery on Wednesday, August 13, 2008. Mr. Kennedy has exhausted his FMLA leave until December 16, 2008 having just returned from FMLA leave on March 16, 2008.

According to the Teamsters Contract, Mr. Kennedy is entitled to 30 days of unpaid leave upon approval by the Board of Works, and at this time, it is unknown when Mr. Kennedy will be able to return to work and has authorized the Human Resources Manager to ask for the 30 days leave on his behalf.

Patty Morgan also clarified that this is not for FMLA leave; it is for just the unpaid 30 day leave.

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

**PUBLIC HEARING ON ORDER OF THE BUILDING COMMISSIONER FOR
2573 KERCHER ROAD**

Mayor Kauffman opened the public hearing:

Fire Inspector John Alheim presented the Board with an Order of the Building Commissioner for the building located at 2573 Kercher Road, Goshen, Indiana, as the structure is in violation of Goshen City Code 6.3.1.1 (11) and (15) and 6.1.1.18 (1), (2), (3), and (4) and the City of Goshen's Neighborhood Preservation Ordinance, City Code Section 6.3. Christy Ryman represented the Legal Department as she told the Board that the owners of the building, Donald R. Chiddister and Rochelle M. Chiddister were notified along with Mr. David Martinez, the owner of Martinez Body Shop and KeyBank National Association. Mr. and Mrs. Chiddister did not show for the hearing along with any representative of KeyBank National Association. Mr. David Martinez and Mr. Reyes appeared on behalf of Martinez Body Shop.

Fire Inspector John Alheim said that the first inspection of the building was done on January 20, 2007, and numerous violations were found. On March 8th, 2008, Acting Building Commissioner Gary Haney and Fire Inspector John Alheim went back to the building to find that the violations were still not in compliance and that they were spraying vehicles and/or parts without a properly installed spray booth for the flammable paints and were sent a letter to cease and desist until such a spray booth was installed. Acting Building Commissioner Gary Haney and Fire Inspector John Alheim went to do a preliminary investigation on August 11th, 2008 and found that there still was not a properly installed spray booth, the absence of an approved paint

cabinet, spliced wiring to power lights on one wall, exposed wiring on lights and improper clearance around an electrical panel were seen still not up to code.

The structure is in violation of Goshen City Code 6.3.1.1 (11) and (15) and 6.1.1.18 (1), (2), (3), and (4), more specifically:

1. Spray booth does not meet the International Building Code and is unusable. It does not have a sprinkler system.
2. Need to install a metal or wood cabinet that is approved by UL 1275 to keep paint stored up to 120 gallons.
3. Electrical panel needs 30 inches from side to side and 36 inches in front of clearance from products.
4. Spliced wiring to power lights on north wall.
5. Exposed wiring on lights.

It was so ordered to bring the premises into compliance with the Goshen City Code by July 17, 2008.

Acting Building Commissioner Gary Haney met with Donald Chiddister prior to the meeting, Fire Inspector John Alheim told the Board that Mr. Chiddister felt that this was more of an issue with Mr. Martinez than with himself. The Board Members asked if these violations were a State requirement, Fire Inspector John Alheim said that yes, these violations need to be in compliance with the State's requirements as if there is a spark in the body shop it can explode and/or catch fire. Fire Inspector John Alheim further stated that the body shop should have no more than a day's worth of material per day as the capacity is also a part of State code.

Mr. David Martinez came up in front of the Board Members and was asked if he disagreed with the violations presented to him, Mr. Martinez told the Board Members that no, he did not disagree but that between his rent for the building which runs \$1,000.00 a month and the NIPSCO bill that also runs \$1,000.00 a month, it has been hard for him to come up with the extra money to buy a paint booth for his shop which will cost \$12,000.00 for a new paint booth. The Board Members asked Mr. Martinez since the building was to be in compliance by July 17th, 2008 and was not, when he will be able to. Mr. Martinez said that he can fix the lighting problems and install a cabinet and move the electrical panel within 90 days. Mr. Martinez also said that he has not painted in his shop as no work has been coming in. The work that does he has been taking to other body shops in Milford and Ligonier to be painted.

Mr. Reyes stepped up to the Board Members to request that they look at the different paint booths that they are looking to install. Mr. Reyes stated that the building is 16 feet tall, tall enough to put in a code regulated paint booth. Fire Inspector John Alheim told Board Members that when the new paint booth is installed, that there is to be sprinklers in the paint booth as the paint has flammable material mixed in with the paint and also that there should be vents installed for the paint booth.

Board Member Stegelmann moved to find the building to be in violation of Section 6.3.1.1 with the five violations listed. Second by Board Member Landis and motion passed unanimously.

Board Member Landis moved to find that numbers 3, 4 and 5 of the violations need to be up to code within 90 days of today's day of August 11, 2008, and that numbers 1 and 2 need to be up to code before any painting is done and an inspection is made. 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 Stegelmann and motion passed unanimously.

BOARD OF PUBLIC WORKS AND SAFETY AND STORM WATER BOARD:

MAYOR ALLAN KAUFFMAN _____

BOARD MEMBER RUDY STEGELMANN _____

BOARD MEMBER MICHAEL A. LANDIS _____

ATTEST _____
CLERK-TREASURER TINA M. BONTRAGER