

BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD MINUTES OF THE MAY 24, 2023 REGULAR MEETING

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

Present: Mayor Jeremy Stutsman, Mike Landis and Mary Nichols

Absent: Barb Swartley

CALL TO ORDER: Mayor Jeremy Stutsman called the meeting to order at 2:00 p.m.

REVIEW/APPROVE MINUTES: Mayor Stutsman presented the minutes of the May 15, 2023 Regular Meeting. Board member Mike Landis moved to approve the minutes of the May 15, 2023 meeting as presented. The motion was seconded by Board member Mary Nichols. Motion passed 3-0.

REVIEW/APPROVE AGENDA: Mayor Stutsman presented the meeting agenda. Board member Landis moved to approve the agenda as presented. Board member Nichols seconded the motion. Motion passed 3-0.

- 1) Fire Department: Promotion of Shane D. McKerchie to Assistant Chief
 Goshen Fire Department Chief Danny Sink told the Board that Shane D. McKerchie has passed all of the
 required tests and standards required for promotion at the Fire Department. Chief Sink said it was his pleasure to
 request approval for the promotion of McKerchie to the rank of Assistant Chief, retroactive to May 22, 2023.

 Landis/Nichols moved to approve the promotion of Shane D. McKerchie to the rank of Assistant Chief for the
 Goshen Fire Department, retroactive to May 22, 2023. Motion passed 3-0.

 After the Board's approval, Mayor Stutsman swore Shane D. McKerchie into office as Assistant Chief.
- 2) Fire Department: Promotion of Camden L. Bontrager to Fire Lieutenant
 Goshen Fire Department Chief Danny Sink told the Board that Camden L. Bontrager has passed all of the
 required tests and standards required for promotion at the Fire Department. Chief Sink said it was his pleasure to
 request approval for the promotion of Bontrager to the rank of Fire Lieutenant, retroactive to May 22, 2023.
 Landis/Nichols moved to approve the promotion of Camden L. Bontrager to the rank of Lieutenant for the
 Goshen Fire Department, retroactive to May 22, 2023. Motion passed 3-0.

 After the Board's approval, Mayor Stutsman swore Camden L. Bontrager into office as a Lieutenant.
- 3) Fire Department: Promotion of Matthew R. Stamm to Fire Sergeant
 Goshen Fire Department Chief Danny Sink told the Board that Matthew R. Stamm has passed all of the required tests and standards required for promotion at the Fire Department. Chief Sink said it was his pleasure to request approval for the promotion of Stamm to the rank of Fire Sergeant, retroactive to May 22, 2023.

 Landis/Nichols moved to approve the promotion of Matthew R. Stamm to the rank of Fire Sergeant for the Goshen Fire Department, retroactive to May 22, 2023. Motion passed 3-0.

 After the Board's approval, Mayor Stutsman swore Matthew R. Stamm into office as a Fire Sergeant.



- 4) Fire Department: Promotion of Jonathan M. Weishaupt to EMS Lieutenant
 Goshen Fire Department Chief Danny Sink told the Board that Jonathan M. Weishaupt has passed all of the
 required tests and standards required for promotion at the Fire Department. Chief Sink said it was his pleasure to
 request approval for the promotion of Weishaupt to the rank of EMS Lieutenant, retroactive to May 22, 2023.
 Landis/Nichols moved to approve the promotion of Jonathan M. Weishaupt to the rank of EMS Lieutenant for
 the Goshen Fire Department, retroactive to May 22, 2023. Motion passed 3-0.

 After the Board's approval, Mayor Stutsman swore Jonathan M. Weishaupt into office as EMS Lieutenant.
- 5) Fire Department: Promotion of Lucas T. Wickey to EMS Sergeant
 Goshen Fire Department Chief Danny Sink told the Board that Lucas T. Wickey has passed all of the required tests and standards required for promotion at the Fire Department. Chief Sink said it was his pleasure to request approval for the promotion of Wickey to the rank of EMS Sergeant, retroactive to May 22, 2023.
 Landis/Nichols moved to approve the promotion of Lucas T. Wickey to the rank of EMS Sergeant for the Goshen Fire Department, retroactive to May 22, 2023. Motion passed 3-0.

 After the Board's approval, Mayor Stutsman swore Lucas T. Wickey into office as EMS Sergeant.
- 6) Builder request: Approve closure of a portion of the sidewalk on Third Street for three days (6 a.m. to 3 p.m.) the week of June 12, 2023 for a building repair at 101 South Third Street

 Jeremiah Hochstetler of Freedom Builders from Middlebury, asked the Board for permission to close the sidewalk adjacent to 101 South 3rd Street for three days, weather permitting, the week of June 12, 2023, from 6 a.m. to 3 p.m., to repair the east side of the second story of the building.

 Hochstetler said he had originally asked to close one lane of the street, but learned that permission would need to be requested from the Indiana Department of Transportation. He said the company's project manager determined.

be requested from the Indiana Department of Transportation. He said the company's project manager determined that the work could be done by only closing the sidewalk, and the City Street Department can provide the necessary barricades. He said the sidewalk could be reopened after 3 p.m. Board member Landis asked if the scissor life would be moved off the sidewalk after 3 p.m. Hochstetler said it would. There were no other City issues cited. Landis/Nichols moved to allow the closure of a portion of the sidewalk on South 3rd Street for three days, weather permitting, the week of June 12, 2023, from 6 a.m. to 3 p.m., to repair the east side of the second story of the building located at 101 South 3rd Street. Motion passed 3-0.

7) Downtown Goshen Inc. requests: Additional street closures for 2023 for First Friday activities, in addition to the original requests in January

Amanda McMahon, Director of First Fridays for Eyedart Creative Studio, asked the Board to approve additional street closures for 2023 for First Friday activities. In addition to the original request in January, McMahon asked for closure of the half block of West Washington Street from 8 a.m. June 2 to 4 .pm. June 3.

In a memorandum to the Board, **McMahon** said affected businesses on the street were informed of the closure request and all First Friday street closures are posted online at downtowngoshen.org. She added that City street barricades will be requested at each end of the street closures.

Landis/Nichols moved to approve the closure of the half block of West Washington Street from 8 a.m. June 2 to 4 .pm. on June 3 for First Friday activities. Motion passed 3-0.



8) Legal Department: Approve Resolution 2023-15, Approving Certain Revised City of Goshen Police Department Policies and Repealing Various Policies, effective May 29, 2023

Shannon Marks, the Legal Compliance Administrator for the City Legal Department, told Board members that the Board previously approved City of Goshen Police Department policies developed in coordination with Lexipol, LLC. The Police Department and Lexipol staff have now identified certain additional revisions to policies deemed appropriate due to legislative or other changed circumstances.

Attached to Resolution 2023-15, the meeting agenda packet, were redlined portions of policies to show the revisions suggested. If Resolution 2023-15 was approved, the redlines would be removed and the policies put in final form.

Mayor Stutsman reminded Board members that Lexipol has been helping the Police Department keep its policies as up to date as possible.

BACKGROUND:

On Dec. 7, 2020, the Board of Works and Safety approved an agreement with Lexipol LLC to review, revise, and keep up-to-date the City of Goshen Police Department's policies. Since then, the Board has approved new Police Department policies developed and suggested by Lexipol as well as revisions. As part of the process of keeping its policies up-to-date, the Police Department and Lexipol staff have identified certain additional revisions to policies deemed appropriate due to legislative or other changed circumstances.

As a result, the City Legal Department asked the Board to approve revisions to the following City of Goshen Police Department Policies, effective May 29, 2023:

- 300 Response to Resistance
- 304 Conducted Energy Device
- 306 Firearms
- 428 First Amendment Assemblies
- 502 Vehicle Towing
- 605 Unmanned Aerial System

Further, upon the approval of the above-described policies, the Board was asked to repeal the following current policies, effective immediately:

- 300 Response to Resistance
- 304 Electronic Control Device
- 306 Firearms
- 428 First Amendment Assemblies
- 502 Vehicle Towing
- 605 Unmanned Aerial System

Landis/Nichols moved to approve Resolution 2023-15, Approving Certain Revised City of Goshen Police Department Policies and Repealing Various Policies, effective May 29, 2023 Motion passed 3-0.

9) Legal Department: Approve and authorize the Mayor to execute two agreements with Baker Tilly Municipal Advisors for professional accounting services to provide financial management reports up to year end 2025 for Goshen's Water Utility at a cost of \$77,400 and for Goshen's Sewer Utility at a cost of \$77,400 Brandy Toms, a paralegal with the City Legal Department, told the Board that the City Water and Sewer Utilities Office wants to enter into two agreements with Baker Tilly for their professional accounting services to provide financial management reports – one Agreement is for the Water Utility and one is for the Sewer Utility. (Toms provided the Board with EXHIBIT #1, a revised and corrected memorandum on the agreements).



The scope of work is identical for each Utility and requires deliverables of a series of nine reports for a total cost of \$77,400 for each Utility Agreement. The following is the report schedule and cost for the two utilities:

Reports		Cost
June 30, 2023		\$7,800
Year End Journal Entries 2023		\$ 6,200
Year End 2023		\$10,800
June 30, 2024		\$8,100
Year End Journal Entries 2024		\$ 6,500
Year End 2024		\$11,200
June 30, 2025		\$ 8,400
Year End Journal Entries 2025		\$6,700
Year End 2025		\$11,700
Total		\$77,400

Board member Landis said he appreciated the revised and corrected numbers.

Landis/Nichols moved to approve and authorize Mayor Stutsman to execute, two agreements with Baker Tilly Municipal Advisors, LLC for professional accounting services to provide financial management reports up to year end 2025 for Goshen's Water Utility and Sewer Utility, each at a cost of \$77,400. Motion passed 3-0.

10) Engineering Department: Approve Director of Public Works Dustin Sailor to sign the Indiana Finance Authorities Scope of Work Certification Form for accessing Type I and Type II funds valued at \$45,000 toward the costs of a lead service line inventory

City Director of Public Works & Utilities Dustin Sailor told the Board per Federal Registrar 40 CFR § 141, National Primary Drinking Water Regulations, public water systems are required to inventory their water systems for the presence of lead, and the inventory is to be completed by Oct. 16, 2024. He said inventorying the water system for lead is a significant task, and the Indiana Finance Authority (IFA) is offering Indiana public water systems financial assistance. There are currently three types of grant money available to assist community water systems:

Project Type I - Utility Records Review & Analysis (\$25,000). The gathering, researching, digitizing, and reviewing of utility records, local codes, tax parcel information, and other available data to generate a records-based inventory.

Project Type II - LSL Replacement Planning (\$20,000). The development of a plan to replace lead service lines in conjunction with other city projects and/or prioritizing at-risk or disadvantaged communities as well as other activities related to the incorporation of service line information into the water system's Asset Management Program.

Project Type III - Service Line Inspection & Inventory Validation (\$300,000). Onsite investigations of service line materials to supplement, inform or validate utility records or inventory models.

Sailor said the Goshen Water Utility believes it is eligible to receive both Type I and Type II grant funding. Unlike other programs and service engagements, Sailor said if a public water system is interested in applying for the Type I and Type II grant funds, the water system needs to engage a consultant, and IFA will enter into a contract directly with the public water system's consultant. Goshen Water Utility has been working with Abonmarche Consulting for over a year and a half, developing Goshen's Lead Inventory program. The work effort has been positive, and Goshen Water Utility would like to continue its relationship with Abonmarche Consulting.

Sailor said to engage Abonmarche Consulting, the City must sign IFA's Lead Service Line Inventory (LSLI) Scope of Work Certification Form. The form is a one-page document that is signed by both the City and Abonmarche. There is a brief description of the work to be performed.



Because the work description allowed on the form is limited, the City worked with Abonmarche Consulting to draft a detailed scope of work so both parties fully understand what is expected of the other.

With the LSLI Work Certification Form due by June 9, 2023, **Sailor** said Goshen Water Utility is asking that the Board of Public Works authorize Director of Public Works Dustin Sailor to sign the Indiana Finance Authorities LSLI Scope of Work Certification Form for accessing Type I and Type II funds valued at \$45,000.

Mayor Stutsman asked if there would be enough state funding for Goshen to receive the first two types of grants. Sailor said the state allocated sufficient funds so that the City should be able to receive funds. Beyond that, Sailor said it will be a competitive process to receive \$300,000 in Type 3 funding and that will require more work by the City, including an asset inventory, and applying for funds in 2024. The Mayor thanked Sailor and his staff for their efforts. Landis/Nichols moved to approve Director of Public Works Dustin Sailor to sign the Indiana Finance Authorities Scope of Work Certification Form for accessing Type I and Type II funds valued at \$45,000. The motion passed 3-0.

11) Engineering Department: Approve Mayor Jeremy Stutsman signing the agreement with The Abonmarche Group for \$7,500.00 for the survey of 1402 W. Wilden Avenue

City Director of Public Works & Utilities Dustin Sailor told the Board that on April 12, 2023, the City received quotes for the survey of 1402 W. Wilden Avenue. The property was recently purchased by the City and requires a boundary and topographic survey for the installation of a security chain linked fence and gate. Sailor said the lowest responsive quoter was The Abonmarche Group with a quote of \$7,500.

Board member Landis said he wondered why the cost was \$7,500 if it was only a boundary survey. **Sailor** said the property is in a complicated location with the adjacent bridge and river.

Landis/Nichols moved to approve Mayor Jeremy Stutsman signing the agreement with The Abonmarche Group for \$7,500 for the survey of 1402 West Wilden Avenue. Motion passed 3-0.

12) Engineering Department: Approve Change Order No. 1 for the 2023 Paving Project for an increase of \$134,718

City Director of Public Works & Utilities Dustin Sailor told the Board that the Wilson Avenue pavement condition was reevaluated during the spring of 2023 and it was determined the condition of the pavement had substantially worsened since the original evaluation in 2022 while preparing the 2023 paving project package.

Sailor said a cost analysis was completed between increasing the full depth patching or removing all the existing pavement and rebuilding the entire roadway. The cost to complete all the required full depth patching was higher than removing all the existing pavement and rebuilding the roadway. The Engineering Department determined rebuilding the entire roadway had the least cost and provided the best long term benefit. He said attached was Change Order No. 1 for the 2023 Paving Project, which provides for the following additional work:

Maintaining Access to Driveways, Item CO1.1 – Additional material and labor will be required to maintain driveway access to the residents once the full depth pavement has been removed. Not part of original bid.

Fine Grading, **Item CO1.2** – Once the existing asphalt pavement is removed, the contractor will fine grade the subbase and compact with a roller in preparation for the new asphalt pavement. Not part of original bid.

4", **HMA**, **Type B**, **Base**, **25.0 mm**, **Item CO1.3** – 4 inches of Hot Mix Asphalt (HMA) base will be required to reconstruct Wilson Avenue. The HMA base was not required under the original bid of milling 1.5 inches of asphalt surface and placing 1.5 inches of new asphalt surface. Not part of original bid.



Sailor said the original contract amount was \$2,477,613.50. The additional work increases the contract by \$134,718.00, for a revised contract amount of \$2,612,331.50, an increase of 5.44%. He said the contract completion date will not be modified. **The contractor is Niblock Excavating, Inc.**

Landis/Nichols moved to approve Change Order No. 1 for the 2023 Paving Project for an increase of \$134,718. Motion passed 3-0.

13) Engineering Department: Approve the full closure on Indiana Avenue, from River Avenue to Wilden Avenue, beginning Tuesday, May 30 through Wednesday, May 31, 2023

City Director of Public Works & Utilities Dustin Sailor told the Board that NIPSCO Gas is requesting permission to fully close both lanes on Indiana Avenue on the north side of the railroad tracks. Indiana Avenue will be closed to through traffic between River Avenue and Wilden Avenue.

Access to the new recycling drop-off site will be maintained from Wilden Avenue. Traffic will be detoured onto Wilden Avenue, Beaver Lane, Bashor Road and Chicago Avenue. Signs and barricades will be placed per the current MUTCD standards and the detour will be marked with signs.

Landis/Nichols moved to approve the full closure of Indiana Avenue, from River Avenue to Wilden Avenue, beginning Tuesday, May 30 through Wednesday, May 31, 2023. Motion passed 3-0.

14) Edgar Saucedo request: Approve a 42-foot driveway at 612 Mercer Avenue

Edgar Saucedo of 612 Mercer Avenue was not present, but submitted a request to extend the width of his driveway to 42 feet. He indicated that he has a 24-foot concrete driveway with an additional 18-foot stone driveway. He said this combination is causing drainage issues, which he would like to alleviate with more concrete.

Saucedo indicated he met with staff from the Planning and Engineering departments, and both are familiar with his request. He also provided both departments with copies of the attached sketch to better show his plans.

City Assistant Planning & Zoning Administrator Rossa Deegan told the Board that Saucedo wants to replace with concrete the parking area in front of his home that is adjacent to Mercer Avenue. He said the City's right-of-way bisects the parking area. He said the request requires zoning clearance and can be approved by City Planning if it receives Board of Works approval.

Mayor Stutsman asked if most driveways in the area were gravel. City Director of Public Works & Utilities Dustin Sailor said the neighborhood has a mix of driveways – hard surface and gravel.

Sailor said the Engineering Department has concerns about the request because a 42-foot wide driveway would be one of the widest driveways in the area. He said adding that much hard surface limits the infiltration off the road. He also said there is space on the property for parking without having to put so much parking adjacent to the street. He also said 36 feet would be adequate to park three vehicles in front of the home. So, at this time Sailor said the Engineering Department didn't support Saucedo's request for a 42-feet wide driveway.

In response to a question from **Board member Landis**, **Sailor** said there would be space on the property beside a sidewalk to add a driveway for parking. He said it appeared street-side parking had been allowed in the past, although not approved by the City. Board members and Sailor discussed some of the options facing Saucedo. **Board member Landis** said he appreciated and understood Saucedo's request, but said a 36-feet wide driveway might be a better solution. **Sailor** concurred with that perspective.

Sailor distributed a color aerial photo (EXHIBIT #2) of the subject area showing the City's right-of-way. Mayor Stutsman/Nichols moved to table Edgar Saucedo's variance request to extend the concrete portion of his driveway by 18 feet, to 42 feet, to the June 5 Board of Works meeting. Motion passed 3-0.



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 comments.

At 2:40 p.m., Mayor Stutsman temporarily adjourned the Board of Works & Safety meeting and convened the City of Goshen Stormwater Board to consider two agenda items.

CITY OF GOSHEN STORMWATER BOARD MINUTES OF THE MAY 24, 2023 REGULAR MEETING

Convened at 2:25 p.m. at the Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Members Present: Mayor Stutsman, Mike Landis and Mary Nichols

Members Absent: none

15) Accept the post-construction stormwater management plan for City of Goshen Airport -H2 Aviation as it has been found to meet the requirements of City Ordinance 4329

City Director of Public Works & Utilities Dustin Sailor told the Board that the developer of City of Goshen Airport - H2 Aviation, affecting one or more acres of land and located at 17229 County Road 42, has submitted a sufficient post-construction plan that is compliant with Ordinance 4329, "Uniform Requirements for Post-Construction Stormwater Management." He asked the Stormwater Board to accept the plan.

Landis/Nichols moved to accept the post-construction stormwater management plan for City Airport -H2 Aviation as it has been found to meet the requirements of City Ordinance 4329. Motion passed 3-0.

16) Accept the post-construction stormwater management plan for East College Avenue Industrial Park as it has been found to meet the requirements of City Ordinance 4329

City Director of Public Works & Utilities Dustin Sailor told the Board that The developer of East College Avenue Industrial Park, affecting one or more acres of land and located on both the north and south sides of East College Avenue and along Brinkley Way West and Brinkley Way East, has submitted a sufficient post-construction plan that is compliant with Ordinance 4329, "Uniform Requirements for Post-Construction Stormwater Management." He asked the Stormwater Board to accept the plan.

Landis/Nichols moved to accept the post-construction stormwater management plan for East College Avenue Industrial Park as it has been found to meet the requirements of City Ordinance 4329. Motion passed 3-0.

Mayor Stutsman adjourned the Stormwater Board meeting and re-opened the Board of Works meeting at 2:42 p.m.



Approval of Civil City and Utility Claims

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 3-0.

Adjournment:

Mayor Stutsman adjourned the Board of Works & Safety meeting at 2:42 p.m.

EXHIBIT #1: A revised and corrected memorandum, dated May 24, 2023 and written by Brandy Toms, a paralegal with the City Legal Department, to accompany agenda item #9, Legal Department: Approve and authorize the Mayor to execute two agreements with Baker Tilly Municipal Advisors for professional accounting services to provide financial management reports up to year end 2025 for Goshen's Water Utility at a cost of \$77,400 and for Goshen's Sewer Utility at a cost of \$77,400.

EXHIBIT #2: A color aerial photo (EXHIBIT #2) of 612 Mercer Avenue and the surrounding area showing the City's right-of-way to accompany agenda item #14, Edgar Saucedo request: Approve a 42-foot driveway at 612 Mercer Avenue.

APPROVED:

Mayor Jeremy P. Stutsman

Mike Landis, Member



Barb Swartley, Member

ATTEST

Richard R. Aguirre, City of Goshen Clerk-Treasurer

EXHIBIT #1



Legal Department CITY OF GOSHEN

204 East Jefferson Street, Suite 2 • Goshen, IN 46528-3405

Phone (574) 537-3820 • Fax (574) 537-3817 • TDD (574) 534-3185 www.goshenindiana.org

May 24, 2023

To:

Board of Public Works and Safety

From:

Brandy L. Toms

Subject:

Agreements with Baker Tilly Year End Reports -Water Utility and Sewer Utility

City of Goshen wishes to enter into two (2) Agreements with Baker Tilly for their professional accounting services to provide financial management reports – one Agreement is for the Water Utility and one is for the Sewer Utility.

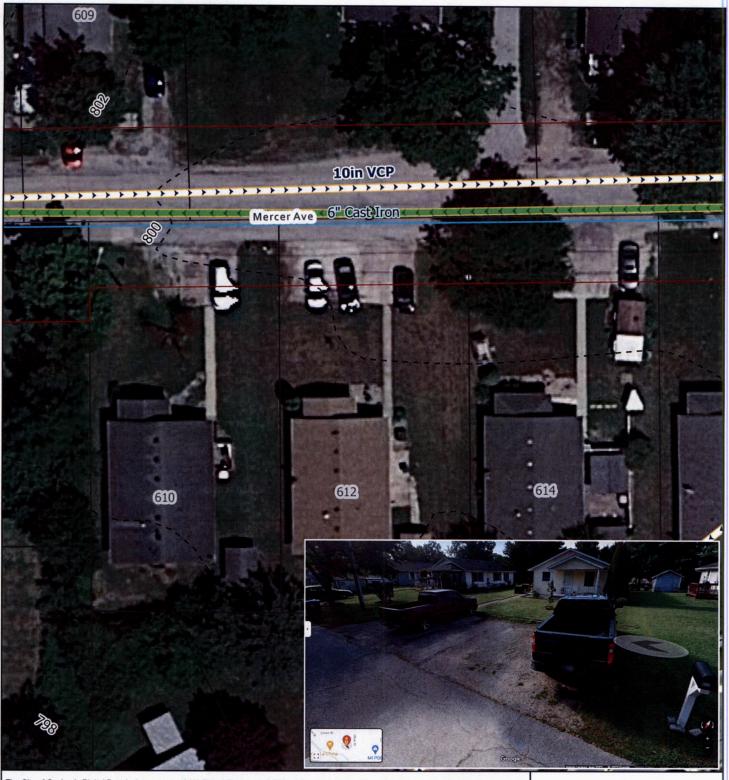
The scope of work is identical for each Utility and requires deliverables of a series of 3 reports for each year 2023, 2024, and 2025 with a total of 9 reports for a sum of \$77,400 for each Utility Agreement.

Reports	Cost
June 30, 2023	\$ 7,800
Year End Journal Entries 2023	\$ 6,200
Year End 2023	\$10,800
June 30, 2024	\$ 8,100
Year End Journal Entries 2024	\$ 6,500
Year End 2024	\$11,200
June 30, 2025	\$ 8,400
Year End Journal Entries 2025	\$ 6,700
Year End 2025	\$11,700
	\$77,400

Suggested Motion:

Move to approve and authorize Mayor Stutsman to execute, two (2) agreements with Baker Tilly Municipal Advisors, LLC for their professional accounting services to provide financial management reports year end 2023, 2024 and 2025 for Goshen's Water Utility at a cost of \$77,400 and for Goshen's Sewer Utility at a cost of \$77,400.

EXHIBIT #2



The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.



612 Mercer Avenue

42' Driveway Request May 24, 2023

The City of Goshen

Department of Public Works & Safety Office of Engineering

204 East Jefferson Street, Goshen, Indiana 46528 Phone: 574-534-2201 Fax: 574-533-8626