



**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD
MINUTES OF THE AUGUST 29, 2022 REGULAR MEETING**

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

Present: Mayor Jeremy Stutsman and members Mike Landis, Mary Nichols, DeWayne Riouse and Barb Swartley
Absent: None

CALL TO ORDER: Mayor Stutsman called the meeting to order at 2:01 p.m.

REVIEW/APPROVE MINUTES: Mayor Stutsman presented the minutes of the Aug. 22, 2022 regular meeting. Board member DeWayne Riouse moved to approve the minutes as presented and the motion was seconded by Board member Mary Nichols. Motion passed 5-0.

REVIEW/APPROVE AGENDA: Mayor Stutsman presented the meeting agenda with the addition of revised item 10. *Request by Schrock Commercial Construction to temporarily place a dumpster behind 120 N. Main Street for construction work.* Board member Riouse moved to approve the agenda as suggested and Board member Nichols seconded the motion. Motion passed 5-0.

1) Request for a police presence, street closures, barricades and parking for the Goshen High School Marching Band Invitational, Sept. 10, 2022 (Tom Cox)

Tom Cox, the director of bands at Goshen High School and representing the Crimson Marching Band and Band Boosters, made a series requests to the Board related to its 30th annual Marching Band Invitational on Sept. 10, 2022. He said there would be bands participating from 22 high schools – the most ever.

In a letter, high school staff members indicated that they were making the requests for the safety of the students attending this event because the entire campus will be utilized for the band invitational and students will be moving across streets. Bands will arrive about 1 p.m. and all participants will leave no later than 11 p.m.

Organizers made the following requests:

1. Close East Purl Street, from 9th Street east to the school campus, from 11 a.m. to 11 p.m.
2. Close 10th Street, from the intersection of 10th and US 33 to East Reynolds Street, from 11 a.m. to 11 p.m.
3. Permission to use of the grassy knoll area between Douglas Street and Plymouth Avenue for bus parking.
4. And the presence of a police officer before, during, and after the event.

Mayor Stutsman asked City staff if the City has access to the parking site since plans are underway for an apartment complex at the former Western Rubber property. **City Attorney Bodie Stegelmann** said he didn't know if the developers had "possessory rights" to the property yet, so the Board could approve its use for parking subject to receiving permission from the Redevelopment Commission. **Cox** asked if this was the last year the high school could use the property. Mayor Stutsman said that might be true and other arrangements would need to be made next year. **Mayor Stutsman** asked about the request for police at the event. **Assistant Chief of Police Shawn Turner** responded that police staffing may not be possible, but that he would work on providing officers. There was a brief discussion of street closures and the desirability of having a police presence.



Riouse/Nichols moved to approve the requested street closures and traffic control, a police presence if it can be arranged and bus parking, contingent on it being possible because of the pending development of the Wester Rubber site, all on Sept. 10, 2022 for the Marching Band Invitational. Motion passed 5-0.

2) Resident request: Placement of a dumpster in front of 435 North 9th Street, Aug. 31-Sept. 9, 2022

Mable Abbott, the owner of a home at 435 North 9th Street in Goshen, asked the Board's permission to place an open-top dumpster in the street in front of her residence for the disposal of items from inside the home.

In her written request, **Mrs. Abbott** asked for permission for the dumpster to be placed on the street from Aug. 31 to Sept. 9, 2022. She said she has rented a 30-yard dumpster from Castaway Metal in South Bend. She further indicated that she owns two other homes adjacent to 435 North 9th Street and that the dumpster will not interfere with vehicles normally parked on the street.

Riouse/Nichols moved to approve the request from Mable Abbott to place a dumpster in the street in front of 435 North 9th Street from Aug. 31-Sept. 9, 2022 contingent on any conditions from the Street and Engineering Departments. Motion passed 5-0.

3) Legal Department: Award a contract to Eby Ford Sales, Inc., and approve the agreement for the Police Department to purchase four 2023 Ford Interceptor Hybrid SUVs for \$199,900

Carla Newcomer, a paralegal with the City Legal Department, asked the Board to award a contract to Eby Ford Sales, Inc., as the only responsible and responsive offeror and approve the agreement for the purchase of four 2023 Ford Interceptor Hybrid SUVs for \$49,975 per unit for a total cost of \$199,900.

Newcomer said the City solicited quotes for the purchase of four 2023 Police Hybrid Pursuit SUVs in accordance with Indiana Code § 5-22-8-3. She said the only quote was submitted by Eby Ford Sales, Inc.

Mayor Stutsman said City staff members have been reviewing the budget for the Public Safety Local Option Income Tax (LOIT) and he asked **City Attorney Bodie Stegelmann** if the purchase could be increased to six vehicles.

Stegelmann said yes, because the bid had a per-unit price. He said the Board could approve a purchase of up to six.

Riouse/Nichols moved to award a contract to Eby Ford Sales, Inc., as the only responsible and responsive offeror and approve the agreement for the purchase of six 2023 Ford Interceptor Hybrid SUVs for \$49,975 per unit for a total cost of up to \$300,000. Motion passed 5-0.

4) Legal Department: Approve revised contract for Solid Waste Collection Services with Borden Waste Away Service, Inc.

Shannon Marks, the Legal Compliance Administrator for the City Legal Department, asked the Board to approve and execute the contract for solid waste collection services with Borden Waste Away Service, Inc.

Marks said on July 25, a proposed contract, in substantially final form, for solid waste collection services between the City and Borden Waste Away Service, Inc. was presented to the Board for approval. Since then, these revisions have been made: the compensation for residential solid waste collection and disposal with waste cart; recyclable materials collection and disposal with recycle cart; downtown public trash receptacles solid waste collection and disposal; City buildings and facilities solid waste and recyclable materials collection and disposal, including the supply of containers is based on a unit rate of \$14.96 per month for services to each eligible residence, multiplied by the agreed eligible residence count.



Marks said The July 25 proposal was based on an eligible residence count of 10,780. However, Borden's is still delivering waste carts and recycle carts to eligible residences (which will be completed by Oct. 1, 2022), and the City and Borden's are still in the process of establishing the agreed eligible residence count.

Marks said in the meantime, Borden's will be compensated based on an estimated eligible residence count of 11,000 for services provided. (The City estimated that there are approximately 11,000 eligible residences in its bid solicitation.) If the agreed eligible residence count is determined to be less than 11,000, then any excess paid the previous month(s) will be deducted on the invoice that is based on the agreed eligible residence count. Similarly, if the agreed eligible residence count is determined to be more than 11,000, then the deficit due will be paid.

Marks said also that also added were provisions for hardship collection services to be provided to an approved eligible residence. The compensation is based on a unit rate of \$15 per month for each eligible residence that is approved by the City for hardship collection services. **City Attorney Bodie Stegelmann** clarified the change in the hardship provision in response to a question from **Mayor Stutsman**.

Board member Swartley asked if residents seeking hardship collection service would apply to the City to be granted this free service. **Mayor Stutsman** responded that he had not accurately described the process the last time the Board considered the contract. He said City staff will decide requests and any rejections could be appealed to the Board. He said those would be the only requests the Board would consider, which would similar to water bill appeals. **Riouse/Nichols** moved to approve and execute the contract for solid waste collection services with Borden Waste Away Service, Inc. Motion passed 5-0.

5) Legal Department: Approve an agreement allowing a home to be built at 1914 Woodward Place to discharge groundwater from a basement sump pump to the City's storm sewer system

Brandy Toms, a paralegal with the City Legal Department, asked the Board to approve and authorize Mayor Stutsman to execute an agreement allowing a home being built this fall at 1914 Woodward Place to discharge groundwater from a basement sump pump to the City's storm sewer system along River Vista Drive.

Toms provided the Board with a revision to the Agreement Allowing Connection to Storm Sewer (EXHIBIT #1). She said an unnecessary exhibit in the previous agreement was deleted and there were several minor wording changes that in no way changed the terms of the agreement.

Riouse/Nichols moved to approve and authorize Mayor Stutsman to execute an agreement allowing a home being built in the fall at 1914 Woodward Place to discharge groundwater from a basement sump pump to the City's storm sewer system. Motion passed 5-0.

6) Clerk-Treasurer's Office & Cemeteries request: Agreement with Daniel Boling for Cemeteries Records Database installation, maintenance and update services

Deputy Clerk-Treasurer Jeffery Weaver asked the Board to approve and authorize the Clerk-Treasurer and the Director of Cemeteries to execute the agreement with Daniel Boling for Cemeteries Records Database services.

Weaver said the database under development compiles records that have been separately maintained between the various Cemeteries offices and the Clerk-Treasurer's office. Among other benefits, the new database will compile and cross-reference various plot, parcel, ownership, deed and inurnment information and it will be accessible to both the Cemetery and Clerk-Treasurer offices at the same time.

Boling is an independent contractor who was involved in the original development of the database on a volunteer and educational basis. He is now contracting to install the database working with the City's Technology Department.



In response to a question from **Mayor Stutsman** about the cost, **Weaver** said it is estimated to be \$2,500 this year. He said if there are additional costs next year, a revised contract will be prepared. Asked by the **Mayor** who will pay for Boling's services, **Weaver** said the Cemeteries Department and the Clerk-Treasurer's Office will pay Boling. **Weaver** further clarified the potential costs in response to a question by **Board member Mike Landis**. **Mayor Stutsman** said that having reviewed the agreement, it appeared there would be a lot of work to do. **Riouse/Nichols** moved to approve and authorize the Clerk-Treasurer and the Director of Cemeteries to execute the agreement with Daniel Boling for Cemeteries Records Database services. Motion passed 5-0.

7) Clerk-Treasurer's Office & Utilities Office: Approve Enterprise Resources Planning software agreement with Tyler Technologies for City of Goshen & Utilities Offices, with one-time costs of \$122,388 and annual costs not to exceed \$70,202

Deputy Clerk-Treasurer Jeffery Weaver asked the Board to approve and authorize the Clerk-Treasurer to execute an agreement with Tyler Technologies, Inc. for maintenance, service, support and training for the upgrade to Incode 10 and Tyler Content Manager with one-time costs of \$122,388 and annual costs not to exceed \$70,202.

In a memorandum outlining the request, **Weaver** wrote that for more than a decade, City of Goshen departments have used the Incode 9 software provided by Tyler Technologies to manage and document many essential business and financial operations, including accounting, bank reconciliation, billing (for Utilities), purchasing and reporting. This software category is known as Enterprise Resource Planning (ERP) and is indispensable for the efficient, timely and verifiable operations of businesses, non-profit organizations and government agencies.

Weaver wrote that last year, the Clerk-Treasurer's Office recognized the need for a comprehensive review of current processes and the software systems in place that support those processes. To complete that review, the City of Goshen and Utilities Offices contracted with Baker Tilly, US to assist the City with an ERP system needs assessment. That review and assessment began last fall and has continued this summer.

The outcome: The Clerk-Treasurer's and Utilities Offices determined that the City needed a substantial upgrade of its ERP software to meet statutory reporting requirements of the State of Indiana as well as to improve the accuracy and efficiency of City operations. After weighing various options and the cost of competing proposals, City staff also determined that a major upgrade to the current Incode software was the best and most affordable alternative.

The proposed agreement with Tyler Technologies includes one-time costs for the upgraded license, new module implementation and training, and migration of the existing module Incode 9 to Incode 10 at a cost of \$122,388.

Additionally, there will be annual fees for cloud-hosted Incode and new module fees not to exceed \$70,202.

For these expenditures, **Weaver** indicated the City of Goshen will benefit from the following new capabilities:

- Cloud-based server allowing for remote access by Utilities employees, and streamlined reporting access for all City departments;
- Content Manager to efficiently store scanned and digital documents pertaining to financial and statutory records, alongside a public interface for access to ordinances, resolutions, minutes and other records;
- Correctly report four-digit fund numbers;
- Inventory Control application directly connected to the purchasing and accounts payable modules;
- Fixed Asset application directly connected to the purchasing, receivables and budgeting modules;
- Direct connection between the Content Manager and most other modules allowing for cross referencing documents;
- The opportunity to re-examine the City's financial and records management processes.



In response to a question from **Mayor Stutsman**, **Weaver** said the costs for the Incode 10 upgrade will be shared by the City of Goshen and Utilities. In response to a question from the Mayor, **Weaver** said he didn't anticipate any costs this year to the City budget. **Weaver** added that Tyler Technologies indicated that after the agreement was signed it would take about six months before the company could begin implementation because of a backlog of work.

Weaver said one factor that prompted the upgrade was a state requirement that the City's fund numbers be four digits instead of three digits. He said Incode 9 was unable to accommodate four digits, so all Incode 9 users in Indiana are seeking to change their software now. He said state auditors are willing to accommodate the City as long as it is making progress toward moving to four-digit fund codes.

In response to a question from **Mayor Stutsman**, **Weaver** said funding for the upgrade has been included in the Board of Work's proposed budget for 2023. He said he could get the Mayor amended budget numbers based on his conversations with **City Water & Sewer Utilities Business Office Manager Kelly Saenz**.

Board member Swartley asked **Weaver** the City's current annual costs for Incode 9, including Cloud-based hosting. **Weaver** said the City doesn't subscribe to cloud hosting; all data is stored on a City server. So, **Weaver** said this will be a new expense. He said it is believed the Cloud-based server might be more secure for the City. **Weaver** added this shift could save the City money in the long run and will provide City Departments with timely reports.

Riouse/Nichols moved to approve and authorize the Clerk-Treasurer to execute the agreement with **Tyler Technologies, Inc.** for maintenance, service, support and training on the upgrade to Incode 10 and Tyler Content Manager with one-time costs of \$122,388 and annual costs not to exceed \$70,202. The motion passed 5-0.

8) Engineering Department: Approve the closure of Jefferson Street, Aug. 31-Sept. 2, 2022 for utility connections to 114 West Jefferson Street

City Director of Public Works & Utilities Dustin Sailor asked the Board to approve the closure of Jefferson Street, from Aug. 31 through Sept. 2, 2022, for utility connections to 114 W. Jefferson Street.

Sailor said Schrock Commercial has notified the Engineering Department of requested for road closure associated with utility connections for the future establishment, Barecito. Schrock has requested that Jefferson Street, between 3rd Street and Main Street, be closed to traffic from Aug. 31 through Sept. 2. He added that current MUTCD traffic control standards will be used.

Riouse/Nichols moved to approve the closure of Jefferson Street, from Aug. 31 through Sept. 2, 2022, for utility connections to 114 W. Jefferson Street. Motion passed 5-0.

9) Engineering Department: A report on the extension of lane restrictions associated with the Wilden Avenue Reconstruction Project

City Director of Public Works & Utilities Dustin Sailor said Rieth-Riley Construction has notified the Indiana Department of Transportation (INDOT) of an extension of the lane restrictions associated with the Wilden Avenue Reconstruction Project. Two-way traffic at the intersection of SR 15 and Wilden Avenue will be maintained on SR 15, but movements to and from West Wilden Avenue at the intersection will continue to be restricted.

Sailor also said that the closure of West Wilden Avenue at the intersection is expected to continue until Sept. 17, 2022.

This was an information-only agenda item, so there was no Board action.



10) Request by Schrock Commercial Construction to temporarily place a dumpster behind 120 N. Main Street for construction work

Fred Ham of Schrock Commercial Construction asked the Board to approve the temporary use of two parking spaces in the City parking lot behind 120 N. Main Street, from Sept. 8 through Oct. 7, 2022. Ham said the dumpster was needed to facilitate construction work in the building. Workers will be removing interior partitions, flooring and ceiling tiles on two levels.

After the meeting, Ham provided to the Clerk-Treasurer a written request and building diagram EXHIBIT #2) Riouse/Nichols moved to approve the temporary placement of a dumpster behind 120 N. Main Street for construction work, from Sept. 8 through Oct. 7, 2022. Motion passed 5-0.

11) Engineering Department: Approve the placement of "No Parking" signs along Wakefield Road, between Wilden Avenue and Wakefield Circle

City Civil Traffic Engineer Josh Corwin asked the Board to approve the placement of "No Parking" signs along Wakefield Road, between Wilden Avenue and Wakefield Circle.

Corwin said the Engineering Department received a resident request to prohibit parking at the entrance to Pickwick Village. The resident has had occasions when mail was not been delivered and trash was not collected because of cars parked along the street. The resident was also concerned that the parked cars posed a dangerous situation for children getting on and off the school bus. Corwin said the City Traffic Commission considered the request at its August meeting and unanimously supported the placement of "No Parking" restrictions along Wakefield Road, between Wilden Avenue and Wakefield Circle. However, commission members felt that restrictions along Wakefield Circle were not necessary and would significantly impact residences along the circle.

At the request of Board member Landis, Corwin clarified the location of cars blocking trash collection.

Riouse/Nichols moved to approve the placement of "No Parking" signs along Wakefield Road between Wilden Avenue and Wakefield Circle. Motion passed 5-0.

12) Engineering Department: Approve the placement of "No Parking" signs on Hillcrest Drive and Fairview Drive near the subdivision entrance from CR 34

City Civil Traffic Engineer Josh Corwin asked the Board to approve the placement of "No Parking" signs on Hillcrest Drive and Fairview Drive near the subdivision entrance from County Road 34.

Corwin said the City Street Department has requested permanent "No Parking" signs to be placed at the entrance to Terrace Park as depicted in a map and diagram included in the Board's agenda packet. This area is regularly an issue during fair week and the Street Department places numerous temporary signs to prohibit parking at the request of the residents. He said placement of the permanent signs should not have a significant impact on parking availability for the residents and would save City staff the time of placing "no parking" signs before every fair week.

Corwin said this request was considered at the August meeting of the City Traffic Commission, and the commission unanimously recommended the installation of the signs as requested.

Riouse/Nichols moved to approve the placement of "No Parking" signs on Hillcrest Drive and Fairview Drive near the subdivision entrance from CR 34. Motion passed 5-0.



13) Engineering Department: Approve the placement of a 25 mph speed limit sign and "No Outlet" sign on a single post on Clover Creek Lane, west of Northstone Road

City Civil Traffic Engineer Josh Corwin asked the Board to approve the placement of a 25 mph speed limit sign and "No Outlet" sign on a single post on Clover Creek Lane, west of Northstone Road.

Corwin said at the August meeting, the City Traffic Commission considered a request from a resident in Maplewood Estates for the installation of a sign assembly at the entrance on Clover Creek Lane similar to what exists on the private section of Clover Creek Lane east of Northstone Road. The proposed location and example sign assembly were shown in an exhibit included in the Board's agenda packet.

As with previous similar requests, **Corwin** indicated that the Traffic Commission recommended the placement of a single speed limit sign (25 mph) at the entrance to the subdivision and also supported the placement of the "No Outlet" sign. Not included was a request for a "No Soliciting" placard.

In response to a question from **Mayor Stutsman**, **Corwin** said residents believe other neighbors have been speeding through the neighborhood and that a lower speed limit will alleviate the problem. Asked by the Mayor if this request will trigger other speed lowering requests, Corwin said this might be different because it is not a thru street. Mayor Stutsman said he wasn't against lowering the speed limit, but doubted it would solve the problem.

Riouse/Nichols moved to approve the placement of a 25 mph speed limit sign and "No Outlet" sign on a single post on Clover Creek Lane, west of Northstone Road. Motion passed 5-0.

14) Engineering Department: Approve the removal of the directional control signage along Alley 139

City Civil Traffic Engineer Josh Corwin asked the Board to approve the removal of the directional control signage along Alley 139.

Corwin said at the August meeting, the City Traffic Commission reviewed the directional control signs along Alley 139. The current directional control was depicted in a diagram included in the Board's agenda packet along with photos of the current signs. The Traffic Commission forwarded a recommendation to remove the directional restrictions and allow bi-directional traffic to self-regulate in the low-speed alleyways as the best option.

Riouse/Nichols moved to approve the removal of the directional control signage along Alley 139. Motion passed 5-0.

15) Engineering Department: Approve Change Order No. 1 of an additional 22 calendar days for the Concrete Paving Project (JN: 2022-0002)

City Director of Public Works & Utilities Dustin Sailor asked the Board to approve Change Order No. 1 of an additional 22 calendar days to the project schedule to perform the remainder of the work.

Sailor said Rieth Riley has requested an additional 22 days to be added to the project schedule due to the delay of the utility locates not being located at the beginning of the project. Rieth Riley could not perform the work until the project was located properly. He said the Engineering Department has seen the locate ticket requests, and can confirm the requested days are warranted.

Riouse/Nichols moved to approve Change Order No. 1 of an additional 22 calendar days to the project schedule to perform the remainder of the work. Motion passed 5-0.



16) Engineering Department: Authorize the Mayor to sign a letter allowing Ericsson to file the necessary FAA paperwork necessary for AT&T to add additional signal equipment on the Clinton Water Tower
City Director of Public Works & Utilities Dustin Sailor asked the Board to authorize the Mayor to sign a letter allowing Ericsson to file the FAA paperwork necessary for AT&T to add additional signal equipment on the Clinton Water Tower.

Sailor said AT&T, occupying space on the Clinton Water Tower under a 2002 lease agreement, is seeking to make modifications to their equipment. In accordance with the 2007 FAA Collocation Spectrum Void Policy that list frequencies that can be added without voiding the FAA determination, a new FAA filing is required allowing AT&T to add newly authorized frequencies without voiding the City's Determination of No Hazard for the tower. He said it is the site owner's responsibility to apply for the FAA notification, but AT&T's consultant, Ericsson, will prepare the filing, if authorized by the Board, at no cost to the City. He added that City departments support this request.

Riouse/Nichols moved to authorize the Mayor to sign a letter allowing Ericsson to file the necessary FAA paperwork necessary for AT&T to add additional signal equipment on the Clinton Water Tower. Motion passed 5-0.

Privilege of the Floor (opportunity for public comment for matters not on the agenda):

Mayor Stutsman opened Privilege of the Floor at 2:39 p.m.

There were no public comments, so Mayor Stutsman closed Privilege of the Floor at 2:39 p.m.

As all matters before the Board of Public Works & Safety were concluded, Mayor Stutsman/Board member Nichols moved to approve Civil City and Utility claims and adjourn the meeting. Motion passed 5-0.

Mayor Stutsman adjourned the meeting at 2:40 p.m.

EXHIBIT #1: A revised Agreement Allowing Connection to Storm Sewer, which will allow a home being built in the fall at 1914 Woodward Place to discharge groundwater from a basement sump pump to the City's storm sewer system along River Vista Drive. City Paralegal Brandy Toms provided the Board with the revised agreement during consideration of agenda item 5) *Legal Department: Approve an agreement allowing a home to be built at 1914 Woodward Place to discharge groundwater from a basement sump pump to the City's storm sewer system.*

EXHIBIT #2: *Written request and building diagram provided by Fred Ham of Schrock Commercial Construction in support of agenda item 10) Request by Schrock Commercial Construction to temporarily place a dumpster behind 120 N. Main Street for construction work. Ham provided the written request and building diagram to the Clerk-Treasurer after the meeting.*



APPROVED

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Jeremy Shutsman, Chair

Michael Landis, Member

A handwritten signature in black ink, appearing to read "Mary Nichols", written over a horizontal line.

Mary Nichols, Member

A handwritten signature in black ink, appearing to read "DeWayne Riouse", written over a horizontal line.

DeWayne Riouse, Member

A handwritten signature in black ink, appearing to read "Barb Swartley", written over a horizontal line.

Barb Swartley, Member



ATTEST

A handwritten signature in black ink, appearing to read "Richard R. Aguirre". The signature is written over a horizontal line.

Richard R. Aguirre, City of Goshen Clerk-Treasurer

AGREEMENT ALLOWING CONNECTION TO STORM SEWER

THIS AGREEMENT is entered into on _____, 2022 by the **City of Goshen, Indiana** by and through the Goshen Board of Public Works and Safety and Stormwater Board, hereinafter referred to as "City", and **Dale J. Kempf and Kay M. Kempf**, hereinafter referred to as "Owners".

RECITALS

WHEREAS Dale J. Kempf and Kay M. Kempf are the Owners of a tract of real estate located generally at 1914 Woodward, Goshen, Indiana 46526 (Parcel No. 20-11-21-278-024.000-015), hereinafter referred to as the "subject real estate".

WHEREAS the high groundwater table in the area will prevent the construction of a basement protected from seeping, and pumping the water outside will not relieve the problem as the water recirculates.

WHEREAS City standards and regulations require stormwater to be contained onsite.

It is therefore agreed by City and Owners as follows:

1. SUBJECT REAL ESTATE

The subject real estate is more particularly described as follows:

A part of the Northeast Quarter of Section 21, Township 36 North, Range 6 East, Second Principal Meridian, Elkhart Township, Elkhart County, State of Indiana, prepared by Christian F. Marbach, registration number LS80880002, with Surveying and Mapping, LLC, drawing number B-45998, certified on September 11, 2021 and being more particularly described as follows:

Lot Number 14 as the said Lot is known and designated on the Plat of Gunden's First Addition recorded in Plat Book 3, Page 150 in the Office of the Recorder of Elkhart County, Indiana.

Also:

Beginning at the Southwest corner of Lot Number 15 as the said Lot is known on the Plat of Gunden's First Addition recorded in Plat Book 3, Page 150 in the Office of the Recorder of Elkhart County, Indiana; thence North 0°08'00" East along the East line of Woodward Place and the West line of said Lot Number 15 a distance of 40.00 feet to an iron pipe capped "SAM, LLC FIRM 112;" thence South 89°59'10" East a distance of 140.00 feet to a rebar capped "SAM, LLC FIRM 112" on the East line of said Lot Number 15; thence South 0°08'00" West along the East line of said Lot Number 15 a distance of 40.00 feet to an iron pipe marking the Southeast corner of said Lot Number 15; thence North 89°59'37" West along the South line of said Lot Number 15 a distance of 140.00 feet to the Point of Beginning.

A map of the subject real property is attached as Exhibit A.

2. TERM OF AGREEMENT

The term of this agreement shall be effective upon the date of execution and approval by both parties and continue until December 31, 2026. This agreement may continue on a year-to-year basis thereafter under the same terms and conditions, unless otherwise terminated with a ninety-day written notification from either party.

3. CONNECTION TO CITY'S STORM SEWER SYSTEM

- a) City will allow for alternate groundwater drainage by permitting Owners to connect to and discharge groundwater from the subject real estate to City's existing storm sewer system as long as City can accommodate such connection and discharge without undue operational costs or negatively impacting the existing storm sewer system.
- b) Owners shall install a private storm sewer line which shall connect to an existing City of Goshen storm sewer system line that is located along the southside of River Vista Drive between Main St. and Woodward Place. Owners shall obtain an easement from the Owners of the real estate located at 1916 Woodward Place to install, operate, and maintain the private storm sewer line. The easement shall be recorded with the Office of the Recorder of Elkhart County, Indiana.
- c) The plans and specifications developed by or on behalf of the Owners to connect and discharge to City's storm sewer system must be approved in writing by City's Engineering Department prior to connecting and discharging to the storm sewer system.
- d) Owners shall obtain a right-of-way cut permit from the Goshen Engineering Department prior to commencing any work within the public right-of-way.
- e) Owners shall maintain the private storm sewer line and connection to City's storm sewer system at Owners' expense.
- f) Owners or Owners' occupant shall not discharge any liquid or substance other than clear and clean groundwater into the City's storm sewer system. In the event that Owners or Owners' occupant does discharge any liquid or substance other than clear and clean groundwater into the City's storm sewer system, then Owners shall be responsible for any

damages caused to the City's storm sewer system and any clean-up required.

- g) Owners shall not modify the Owners' drainage system in any material way other than as provided for by this agreement.

4. TERMINATION OF CONNECTION

- a) City may terminate this agreement if any of the following events occur:

- i. State or federal statutes, rules or regulations are changed or interpreted to require City to treat stormwater that enters the storm sewer system.
- ii. Owners or Owners' occupant discharges any liquid or substance other than clear and clean groundwater into the City's storm sewer system.
- iii. City's existing storm sewer system is for any reason unable to handle the groundwater generated from the subject real estate without undue operational costs or negative impact to the existing storm sewer system.
- iv. City changes or replaces its existing storm sewer system in a way that makes it impractical for City to continue to accept groundwater generated from the subject real estate.
- v. Owners modifies the Owners' drainage system in any material way.

- b) If any of the events listed in paragraph a) occur and City's Department of Stormwater Management notifies Owners of the need to disconnect from the storm sewer system, Owners shall disconnect from the system within six (6) months of City's notice at Owners' expense unless a shorter period of time is required by the Indiana Department of Environmental Management or other governmental entity.
- c) If Owners disconnects from City's storm sewer system for any reason, Owners shall retain its groundwater on the subject real estate or discharge its groundwater in a manner approved by the City of Goshen's Department of Stormwater Management and in compliance with statutes, ordinances, rules and regulations in effect at the time Owners disconnects from City's storm sewer system at Owners' expense.
- d) City retains the right to immediately suspend Owners' right to connect to City's storm sewer system if in the opinion of City the suspension is necessary in order to stop an actual or threatened discharge that presents or may reasonably present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or causes City to violate any condition of City's National Pollutant Discharge Elimination System (NPDES) Permit.

5. NOTICES

Whenever any notice, statement or other communication is required under this agreement, it shall be deemed sufficient if it is made in writing and delivered personally or sent by regular

first-class mail to the parties at the following addresses, or at such other place as the parties may designate in writing from time to time.

Notices to City shall be sent to: City of Goshen, Indiana
Attention: Legal Department
204 East Jefferson Street, Suite 2
Goshen, Indiana 46528

Notices to Owners shall be sent to: Dale J. and Kay M. Kempf
1914 Woodward Place
Goshen, Indiana 46526

6. MISCELLANEOUS

- a) Owners agrees that upon the sale of any portion of the subject real estate described in this agreement, Owners will advise the purchaser of this agreement in writing prior to the sale.
- b) This agreement shall be construed and enforced in accordance with the laws of the State of Indiana. The venue for any action brought by either party relating to or arising out of this agreement shall be in Elkhart County, State of Indiana.
- c) If it becomes necessary for any party to this agreement to institute litigation in order to enforce or construe the terms and provisions of this agreement, the prevailing party shall be entitled to recover its reasonable attorney's fees and costs incurred in such litigation from the non-prevailing party.
- d) No remedy conferred upon any party in this agreement is intended to be exclusive of any other remedy provided or permitted by law, but each remedy shall be cumulative and shall be in addition to any other remedy given under the terms of this agreement or existing at law or equity. Every power or remedy provided in this agreement may be exercised concurrently or independently and as often as deemed appropriate.
- e) All provisions, covenants, terms and conditions of the agreement apply to bind the parties and their legal heirs, representatives, successors and assigns.
- f) This agreement contains the entire agreement between the parties respecting the matters set forth.

7. AUTHORITY TO EXECUTE

The undersigned affirm that all steps have been taken to permit them to execute this agreement.

IN WITNESS WHEREOF, the parties have set their hands to this Agreement on the dates set forth below.

City of Goshen, Indiana
Goshen Board of Public Works and Safety

Jeremy P. Stutsman, Mayor

Date: _____

State of Indiana)
)
County of Elkhart)

This instrument was acknowledged before me on the _____ day of _____, 2022, by
Jeremy P. Stutsman.

My Commission expires: _____

Notary Public

Notary Public (Printed Name)

Executed this _____ day of _____, 2022

Dale J. Kempf, Owner

State of Indiana)
)
County of Elkhart)

This instrument was acknowledged before me on the _____ day of _____, 2022, by Dale J. Kempf.

My Commission expires: _____

Notary Public

Notary Public (Printed Name)

Executed this _____ day of _____, 2022

Kay M. Kempf, Owner

State of Indiana)

)

County of Elkhart)

This instrument was acknowledged before me on the _____ day of _____, 2022, by Kay M. Kempf.

My Commission expires: _____

Notary Public

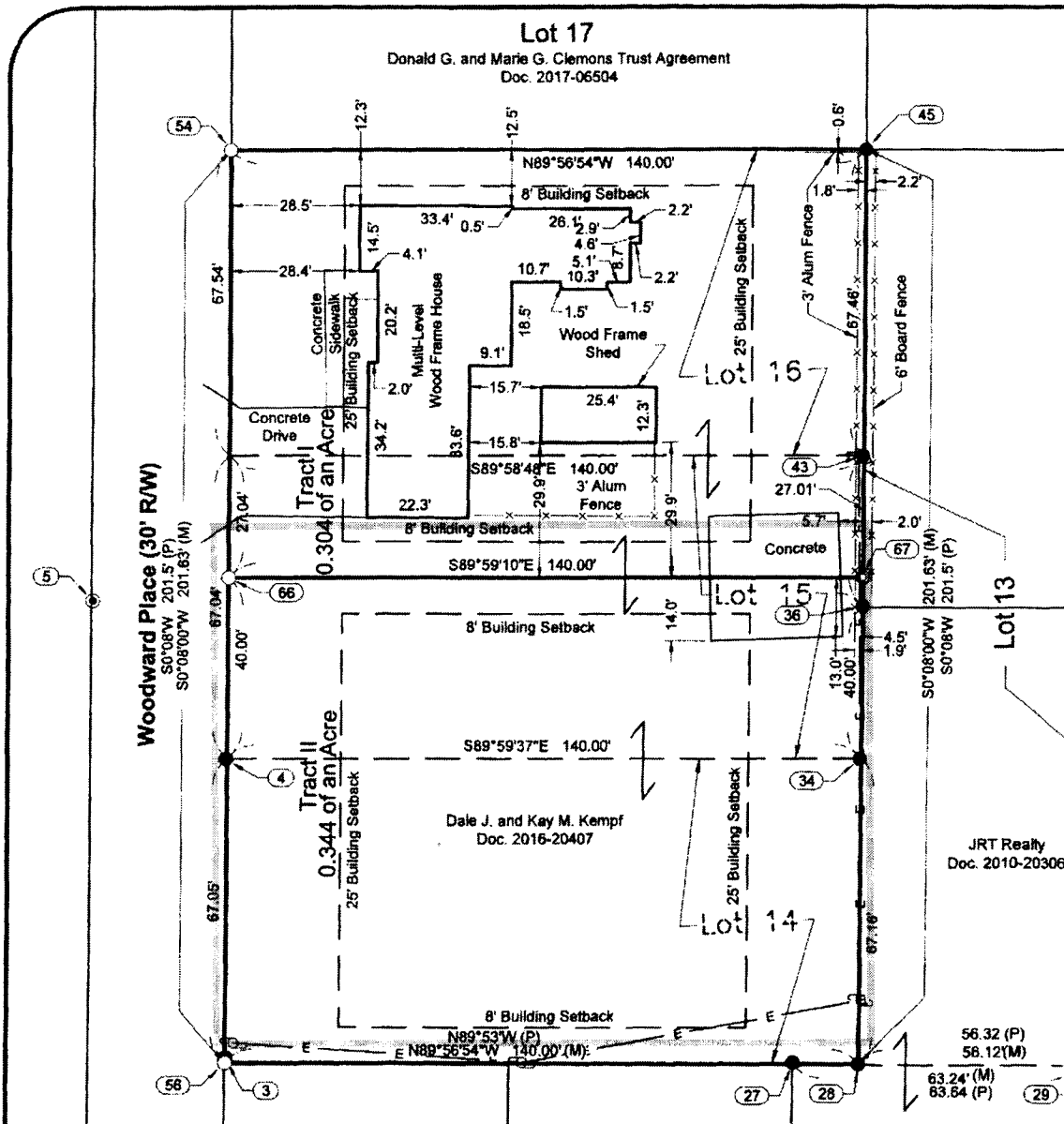
Notary Public (Printed Name)

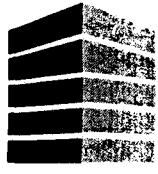
This instrument was prepared by Bodie J. Stegelmann, Goshen City Attorney, Attorney No. 18180-20, City of Goshen Legal Department, 204 East Jefferson Street, Suite 2, Goshen, Indiana 46528, (574) 537-3854.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Bodie J. Stegelmann.

EXHIBIT A

Subject Real Estate at 1914 Woodward Place, Goshen, Indiana





SCHROCK
COMMERCIAL CONSTRUCTION

EXHIBIT #2

2523 Messick Drive, Goshen, IN 46526
Tel 574-533-1148 | Fax 574-533-5818
schrockcommercial.com

To: Board of Works Richard Aguirre

Date: 8/24/22

RE: Request for use of (2) Goshen City owned parking spots for trash dumpster

Richard,

We are requesting the temporary use of (2) Goshen City owner parking spots directly to the East (rear) of 120 N. Main Street Goshen, Indiana. We are requesting to use parking spots for the time period of September 8, 2022 thru October 7, 2022. The reason for this request is to remove interior partitions, flooring and ceiling tiles of interior 2 levels.

Sincerely, Fred Ham Schrock Commercial

Plumbing

Comm Fixtures

Comm ExtraFixtures

WaterCoolerRefrig



Tax Bill

Parcel Information

Parcel Number 20-11-09-405-007.000-015
 Tax ID 11-09-405-007-015
 Owner Name Singh Gurpreet
 Owner Address 433 Silverwood Lane Goshen, In 46526
 Legal Description ORIG S2/3 113; (TIF 128)

2021 PAY 2022

Deductions

Type	Amount
------	--------

(2)
 Parking spot Request
 For Dumpsters