



## **BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD**

### **MINUTES OF THE DEC. 13, 2021 REGULAR MEETING**

*Convened at 2 p.m. at Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana*

**Present:** Members Mike Landis, Mary Nichols, DeWayne Riouse and Barb Swartley

**Absent:** Mayor Jeremy Stutsman

**Call to Order:** Acting Chair Mike Landis called the meeting to order at 2 p.m.

**Review/approval of Minutes:** Minutes of the Dec. 6, 2021 meeting of the Board of Works & Safety & Stormwater Board were presented. **Board member Mary Nichols moved to approve the minutes as presented and the motion was seconded by Board member Barb Swartley. Motion passed 4-0.**

**Review/approval of Agenda:** Acting Chair Mike Landis presented the Board agenda for consideration. **Nichols moved to approve the agenda as submitted. Swartley seconded the motion. Motion passed 4-0.**

#### **1) Request for road closure of North 7th Street between East Wilden Avenue and Oakridge Avenue**

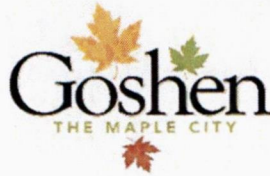
Kent Holdren, Superintendent of the Goshen Water and Sewer Department, asked the Board to allow the closure of North 7th Street to thru traffic, between East Wilden Avenue and Oakridge Avenue, on Tuesday, Dec. 14, 2021 and the reopening for traffic on Thursday afternoon, Dec., 16, 2021, weather permitting. Holdren said the Water and Sewer Department will be installing a sewer lateral on North 7<sup>th</sup> Street. The excavation will be approximately 10 feet in depth and the City wants to close the street for the safety of the work crews and the public.

**Nichols/Swartley moved to allow the closure of North 7th Street to thru traffic, between East Wilden Avenue and Oakridge Avenue, on Tuesday, Dec. 14, 2021 and reopening on Thursday afternoon, Dec., 16, 2021. Motion passed 4-0.**

#### **2) Request for removal of parking spaces adjacent to the Elkhart County Courthouse**

**City Civil Traffic Engineer Josh Corwin** asked the Board to approve the conversion of all angle parking spaces to parallel spaces along the north side of Lincoln Avenue, between Third Street and the County Court's access drive. Corwin said the Elkhart County Sheriff's Office requested that two additional parking spaces be removed along Lincoln Avenue directly west of the Court's access drive and in front of the bus stop. According to the request, preventing vehicles from parking in this area would increase visibility for vehicles attempting to exit the driveway onto Lincoln. At the September meeting of the Traffic Commission, the commissioners provided an alternative recommendation that would convert all spaces west of the area at the access drive from angle parking to parallel parking, feeling this would improve the sight lines better than the requested option. Corwin said the Engineering Department sought and received support for the alternative option from both the Sheriff's Office and the county administration. In response to a question from **Landis**, Corwin said there will be a loss of two parking spaces.





Nichols/Swartley moved to approve the conversion of all angle parking spaces to parallel spaces along the north side of Lincoln Avenue, between Third Street and the County Court's access drive. Motion passed 4-0.

**3) Request to award 2022 Asphalt Paving Project (JN: 2022-0002A)**

**City Director of Public Works and Utilities Dustin Sailor** asked the Board to approve the agreement with Niblock Excavating for the 2022 Asphalt Paving project in the amount of \$349,210.15. Sailor said that on Dec. 6, 2021, the City received proposals for the 2022 Asphalt Paving Project. The following were the results: Niblock Excavating, \$349,210.15; Milestone Construction, \$363,615.15; and Rieth-Riley Construction, \$13,577,173.14. The Engineering Department requested that the Board award the contract to Niblock Excavating as the lowest responsive and responsible bidder.

**Nichols/Swartley moved to approve the agreement with Niblock Excavating for the 2022 Asphalt Paving Project in the amount of \$349,210.15. Motion passed 4-0.**

**4) Request to award 2022 Concrete Paving Project (JN: 2022-0002B)**

**City Director of Public Works and Utilities Dustin Sailor** asked the Board to approve the agreement with Rieth-Riley for the 2022 Concrete Paving Project in the amount of \$973,545.25. Sailor said that on Dec. 6, 2021, the City received proposals for the 2022 Concrete Paving Project. The following were the results: Rieth-Riley Construction, \$973,545.25; Premium Concrete, \$1,015,939.00; Milestone Construction, \$1,299,000.00; and Selge Construction, \$1,309,396.05. The Engineering Department requested that the Board award the contract to Rieth-Riley as the lowest responsive and responsible bidder.

**Nichols/Swartley moved to approve the agreement with Rieth-Riley for the 2022 Concrete Paving Project in the amount of \$973,545.25. Motion passed 4-0.**

**5) Request to award the Crossing Subdivision Drainage Improvement Project (JN 2020-0033)**

**City Director of Public Works and Utilities Dustin Sailor** asked the Board to award the modified Alternate A bid to HRP Construction, in the amount of \$1,366,090.23, for the Crossing Subdivision Drainage Improvement Project. Sailor said that on Dec. 6, 2021, the City received the following bids for the Crossing Subdivision Drainage Improvement project: HRP Construction, \$1,448,000.00 for the base bid, \$1,372,544.00 for the alternate A bid and \$1,389,836.00 for the alternate B bid; Selge Construction, \$1,503,820.30 for the base bid, \$1,431,901.30 for the alternate A bid and \$1,445,263.30 for the alternate B bid; and Niblock Excavating, \$1,759,717.00 for the base bid, \$1,666,969.00 for the alternate B bid and \$1,678,759.00 for the alternate B bid. Sailor said based upon a review of the bids and supporting documentation, staff recommended awarding Alternate A to HRP Construction as the lowest responsible and responsive bidder. Sailor said after receiving the bids, staff was notified by the design consultant that the cost for a grade beam was erroneously not included in the bid. Additionally, an easement was secured for a section of existing water main; therefore, it no longer requires relocation by the contractor. Sailor said with these minor adjustments, staff negotiated the removal and addition of the numerous bid items. With the revisions agreed upon with the contractor, Sailor said, the revised contract amount for Addendum A is \$1,366,090.23. This project is being funding by the Goshen Redevelopment Commission and Civil City.

**Nichols/Swartley moved to award the modified Alternate A bid to HRP Construction, in the amount of \$1,366,090.23, for the Crossing Subdivision Drainage Improvement Project. Motion passed 4-0.**





**6) Request to award Wilden Avenue Tree Clearing Project (JN: 2014-0035)**

**City Director of Public Works and Utilities Dustin Sailor** asked the Board to approve the agreement with J. Ranck Electric for the Wilden Avenue Tree Clearing project in the amount of \$279,890.00. Sailor said that on Dec. 6, 2021, the City received one bid the Wilden Avenue Tree Clearing Project from J. Ranck Electric for \$279,890.00. The Engineering Department asked the Board to award the contract to J. Ranck Electric as the lowest responsive and responsible bidder. In response to a question from **Landis** about the cost, Sailor said that even though the bid was higher than hoped, the City needs to trees to be cleared in the agreed upon time frame to move forward with the project. Sailor said the tree clearing will begin before the end of the month. In response to a question from **Swartley**, Sailor said that at least in part there was only one bid because of the need for work to begin within weeks.

**Nichols/Swartley moved to approve the agreement with J. Ranck Electric for the Wilden Avenue Tree Clearing project in the amount of \$279,890.00. Motion passed 4-0.**

**7) Request to reject proposals for Goshen Parks Maintenance Facility Construction Project (JN: 2021-0022)**

**Superintendent of Goshen Parks & Recreation Tonya Heyde** asked the Board to reject the proposal from R. Yoder Construction for the new Goshen Parks Maintenance Facility Construction Project. Heyde said that based upon a review of the bids and supporting documentation, staff is recommending that the proposal be rejected based upon the following: 1. Only one (1) proposal was received; 2. The proposal price exceeds the Engineer's Estimate by more than 20%; and 3. There is insufficient funding to proceed with the project at the proposed price. This project is being developed and funded by both the Goshen Redevelopment Commission and Civil City. In response to a question from **Swartley**, Heyde said the City hopes to re-bid the project in 2022.

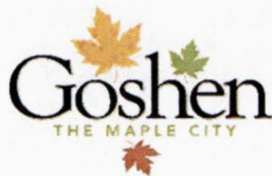
**Nichols/Swartley moved to reject the proposal from R. Yoder Construction for the new Goshen Parks Maintenance Facility Construction Project. Motion passed 4-0.**

**8) Letter of Understanding and Agreement with Central States, Southeast and Southwest Areas Health and Welfare Fund**

**Carla Newcomer, a paralegal with the City Legal Department**, asked the Board to approve and authorize the Mayor to execute the Letter of Understanding and Agreement with Central States Health and Welfare Fund concerning contributions to the Health and Welfare Fund for employee health insurance coverage. Newcomer said that under the City's Agreement with Central States, Southeast and Southwest Areas Health and Welfare Fund, effective Jan. 2, 2022, this change would allow new employees who are expected to work thirty (30) or more hours per week to be eligible for health insurance coverage as of their hire date provided that the City makes a lump sum payment to Central States for eight (8) weeks premium. In response to a question from **Landis**, **City Attorney Bodie Stegele**mann said currently there is a lag between a City employee's start date and the effective date of health insurance coverage. As a result, Stegelemann said, there have been situations when employees have lacked coverage and have had bills or needed medications. This change will allow the City to pay premiums for that initial period of time and coverage to begin at an employee's start date. In response to a question from **Landis**, Stegelemann said the employee will continue to contribute toward the cost of insurance coverage.

**Nichols/Swartley moved to approve and authorize the Mayor to execute the Letter of Understanding and Agreement with Central States Health and Welfare Fund concerning contributions to the Health and Welfare Fund for employee health insurance coverage. Motion passed 4-0.**





**9) Resolution 2021-35 Approve Goshen Police Department Unmanned Aerial System Policy 605**

**Goshen City Attorney Bodie Stegelmann** asked the Board to approve Resolution 2021-35, adopting the Goshen Police Department Policy 605 on Unmanned Aerial Systems. Stegelmann said the resolution approves Unmanned Aerial System, Policy 605, which provides for the use of unmanned aerial systems in law enforcement activities. Stegelmann said the City Police and Fire Departments have received grants allowing them to obtain drones. Part of that grant process, he said, requires that the City have policies in place for the use of drones. **Board member Landis** asked **Chief José Miller** to describe how the drones would be used. Chief Miller said the drones won't be used for sporadic surveillance and that their use is governed by FAA regulations and state statutes regarding the expectation for privacy. There are exceptions, including if a property owner grants permission to surveil or record video of their property or if there is a warrant or order by a judge. Chief Miller said his department once used Elkhart County's drone, with thermal imaging, to search for a missing child. Drones will only be used for official business and legal guidance will be sought prior to use in unclear situations. Asked by **Landis** how police would prevent the intrusion over and around non-targeted homes when a drone is used in a crowded neighborhood, Chief Miller said drones can be set for a narrow focus and would not be used to view or record areas not under surveillance. **Nichols/Swartley** moved to approve Resolution 2021-35 adopting the Goshen Police Department Policy 605 on Unmanned Aerial Systems. Motion passed 4-0.

**CITY OF GOSHEN STORMWATER BOARD  
MINUTES OF THE DEC. 13, 2021 REGULAR MEETING**

*Convened at 2 p.m. at Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana*

**Present:** Members Mike Landis and Mary Nichols

**Absent:** Mayor Jeremy Stutsman

**Acting Chair Mike Landis** convened the Board to consider a single agenda item.

**1) Post-Construction Plan Approval for Goshen Inter. School (JN: 2018-2041)**

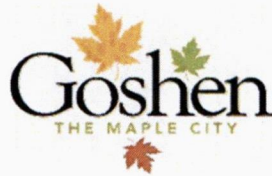
**City Director of Public Works and Utilities Dustin Sailor** asked the Board to accept the post-construction stormwater management plan for the new Goshen Intermediate School as it has been found to meet the requirements of City Ordinance 4329. In response to a question from **Landis**, Sailor said the contractor has been addressing flooding issues on the site.

**Nichols/Landis** moved to accept the post-construction stormwater management plan for the new Goshen Intermediate School as it meets the requirements of City Ordinance 4329. Motion passed 2-0.

**Acting Chair Mike Landis** resumed the meeting of the Board of Public Works & Safety

**Privilege of the Floor:**

**Acting Chair Landis** opened Privilege of the Floor at 2:22 p.m.

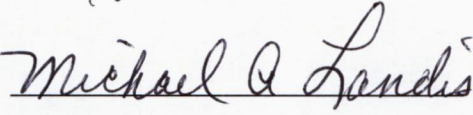


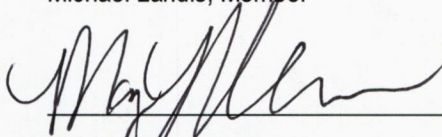
City of Goshen Street Commissioner David Gibbs announced that the last City leaf pick-ups would begin Monday, Dec. 20. No one else asked to speak, so Landis closed Privilege of the Floor.

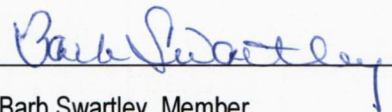
With no further matters before the Board, Acting Chair Landis/Nichols moved to approve Civil City and Utility claims and to adjourn the meeting. Motion passed 4-0. The meeting was adjourned at 2:24 p.m.

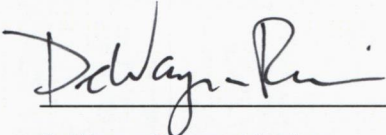
APPROVED

  
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Jeremy Stutsman, Chair

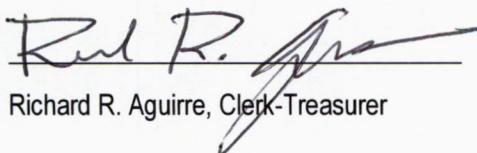
  
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Michael Landis, Member

  
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Mary Nichols, Member

  
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Barb Swartley, Member

  
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DeWayne Rouse, Member

ATTEST

  
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Richard R. Aguirre, Clerk-Treasurer