

MINUTES
Goshen City Council
Special Session
October 21, 2024 at 6:00PM
Goshen Community Building, 244 Clark Street

Call to Order: Mayor Stroud called the meeting to order at 6:00PM.

Roll Call: Paula Anderson, Colton Martin, Shawn Mayfield, Max Poye, John Vaillancourt, Birch Wright were present. City Attorney and Recorder/Treasurer Marjorie Vaillancourt were present.

Approval of Agenda: John Vaillancourt motioned to approve agenda as written. Seconded by Birch Wright. All in favor? Yay)6). Opposed? (0). The motion carried.

City Council Business:

- A. Mill Branch Park North Access Driveway Safety Concern:** Mayor Stroud presented. This was brought to my attention by one of our haulers for APAC. He stopped by and said, what's going on with that driveway down there? It's really narrow, coming off Highway 45. I went to City Hall and pulled the design drawings and reviewed with Lacie and said, is there anything that doesn't meet as far as expectations or standards for the city? We pulled the code and looked at it, and sure enough, it was not in compliance with our own code. Our own code is 26 feet. It was 20 feet at the mouth, and it's, well, right after the turnoff, and then down to 18 feet at the parking lot. So, then I called Brian, our attorney, and said, I'm not exactly sure what we need to do, but I think we probably need to have a special session and discuss whether this needs to be a change order. I called Tomlinson Asphalt and let them know that we were likely going to have to do a change order because of the difference in size, had them put together the difference in cost. So, that's where you see the difference in cost from the original bid with the 20 down to 18 feet, and then the 26 feet, and that difference is \$29,976.50. And Tomlinson did give us a huge discount on the terms of this cost on the bid. Birch: So, I'm going to follow Mayor. I thought you said it was not wide enough. Mayor: Correct. So, on the drawings that were done by Crafton and Tull, it was coming off Highway 45, and it goes to 20 feet, which is 20 feet wide, but it comes in straight off the highway, and it makes a 90-degree turn. And those 20 feet, and I agree, I didn't realize it until I got down there and looked at it. If I were in my pickup truck, and I turned off the highway and tried to make that turn, I'm going to have to swing out into the other lane, and I'll have to swing around in that other lane, making that corner, to be able to keep your vehicle from swinging out into the other lane. So, our ordinance says that it's supposed to be 26 feet, because this is a driveway, and it's 13 feet per lane of our ordinance. Birch: Per lane. Mayor: We have 13 feet per lane of driveway. Birch: So, we're 6 feet short. Mayor: We're 6 feet short so, the difference, is \$29,976.50. Lacie: We're 8 feet short, closest to the parking lot. It went to 18 feet, so we're 8 feet short on that side of the parking lot. Birch: They were doing their work for what we asked them to do. Mayor: They were. Birch: So, is this a mistake on our part? Mayor: It is. Birch: Has the work starting yet? Mayor: Yes. Paula: Was the additional width

underway? Or the driveway underway? John: Yes, the additional is underway. Mayor: I have not authorized any additional work for the additional width. Now, John was down there today and said that they already hauled the red dirt in. John: No, they already put all the red dirt in. They said the red dirt work is all done. Mayor: I don't know who you spoke with. I know that I spoke with Nathan. John: Let me just tell you what I was told. The red dirt work was completed. There were dump trucks backing in, dumping the gravel. Mayor: And who did you speak with? John: Somebody that was there at the site. Mayor: So, we don't really know. I mean, I don't want to discount what you're saying. John: Let me finish what I was saying, please. There were dump trucks backing in, dumping the stone. At the width, the new width. And they were spraying. They had markers in, et cetera, all the way down to the parking lot. That's, I'm just telling you what I was told and what I saw. So, I just saw the truck that was down there when I was coming. But the work is not done. It's going on. So, they must have worked with 5:30 or whatever. They probably have all that stone in there already spread. Max: It's covered with SB2, it looks like, right now. All the way from the highway. Mayor: I just don't know. I haven't been, no one from Tomlinson has said that they've completed the red dirt work with SB2 yet. So, as far as I know, they haven't done the entire widening of the road yet. But that could be wrong. I don't know. Birch: So, they'll come back to pack SB2? And asphalt over it? Mayor: It will be concrete. John: The concrete is a big part of the \$30,000 additional dollars. I mean, concrete is not cheap. Max: So, was it designed to be 18 feet in the parking lot? Mayor: It was, it was designed 18 and 20. John: On June 5th of this year. Paula: Well, and I don't know who I Crafton and Tull. Lacie: I would recommend that these kinds of projects, especially when they are tied into, like highways and what we're coming into driveway widths, it goes before the planning commission. This did not go before planning commission at all. I'm not saying that planning commission's going to, you know, dot all i's, and cross all t's. But when it comes from a planning perspective, we're looking for those things. When I was looking at all these plans, I was not looking at them from a planning perspective. I was looking at it. We hired an engineer. The engineer should have asked, is the lanes wide enough? Does it meet the city code? Does it meet ARDOT code? What is the code? I feel that those questions should have been asked. They were never asked. I didn't think to look at those questions either. Obviously, I'm not the only one. We just kind of, like I said, we assumed that the engineer would have had a grasp on it. Birch: So, there's not any culpability with the Crafton and Tull? Mayor: We can take it to Crafton and Tull and ask why this was never brought to our attention. Birch: We paid them engineer the project, right? Mayor: This is the second project with Crafton and Tull where we've had a problem. You're not incorrect. So, I do think it's worth at least, you know, talking to Crafton and Tull and saying, hey, you know, what happened here? But I agree with Lacie as well that I think these projects like this, as they tie into especially major highways or they must do anything with zoning and planning, I think they need to go before the planning commission as well so they notice the eyes get laid on it before, we go ahead and do the approvals. Lacie: I was more worried about getting the plans turned in to get the grant funding. I thought that the plans would have been taken care of. Max: I agree. I mean, that's what engineers are supposed to do, right? We shouldn't have to run everything through our planning commission even. I mean, we hired an engineer to design the project. John: And he is looking at the ordinance as well. Lacie: At 18 feet wide, it doesn't even meet fire code. Birch: I agree Max, there should be some culpability on Crafton and Tull period. I don't know if they need to read the ordinance, but they should know the codes, it's on them. Birch: So, in my opinion, there needs to be a conversation with Crafton and Tull why they missed that, and they should be responsible for some of the costs, if not all the costs. Lacie: I have a question for Council. Moving forward, because it's going to cost the city money if we just stop the project, it's going to cost the city

money. Tomlinson is going to charge us for the time that we're not working on the project. From an attorney's standpoint, where would the city have to go ahead and approve the costs of the project and then go after Crafton and Tull for a portion of it or for a breach of contract or not upholding their end of it? Attorney David Hogue: I would say two different conversations. One is authorizing the work order to complete the project. If you think your engineer is in violation of the contract, pursue that. I haven't seen it. I can't speak to it. But I would certainly agree with you that it's worth looking at. I don't know what we contracted them to do. You know, engineer a driveway that doesn't wash out. It's different than engineering to the standards of the city. I'd have to look at the contract before I can do it per se. But I think for tonight's purposes, the city needs to determine what's in the city's best interest. And it sounds like a change of order is what's on the table. Max: Well, if they had designed it to 26 feet or however many feet, it would still have cost us that much more. Mayor: It would have cost us much more. Because Tomlinson's giving us a discount because of this change of order. They're only charging us a cost. Paula: It would have factored into the grant. Mayor: Yes, it would have factored into the cost. Birch: It would have been a higher cost. Birch: Where do we have \$30,000? Mayor: We have it in the general fund. We'll have to take it out of our capital expenditures. Birch Wright motioned any engineering design projects go to the Planning commission. Seconded by John Vaillancourt. All in favor? Yay (6). Opposed? (0). The motion carried. Colton Martin motioned to approve the change order for 45 Goshen/Tuttle. Seconded by Max Poye. All in favor? Yay (5). Opposed? Nay (1). The motion carried.

Public Input: Citizen was concerned about closing the entrance and how it would affect his driveway. Mayor: Will be fine leaving the driveway. Only removing a portion, so there will be access.

Adjournment: Colton Martin motioned to adjourn at 6:30 pm. Seconded by John Vaillancourt. Adjourned at 6:30 pm.


Marjorie Vaillancourt

Recorder/Treasurer



Decline to sign - Kowin

Russell Stroud

Mayor