

**BOARD OF PUBLIC WORKS AND SAFETY AND STORMWATER BOARD MEETING
HELD, JANUARY 06, 2020, GOSHEN, INDIANA**

The Board of Public Works and Safety and Stormwater Board of the City of Goshen met in the Council Chambers, 111 E. Jefferson St., on January 06, 2020, at 2:00 p.m. for their weekly Board meeting. Mayor Jeremy Stutsman was the presiding officer with members of the Board present or absent as follows:

PRESENT: Mayor Jeremy Stutsman, Board Member Mike Landis, Board Member Mary Nichols

ABSENT:

OTHERS: (NO ATTENDANCE LOGGED- BOARD MEMBERS ALL PRESENT)

Clerk-Treas. Admin Assistants	Police Chief	Asst. Building Commissioner
Asst. Brownfield Coordinator	Utilities Office Manager	City Planner
Central Fleet Manager	Contracts & Claims Manager	Assistant City Planner
Fire Chief	Water & Sewer Superintendent	Legal Compliance Admin
Street Commissioner	City Attorney	Communications Coordinator
Human Resources	Asst. Street Commissioner	Assistant Police Chief
Director of Public Works	Civil Traffic Engineer	Building Inspector
Wastewater Superintendent	Brownfield Coordinator	Parks Superintendent
Mayor's Admin Assistant	Assistant Fire Chief	

Minutes of the meeting of December 09, 2019, were presented. On motion of Board Member Landis and second by Board Member Nichols, the minutes were approved as presented.

REQUEST TO APPROVE RELIEF FROM LIQUIDATED DAMAGES-JN: 2017-0017

Director of Public Works Dustin Sailor presented for Board consideration a request for relief from liquidated damages from American Fire Training Systems, a subcontractor of Ancon Construction for the tactical fire training facility. Mr. Sailor explained that after a previous extension to Oct. 30th due to issues procuring the shipping containers, the approved work was finally completed on Dec. 17th. Total amount of liquidated damages for 47 days at \$500.00 per calendar day totals \$23,500.00. Mr. Sailor stated that because of trouble getting the contractor to respond and finish work, staff offered that if they completed work in two weeks (by Dec. 17th) staff would entertain a request for some relief to liquidated damages. American Fire Training Systems did complete the work within two weeks and have submitted request for complete relief. It is staff understanding that Ancon will forward liquidated damages on to American Fire Training Systems.

Mayor Stutsman asked whether American Fire Training Systems was responsive through the course of the project.

Mr. Sailor said that during construction staff was told that containers were not available. The contractor arrived, assembled portions, then left, later returned and assembled more, then close to Thanksgiving informed staff that they were leaving for a job in Puerto Rico, for which they left for some weeks. At that time staff contacted and incentivized returning to complete the City project.

Mr. Landis observed that American Fire was the party not completing work in a timely way.

Mayor Stutsman asked if part of the first delay in work was because the contractor did not properly install a drainage system.

Mr. Sailor said that the drainage system remained uncompleted, along with some other punch list items such as paint and gutter systems that will need to be completed in the spring.

Mayor Stutsman explained his reservations about granting relief given that the facility was not yet complete.

Mr. Landis asked whether the facility was usable for its intended purpose.

Mr. Sailor explained that staff deemed it substantially complete and usable.

Mayor Stutsman stated he was not inclined to make a change but would consider another motion.

Mr. Landis stated it seemed to him that this is the reason clauses like this are included in contracts. He wondered why the Board would remove damages, especially for the reason that the contractor had other jobs to tend to. He speculated that those jobs may have had higher liquidated damages in place.

Board Member Landis moved that on the tactical fire training facility, JN 2017-0017, leave liquidated damage stand as the contract said. Second by Board Member Nichols and motion passed unanimously.

REQUEST TO APPROVE RESOLUTION 2020-01: Acquisition of Real Estate in the 1500-block of East Monroe Street

Legal Compliance Administrator Shannon Marks requested Board approval for Resolution 2020-01, explaining that this is for approximately 3.5 acres of land along the west side of Rock Run Creek in order to preserve the flood plain. The purchase price in the agreement is \$30,000.

Mayor Stutsman asked whether this is a buildable site or whether the idea is to prevent development and more flooding issues.

Stormwater Coordinator Jason Kauffman explained that the intent was to prevent development, noting that the property came to staff attention because a party expressed interest in building something on the site. He noted that it flooded in 2018 and is a continuation of the flood control that Abshire Park provides.

Mayor Stutsman confirmed that this is an effort to further mitigate flooding.

Board Member Landis moved to approve Resolution 2020-01. Second by Board Member Nichols and motion passed unanimously.

REQUEST TO APPROVE POST-CONSTRUCTION PLAN JN: 2017-2043

Jason Kauffman requested Board approval for the POST-CONSTRUCTION PLAN APPROVAL DT RETAIL PROPERTIES, LLC & TRACTOR SUPPLY COMPANY JN: 2017-2043 and read introduction from the packet memo.

Board Member Landis moved to approve the post-construction stormwater plan for DT Retail Properties, LLC and Tractor Supply Co. Second by Board Member Nichols and motion passed unanimously.

REQUEST TO APPROVE POST-CONSTRUCTION PLAN JN: 2018-2051

Jason Kauffman requested Board approval for the POST-CONSTRUCTION PLAN APPROVAL GENESIS PRODUCTS, INC. – PLANT #9 JN: 2018-2051 and read introduction from the packet memo.

Board Member Landis moved to approve the post-construction stormwater management plan for Genesis Products, Inc. Plant #9. Second by Board Member Nichols and motion passed unanimously.

REQUEST TO APPROVE POST-CONSTRUCTION PLAN JN: 2018-2016

Jason Kauffman requested Board approval for the POST-CONSTRUCTION PLAN APPROVAL GOSHEN SHOPPES – KEYSTONE SQUARE 14 JN: 2018-2016 and read introduction from the packet memo.

Board Member Landis moved to approve the post-construction stormwater management for Goshen Shoppes at Keystone Square 14. Second by Board Member Nichols and motion passed unanimously.

REQUEST TO APPROVE POST-CONSTRUCTION PLAN JN: 2018-2022

Jason Kauffman requested Board approval for the POST-CONSTRUCTION PLAN APPROVAL SYNERGY LEASING, LLC – NEW TRAILER STORAGE LOT JN: 2018-2022 and read introduction from the packet memo.

Board Member Landis moved to approve the post-construction stormwater management plan for Synergy Leasing, LLC new trailer storage lot. Second by Board Member Nichols and motion passed unanimously.

REQUEST TO APPROVE CDBG SUB-RECIPIENT AGREEMENT

Rhonda Yoder CDBG Administrator requested Board approval for 2019 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SUB-RECIPIENT AGREEMENT FOR OWNER-OCCUPIED HOUSING REHABILITATION and authorize the Mayor to sign the Agreement.

Ms. Yoder explained that this is for program year 2019, which started July 1, 2019.

Board Member Landis moved to approve the CDBG sub-recipient agreement with LaCasa for owner-occupied housing rehab and authorize the Mayor to sign the Agreement. Second by Board Member Nichols and motion passed unanimously.

REQUEST TO APPROVE CDBG SUBORDINATION REQUEST

Rhonda Yoder CDBG Administrator requested Board approval for COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SUBORDINATION REQUEST, Program Year 2009, ACTIVITY #183 and read information from the packet memo.

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

(Walk-in) REQUEST TO APPROVE WATER AND SEWER SPLIT FOR 2020

Kent Holdren Water and Sewer Superintendent requested Board approval for the WATER/SEWER MAINTENANCE FUND FOR 2020 AS \$.10 WATER AND \$.60 SEWER. Mr. Holdren explained that as per Ordinance 4531, the Board is to annually review the residential water and sewer lines maintenance repair fund balances to make a determination on how the 70 cent repair fee is to be allocated.

The expenditure for 2019 \$59,240 water and total for sewer was \$105,322. Based on the expenditure and balance information Mr. Holdren provided the Board, the Superintendent's recommendation is 10 cents to water and 60 cents to sewer.

Mr. Holdren explained that the Utility had the worst year in quite some time for expenditures and repairs, though it is also good in that residents have been protected from high repair bills such as \$16,000 and \$14,000 bills. Mr. Holdren stated his hope that this next year the number of repairs goes down. He also stated that material prices have gone up. Plan is to use a special crew for these repairs and hope is not to increase the prices.

Mr. Landis asked how much money is generated from this fee each year. Mr. Holdren stated it is about \$67,000 and the ending balance was approximately \$49,000.

Mayor asked when the program began. Mr. Holdren responded that sewer started in 2007 and water in 2009, it has been a really positive program, and that rates have not be increased since inception. Mr. Holdren said they have never had a year like this (with this many repairs), and he can't put a finger on why.

Mayor asked what the deductible is. Mr. Holdren answered that it is \$350 for sewer and \$0 for water.

Mr. Landis asked whether a request to change the deductible or fee amount would come before this Board. Mr. Holdren replied that it would be an ordinance change by the Council. Mayor Stutsman said that if we have another year with this volume of repairs we may need to look at that fee. Mr. Holdren offered that Elkhart's fee is over \$1.

Board Member Landis moved to approve the request to allocate 10 cents to the water maintenance fund and 60 cents to the sewer maintenance fund for the 2020 billing year. Second by Board Member Nichols and motion passed unanimously.

BOARD AND COMMISSION APPOINTMENTS

Mayor Stutsman announced the following appointments:


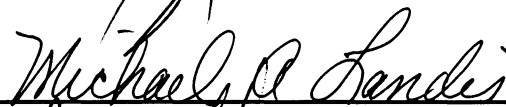

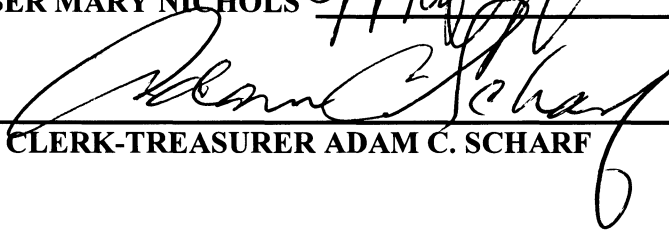
- Allan Kauffman to a four-year term on the Board of Zoning Appeals. He will take the place of Brad Hunsberger
- Richard Aguirre reappointed to the Board of Zoning Appeals. He was originally appointed in December 2016.
- Aracelia Manriquez reappointed to the Plan Commission. She was originally appointed in September of 2015.

Mayor Stutsman opened nominations and nominated Richard Worsham to become the Board of Public Works & Safety appointment to the Plan Commission. Second by Board Member Landis. Mayor Stutsman moved to close nominations. Second by Board member Nichols. Nominations being closed, Mayor Stutsman called for a vote to appoint Richard Worsham to the Plan Commission, with vote being 3-0 in favor.

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

Adjournment 2:19pm

BOARD OF PUBLIC WORKS AND SAFETY AND STORMWATER BOARD:

MAYOR JEREMY STUTSMAN 
BOARD MEMBER MICHAEL LANDIS 
BOARD MEMBER MARY NICHOLS 
ATTEST 
CLERK-TREASURER ADAM C. SCHARF