

**BOARD OF PUBLIC WORKS AND SAFETY AND STORMWATER BOARD MEETING  
HELD, SEPTEMBER 09, 2019, 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 September 09, 2019, 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 Mitch Day

**ABSENT:**

**OTHERS:**

Clerk-Treas. Admin Assistants  
~~Asst. Brownfield Coordinator~~  
Central Fleet Manager  
Fire Chief  
Street Commissioner  
~~Human Resources~~  
Director of Public Works  
Wastewater Superintendent  
~~Mayor's Admin Assistant~~

Police Chief  
Utilities Office Manager  
Contracts & Claims Manager  
Water & Sewer Superintendent  
City Attorney  
~~Asst. Street Commissioner~~  
Civil Traffic Engineer  
~~Brownfield Coordinator~~  
~~Assistant Fire Chief~~

Asst. Building Commissioner  
~~City Planner~~  
Assistant City Planner  
~~Legal Compliance Administrator~~  
Communications Coordinator  
~~Assistant Police Chief~~  
Building Inspector  
Parks Superintendent

Minutes of the meeting of August 19, August 26 and August 30, 2019, were presented. On motion of Board Member Day and second by Board Member Landis, the minutes were approved as presented.

**SWEARING IN OF OFFICER - MEJIA**

Gerardo G. Mejia was formally sworn in as Patrol Officer.

Previously, on August 26, 2019, Police Chief Jose Miller requested Board approval to promote Gerardo G. Mejia from the position of Probationary Patrol Officer to the rank of Patrol Officer effective August 27, 2019 which was approved. However Officer Mejia was unable to be at that meeting for the swearing in ceremony as he was still attending the Academy.

**CITIZEN COMMENDATION – MICHELLE KIDDER**

Police Division Chief Bill Hubbard was present to award Michelle Kidder a Citizen Commendation.

The Goshen Police Department would like to award Michelle Kidder with its Citizen Citation. The commendation is earned by an individual who performed, "Extraordinary assistance to department or person." On July 21<sup>st</sup>, Michelle Kidder, without concern for her own safety, aided officers who were attempting to arrest a combative, intoxicated subject. Kidder's assistance prevented further injury to officers and allowed officers to subdue and handcuff the subject. Officer Austin Everage and Officer Jared Ellison, the officers involved in the incident, were present for the meeting and the award presentation.

**REQUEST TO APPROVE STORMWATER PLAN – THE BIG O**

Director of Public Works Dustin sailor requested Board approval for an alternate stormwater plan for The Big O.

Abonmarche Consulting, on behalf of the developers for the Oasis, submitted an alternate stormwater plan that proposes connection to an existing stormwater line that is already stubbed into the property. Goshen Engineering has reviewed the plan and found it to be sufficient.

Goshen Engineering has contacted the Wrights, owners of Linway, and the Wrights are proposing to install a new stormwater pipe that will wrap around the south and east side of the Oasis property and make connection to the existing stormwater stub into their property (currently shared by both property owners). Goshen Engineering has reviewed Wright's preliminary plan with their contractor and staff believes this plan will be sufficient.

Goshen Engineering requests the Board of Public Works and Safety and Stormwater Board accept the proposed stormwater plans from the Oasis and Linway. Key to the acceptance would be that neither party cut off the other party's stormwater connections until both parties have their own independent connection to the public stormwater system.

Upon the Board's acceptance, stormwater connection agreements between the property owner the City will be prepared by Goshen Legal for both parties to sign. These agreements will return to the Board for signatures.

Board Member Landis moved to approve the request. Second by Board Member Day.

Further discussion:

Dustin Sailor asked that Board consider there may be some delays for the connections to happen and that an amended motion includes that until both parties are completely separated and independent that neither party can cut off the other property from the stormwater connection.

Board Member Landis amended his motion to include that until both parties are completely separated and independent that neither party can cut off the other property from the stormwater connection. Second by Board Member Day.

City Attorney Larry Barkes confirmed this was within the Board's rights to do as long as the work delay did not last forever and was timely. The Oasis requested a timeline. Mayor Stutsman and Attorney Larry Barkes agreed that if either party thought the work was no longer timely, they could petition the Board to reconsider.

Amended motion passed unanimously.

**REQUEST TO AWARD CONTRACT – TEMCO MACHINERY**

Legal Contracts and Claims Manager Keitha Windsor requested Board approval to award the contract for the Fire Truck Purchase to Temco Machinery.

On June 10, 2019 the Board of Public Works and Safety opened bids for Fire Truck Purchase B19-05-011. The attached table compares the bids received with a summary below:

	Stutphen Corp. 6450 Biterman Road Dublin, OH 43016	Temco Machinery Inc. d/b/a Global Emergency Products 1401 N. Farnsworth Ave. Whitestown, IN 46075	Rosenbauer Minnesota LLC / Sentinel Emergency Solutions 23 Grandview Park Arnold, MO 63010
<b>ITEM BASE BID:</b>			
1 New Pumper Fire Truck	\$508,700.00	\$517,300.00	\$631,635.00

Upon review of the bids received, it has been determined that the bid submitted by Stutphen Corp. is unresponsive and should be rejected. As provided by Indiana Cody 5-22-16-2, Stutphen Corp. did not submit a proposal that complies in all material respects to the Specifications and Contract Documents Fire Truck Purchase B19-05-011 for the reasons that they listed on separate pages that includes delivery over 2-3 months past our specified 300 days and they do not offer frontal impact airbags for vehicle occupant crash protection. The estimated cost on some of their exceptions exceeds \$15,000.00.

Temco Machinery, Inc. d/b/a Global Emergency Products offer had two exceptions

The City's Specifications and Contracts Document specified:

1. B-6.0 Engine: "Includes Engine Diagnostic software, licensing and interface equipment including Insight and Quick Serve"
2. L-4.0 Chassis Operation Manual and Software: "All needed software provided for Laptop interface with the vehicle on board control system"

Temco Machinery, Inc. d/b/a Global Emergency Product's proposal does not provide #1 and #2 is not available with the chassis that the City specified. The estimated cost for these two items is \$600.00 each.

The City wishes to upgrade the chassis from the one that City specified to a Pierce Enforcer Pumper with a multi-plex chassis at an additional cost of \$16,800.00.

It was recommended that the Board of Public Works and Safety award the contract to Temco Machinery Inc. d/b/a Global Emergency Products as the lowest responsible and responsive bidder for a total contract price of \$534,100.00 and permission was requested to authorize execution of the purchase contract.

Board Member Day moved to approve the request. Second by Board Member Landis.

City Attorney Larry Barkes let the Board know that they also need to find that the lowest bidder is not responsive.

Board Member Day amended the motion to include that the lowest bidder was not responsive for reasons laid out in the memo supplied by Keitha Windsor. Second by Board Member Landis.

Amended motion passed unanimously

**REQUEST TO APPROVE AGREEMENT – OZINGA READY MIX CONCRETE**

Legal Contracts and Claims Manager Keitha Windsor requested Board approval for an agreement with Ozinga Ready Mix Concrete for temporary leaf storage.

The City wishes to contract with Ozinga Ready Mix Concrete Inc. to provide the City a temporary leaf storage site on their premises at 1700 Egbert Ave.

The cost for the use of the storage site is \$10.00 per month.

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

**REQUEST TO APPROVE AGREEMENT – E AND F CONTRACTORS**

Legal Contracts and Claims Manager Keitha Windsor requested Board approval for an agreement with E and F Contractors to install LED lights.

The City is replacing the lighting at Goshen Street Department with LED lights and wishes to contract with E and F Contractors, Inc. to install the LED lights.

The cost for the work is \$7,500.00 and will be completed by December 1, 2019.

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

**REQUEST TO APPROVE AGREEMENT – KIBBY EXCAVATING**

Director of Public Works Dustin Sailor requested Board approval for an agreement with Kibby Excavating for the completion of drainage improvements on Carter Road.

The roadside swale will be reconstructed and stabilized to allow positive drainage to flow to the west and into the existing storm sewer. This includes the removal and replacement of three pipe culverts and three driveway approaches.

It was requested the Board of Public Works and Safety approve the agreement with Kibby Excavating for the completion of the drainage improvements at 214 and 216 Carter Road (PN:2018-0026) for a contract price of \$18,670.55.

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

### **REQUEST TO APPROVE AGREEMENT – KIBBY EXCAVATING**

Civil Traffic Engineer Leslie Biek requested Board approval for an agreement with Kibby Excavating for the completion of the Walmart Buggy Trail from Eisenhower Dr. to Walmart's parking lot at 2304 Lincolnway East.

Carter Road and Walmart Buggy Trail projects were bundled by Engineering in order to get some better quotes and no quotes were received back in May 2019. Engineering has been reaching out to contractors. Kibby contacted Engineering to let us know they have some availability.

The trail is for the use of buggies so they do not have to travel on US 33 to get to the shopping areas in this stretch. Kibby will place a pipe on the bottom of Walmart's retention pond and will fill the area with suitable soils and restore the area and grade the top so the City can extend the buggy trail to the parking lot. The City's Street Department will be doing the asphalt work. Kibby will work on buggy trail first so the Street Department can be done with asphalt work before leaf season.

The Amish community has helped financially with the project and looks forward to its completion.

It was requested the Board of Public Works approve the agreement with Kibby Excavating for the completion of the buggy trail from Eisenhower Dr. to Walmart's parking lot (PN: 2012-0033) for a contract price of \$47,026.50.

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

### **REQUEST TO APPROVE AGREEMENT – MACOG**

Civil Traffic Engineer Leslie Biek requested Board approval to for an agreement with MACOG to supply the City of Goshen with Traffic Counts at 31 locations listed in the agreement.

MACOG will also complete two (2) intersection analyses of our choice, which will include collecting traffic counts at the intersection, turn movements, signal timing data, digital photography, accident data, GPS data and geometric layout of the intersection. Engineering is still determining which intersections we will ask to be done. Leslie Biek asked Board for any input. Mayor Stutsman would like to see the two intersections be Third and Pike and Main and Pike to fix timing and turns for better traffic flow on US 33.

The agreement is in the amount of \$2,000.00

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

**REQUEST TO APPROVE CHANGE ORDER NO. 3– WALSH & KELLY**

Director of Public Works Dustin Sailor requested Board approval for First Street Reconstruction, Rock Run Creek to Wilden Ave. Change Order No. 3 (JN:2014-0053)

Due to construction conflicts with drive approaches and their slope grades, Walsh & Kelly has been delayed with construction. The Engineering Department came to an agreement with Abonmarche to change a portion of the drawings to enable the slope grades of the drive approaches to be lowered. Walsh and Kelly will need to extend the completion date into October. There is confidence that the final phase of construction from First Street to Wilden Avenue can be completed this season so that the roadway can be re-opened to regular traffic without interruption.

The time extension for Phase 2 work is until October 11 for final completion.

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

**REQUEST TO APPROVE STOP SIGN REQUEST – SPRING BROOKE**

Civil Traffic Engineer Leslie Biek requested Board approval to change the yield sign to a stop sign on the west leg of the intersection of Spring Brooke Drive and Spring Brooke Drive and to stripe the crosswalk on the west leg of the intersection for pedestrians.

The Traffic Commission has approved a request made by the Spring Brooke neighborhood to change a yield sign to a stop sign at the intersection of Spring Brooke Drive and Spring Brooke Drive. Additionally, the Traffic Commission approved striping the crosswalk on the west leg of the intersection for pedestrians traveling north/south.

There was discussion on the striping of the crosswalks and who would be responsible as the City Street Department does not stripe in neighborhoods as a rule. Mayor Stutsman suggested that the Board move ahead with changing the yield sign to a stop sign and waiting to make a decision on the striping request if needed.

Board Member Landis moved to approve the stop sign request only. Second by Board Member Day and motion passed unanimously.

**REQUEST TO APPROVE 4 WAY STOP SIGN REQUEST – COLONIAL MANOR**

Civil Traffic Engineer Leslie Biek requested Board approval to add stop signs on Colonial Manor Drive at William Drive making this intersection a 4-way stop.

The Traffic Commission has approved a request made by a resident in the Colonial Manor neighborhood to add stop signs on Colonial Manor Drive at William Drive for north and southbound traffic making this intersection a 4-way stop. There are already existing stop signs on William Drive at Colonial Manor Drive. The intersection to the east at Eagle Drive and Lantern Lane is also a 4-way stop and Colonial Manor Drive is a main entrance into the neighborhood.

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

**REQUEST TO APPROVE LANE CLOSURE**

Director of Public Works Dustin Sailor requested Board approval for Lincoln Avenue pavement patching at The Oasis.

Niblock Excavating was hired by CDR Construction to replace the temporary cold weather patches in West Lincoln Avenue in front of the new Oasis restaurant. Work will begin on Tuesday, September 10 and should be completed by Thursday, September 12, 2019.

Traffic control will be set up by Niblock Excavating that will restrict traffic through the corridor during the pavement replacement work.

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

**REQUEST TO APPROVE ROAD CLOSURE**

Water and Sewer Superintendent Kent Holdren requested Board approval for a road closure at the intersection of East Kercher Road and Keystone Drive.

The City of Goshen Water and Sewer Department and Reith-Riley will be installing a Water Main Valve located at the intersection of East Kercher Road and Keystone Drive. The work will require excavation of the road, with a trench that will be approximately 8' in depth. For the safety of the work crews and traffic, the City is requesting permission to close East Kercher Road and Keystone Drive intersection to thru traffic on Monday 9/9/19 starting at 4:00 pm, and reopening for traffic at midnight. The work was originally to be a line stop but the valve will save a day's worth of closure.

Goshen Schools and EMS will be notified and garbage will be moved to the appropriate location for pick-up.

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

**REQUEST TO APPROVE ROAD CLOSURE**

Water and Sewer Superintendent Kent Holdren requested Board approval for a road closure at Lombardy Drive.

The City of Goshen Water and Sewer Department and Reith-Riley will be installing a Water Main located at the intersection of East Kercher Road and Lombardy Drive. The work will require excavation of the road, with a trench that will be approximately 8' in depth. For the safety of the work crews and traffic, the City is requesting permission to close Lombardy Drive only to thru traffic on Thursday 9/12/19 starting at 7:00 am, and reopening for traffic by Saturday evening, 9/15/19.

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

**REQUEST TO APPROVE SETTLEMENT - CUEVAS**

City Attorney Larry Barkes requested Board approval for the settlement of Cuevas vs. City of Goshen.

A mediation conference was held on August 20, 2019 on the Cuevas v. City of Goshen case and a settlement agreement was reached. It is recommended that the Board of Public Works and Safety accept the agreement which settles the claim well within the City of Goshen's insurance policy limits and includes a non-disclosure agreement. The only responsibility of the City of Goshen is payment of the \$10,000.00 deductible under the City's insurance policy.

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

**REQUEST TO APPROVE RESIGNATION - B. BROWN**

Police Chief Jose Miller requested Board approval for the resignation submitted by Brody L. Brown with last working day as October 3, 2019.

Officer Brown did not complete mandatory items following his suspension in February 2019 and has requested to resign.

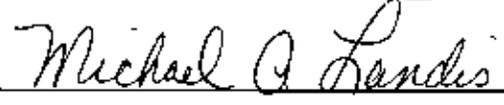
Board Member Landis moved to approve the request. Second by Board Member Day and motion passed unanimously.

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

**BOARD OF PUBLIC WORKS AND SAFETY AND STORMWATER BOARD:**

**MAYOR JEREMY STUTSMAN** \_\_\_\_\_

**BOARD MEMBER MITCHELL DAY** \_\_\_\_\_ 

**BOARD MEMBER MICHAEL A. LANDIS** \_\_\_\_\_ 

**ATTEST**  \_\_\_\_\_  
**CLERK-TREASURER ANGIE MCKEE**