



**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD  
MINUTES OF THE OCTOBER 31, 2022 REGULAR MEETING**

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

**Present:** Mayor Jeremy Stutsman, Mike Landis, Mary Nichols, DeWayne Riouse and Barb Swartley

**Absent:** None

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

**REVIEW/APPROVE MINUTES:** Mayor Stutsman presented the minutes of the Oct. 24, 2022 Regular Meeting. Board member Mary Nichols moved to approve the minutes and the motion was seconded by Board member DeWayne Riouse. Motion passed 5-0.

**REVIEW/APPROVE AGENDA:** Mayor Stutsman presented the agenda. Board member Nichols moved to approve the agenda as submitted and Board member Riouse seconded the motion. Motion passed 5-0.

**1) Police Department: Accept resignation of Detective Nicholas D. McCoughen and approve the hiring Det. McCloughen as a Reserve Patrol Officer**

Goshen Assistant Police Chief Shawn Turner asked the Board approve the resignation of Detective Nicholas D. McCloughen as a full-time police officer with the Police Department, effective Friday Nov. 4, 2022. Chief Turner also asked the Board to approve the hiring of McCloughen for the position of Reserve Patrol Officer, also effective Nov. 4. Chief Turner said Chief José Miller received a resignation letter from McCloughen stating he will be starting a career in the private sector. He said McCloughen is an exceptional officer who has been involved with/and assisted, in the solving of numerous serious crimes against our community. The Chief said his experience and dedication will truly be missed; he has served on the Goshen Police Department as a full-time officer since April 2007.

Chief Turner said McCloughen considers the members of the department his family since he has been there all his life and followed the footsteps of his father, who retired from the department soon after Nick was hired. He said he was excited for McCloughen and his family in this new career path and is certain he will be successful in whatever he chooses to do in life. He also thanked him for his dedication to our community and the department.

Chief Turner added that McCloughen wants to remain on the Goshen Police Department as a reserve police officer until all the current investigations he has been involved with are concluded.

Mayor Stutsman agreed with the Chief's appreciation and praise for Detective McCloughen's work, including his service with the Elkhart County Homicide Unit. He also said McCloughen has been an asset to the community.

Nichols/Riouse moved to approve the resignation of Detective Nicholas D. McCloughen as a full-time police officer with the Goshen Police Department, effective Friday Nov. 4, 2022. Motion passed 5-0.

Nichols/Riouse then moved to approve the hiring of McCloughen for the position of Reserve Patrol Officer, also effective Nov. 4. Motion passed 5-0.

Afterward, Mayor Stutsman swore McCloughen into office as a Reserve Patrol Officer.



**2) Company request: Yaw Construction request to close the eastbound lane of West Lincoln Avenue, west of Riverside Drive, from 9-11 am on Nov. 1, 2022**

Kerry Yaw, the president of Yaw Construction Inc., asked the Board to approve the closure of the eastbound lane of West Lincoln Avenue, west of Riverside Drive, from 9 a.m. to 11 a.m. on Tuesday, Nov. 1 to pour a concrete patio at the rear of a house because access is not possible by truck because of utility lines.

Board member Landis thanked Yaw for requesting the closure, noting that some contractors don't seek permission. Mayor Stutsman said he agreed.

At the request of City Assistant Planning & Zoning Administrator Rossa Deegan, Yaw provided the address of the home where the concrete for the patio would be poured.

In a staff report, City Director of Public Works Dustin Sailor said the City Engineering Department had no issue with the two-hour requested lane closure as long as Yaw provided a flagging operation in accordance with MUTCD guidelines that would allow traffic to safely move around the short-distance lane closure on a collector street.

Nichols/Riouse moved to allow closure the eastbound lane of West Lincoln Avenue, west of Riverside Drive, from 9 a.m. to 11 a.m. on Tuesday, Nov. 1. Motion passed 5-0.

**3) Legal Department request: Approve agreement with Grever & Ward, Inc. to provide cemetery planning services for Violet Cemetery**

Brandy Toms, a paralegal with the City Legal Department, asked the Board to approve and authorize Mayor Stutsman to execute the agreement with Grever & Ward, Inc. to provide cemetery planning services to Violet Cemetery at a cost of \$24,700. Toms said the contractor anticipates the project to take approximately 12-16 weeks for completion, upon authorization to proceed, weather permitting.

Mayor Stutsman said Director of Cemeteries Burt Matteson was present in case there were any questions from the Board. He also said the company would be providing a general plan for the cemetery because the City plans to open a new section. He said the plan would include new roads, plots and other features.

In response to a question from Board member Swartley, Matteson said the plan would be for the northern section of the cemetery. In response to a question from Board member Landis, Matteson said the plan will provide guidance for cremation services and cemetery land use. Mayor Stutsman said because of City staffing issues, it was determined it was better to have the planning done by an outside company so a plan could be ready sooner.

Nichols/Riouse moved to approve and authorize Mayor Stutsman to execute the agreement with Grever & Ward, Inc. to provide cemetery planning services to Violet Cemetery at a cost of \$24,700. Motion passed 5-0.

**4) Legal Department request: Approve credit application with McCann Industries, Inc. and authorize Superintendent of City Water Treatment and Sewer Department Kent Holdren to sign the credit application**

City Attorney Bodie Stegelmann asked the Board to approve the credit application with McCann Industries, Inc. and authorize Superintendent of City Water Treatment and Sewer Department Kent Holdren to sign the credit application.

Stegelmann said the City's Water & Sewer Department needed to lease a backhoe from McCann Industries, Inc. to complete a project. He said McCann Industries, Inc. required execution of their form credit application. The Legal Department reviewed the credit application, struck objectionable language, and had Holdren sign the application. If approved, City staff will provide the signed application to McCann Industries, Inc.

Nichols/Riouse moved to approve the credit application with McCann Industries, Inc. and authorize Kent Holdren to sign the credit application. Motion passed 5-0.



**5) Legal Department request: Approve Amendment to the Agreement for the sale and purchase of real estate with Delmar J. Birkey and Stacy R. Birkey**

**Shannon Marks, the Legal Compliance Administrator for the City Legal Department,** asked the Board to approve and authorize the Mayor to execute the Amendment to the Agreement for the Sale of Purchase of Real Estate with Delmar J. Birkey and Stacy R. Birkey.

**Marks** said that pursuant to an Agreement for the Sale of Purchase of Real Estate with the couple, the Birkeys are to deliver possession and occupancy of the real estate at 1689 Reliance Road to the City on or before Nov. 1, 2022. However, the Birkeys have requested additional time to move their personal property, and the City has agreed to allow this additional time. The attached Amendment to the Agreement for the Sale of Purchase of Real Estate would allow the Birkeys to deliver possession of 1689 Reliance Road to the City on or before Jan. 1, 2023.

In response to a question from **Mayor Stutsman**, Marks said the Birkeys requested until the end of November to move their property, but Marks thought it would be better to give them until the end of the year. The Mayor said he agreed with that decision.

**Nichols/Riouse** moved to approve and authorize the Mayor to execute the Amendment to the Agreement for the Sale of Purchase of Real Estate with Delmar J. Birkey and Stacy R. Birkey. Motion passed 5-0.

**6) Engineering Department request: Approve and authorize the Mayor to sign Change Order No. 1 increasing the contract amount by \$1,221.51, for a revised contract amount of \$6,966,241.07, for the Wilden Avenue reconstruction (JN: 2014-0035)**

**City Civil Traffic Engineer Josh Corwin** asked the Board to approve and authorize the Mayor to sign Change Order No. 1, increasing the contract amount by \$1,221.51, for a revised contract amount of \$6,966,241.07 for the Wilden Avenue reconstruction (JN: 2014-0035).

**Sailor** said this change order is for the addition of a 3c/8 power cable and service point for the new signal at Wilden and Main. These items were not included in the bid plan set. Change Order No. 1 increases the current contract price by \$1,221.51, making the current contract amount \$6,966,241.16, a 0.018% increase over the original contract of \$6,965,019.65.

Original contract amount	\$6,965,019.65
Change Order No. 1	\$ 1,221.51
Revised contract amount	\$6,966,241.16

Before the vote on the motion, **Mayor Stutsman** asked that City staff make sure and include the name of the contractor in future change order requests.

**Nichols/Riouse** moved to approve and authorize the mayor to sign Change Order No. 1 increasing the contract amount by \$1,221.51, for a revised contract amount of \$6,966,241.16 for the Wilden Avenue reconstruction (JN: 2014-0035). 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 2:16 p.m.

There were no public comments, so the Mayor closed Privilege of the Floor at 2:16 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 2:16 p.m.

APPROVED

A handwritten signature in black ink, appearing to be "J. Stutsman", written over a horizontal line.

Mayor Jeremy Stutsman

A handwritten signature in black ink, appearing to be "Michael A. Landis", written over a horizontal line.

Mike Landis, Member


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

Mary Nichols, Member

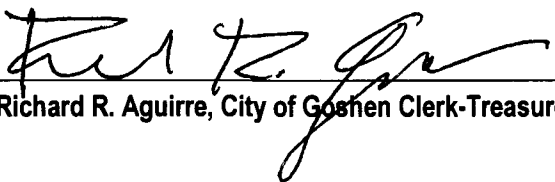
A handwritten signature in black ink, appearing to be "DeWayne Riouse", written over a horizontal line.

DeWayne Riouse, Member



  
Barb Swartley, Member

ATTEST

  
Richard R. Aguirre, City of Goshen Clerk-Treasurer