



**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD  
MINUTES OF THE APRIL 25, 2024 REGULAR MEETING**

*Convened in the Goshen Police & Court Building, 111 East Jefferson St., Goshen, Indiana*

**Present:** Mayor Gina Leichty, Orv Myers, Mary Nichols and Barb Swartley

**Absent:** Mike Landis

**CALL TO ORDER:** Mayor Leichty called the meeting to order at 4:01 p.m.

**REVIEW/APPROVE MINUTES:** Mayor Leichty presented the minutes of the April 11, 2024, Regular Meeting as prepared by Clerk-Treasurer Aguirre. Board member Mary Nichols moved to approve the minutes as presented and the motion was seconded by Board member Barb Swartley. The motion passed 4-0.

**REVIEW/APPROVE AGENDA:** Mayor Leichty presented the agenda as prepared by the Clerk-Treasurer. Board member Nichols moved to accept the agenda as presented. Board member Swartley seconded the motion. The motion passed 4-0.

**1) Opening of sealed bids on behalf of the City Water & Sewer Department and the Fleet Manager – Purchase of two chassis/cab units**

On behalf of the City Water & Sewer Department and the Fleet Manager, the Board was tasked with opening sealed bids submitted to the City for the purchase of two 2024 or new chassis/cab units.

*All bids were due to be submitted to the Clerk-Treasurer's Office by 3:45 p.m. on April 25, 2024 or by 4 p.m. of the date of the meeting at the City Court Room/Council Chamber.*

Mayor Leichty announced that two companies submitted the following bids:

- Eby Ford Sales, Inc. of Goshen, Indiana: \$60,835 each and a total bid of \$121,670.
- Jordan Automotive Group of Mishawaka, Indiana: \$56,493 each and a total bid of \$112,986.

Nichols/Swartley made a motion that the bids be referred to the City Legal Department for review. Motion passed 4-0.

**2) Opening of sealed proposals on behalf of the City Fire Department – For the City's new South Fire Station**

On behalf of the City Fire Department, the Board was tasked with opening proposals and qualifications for the design, development, and building of the New South Fire Station.

*All proposals were due to be submitted to the Clerk-Treasurer's Office by 3:45 p.m. on April 25, 2024 or by 4 p.m. of the date of the meeting at the City Court Room/Council Chamber.*

Mayor Leichty announced that proposals/qualifications from four companies were received as follows:

- Ancon Construction Co., Inc. of Goshen, Indiana
- CORE/BKV Group of Schererville, Indiana
- Envoy, Inc. of Fishers, Indiana
- RQAW | DCCM Corp. of Fishers, Indiana and R. Yoder Construction of Nappanee, Indiana

Nichols/Swartley made a motion that the bids be referred to the City Legal Department for review. Motion passed 4-0.





**3) Police Department request: Approve the retirement of Officer David J. Pena #112, effective April 19, 2024**  
City Assistant Police Chief Shawn Turner asked the Board to approve the retirement of Officer David J. Pena #112, effective April 19, 2024.

**Assistant Chief Turner** said Officer Pena began his law enforcement career at the Ligonier Police Department and started his full-time career at the Goshen Police Department on March 17, 1995. He gave this community just over 29 years of service. Officer Pena worked most of those years on the dayshift and midnight shift and served the department as a motorcycle officer and as a hostage negotiator.

**Assistant Chief Turner** added, "Officer Pena has a great deal of knowledge and experience which will truly be missed. We would like to thank Officer Pena for his service and commitment to this department and our community and wish him the absolute best in his retirement and any future endeavors ... He will be sorely missed."

In his letter of retirement, **Officer Pena** wrote, in part: "My time here has come to an end. My career has been interesting and has been a great experience. I take with me the memories of joy and the scars of sadness that many of us have shared. I leave with you the courage to stand strong and the humbleness to be compassionate, not only to one another but for the community that we serve. Godspeed to those that continue on."

**Mayor Leichty** said she was very grateful for Officer Pena's service.

**Nichols/Swartley** made a motion to approve the retirement of Officer David J. Pena #112, effective April 19, 2024. Motion passed 4-0.

**4) Stephanie Balagna request: Approve placement of a moving POD in the City's right of way in front of 1722 College Manor Drive, from May 3 to May 6, 2024**

Representing his mother, **Stephanie Balagna**, **Josh Snyder of Goshen** asked the Board to allow the placement of a moving storage container on the street in front of her new home at 1722 College Manor Drive.

**Snyder** said his mother will have two moving PODS delivered on May 3. One will be in her personal driveway and she would like to place the second POD in the street in front of the condo, along the side of the curb, from the morning of May 3 until the morning of May 6, 2024.

In her written request, **Balagna** wrote that the PODS company does not deliver or pick up on weekends from the Fort Wayne PODS storage area they were taken to upon her move from Iowa to Goshen. Fort Wayne is the closest PODS storage area. The POD is 8 feet wide and 8 feet tall and 16 feet long.

**Nichols/Swartley** made a motion to approve the request from **Stephanie Balagna** to place a moving container in the City's right-of-way in front of 1722 College Manor Drive, from May 3-6, 2024, on the condition that the applicant follow the terms and direction of City of Goshen staff. Motion passed 4-0.

**5) Interra Credit Union request: Approve the closure and use of the City's Powerhouse parking lot for the annual "Shred-It Days" event, June 7-8, 2024**

**Ellen Mehofer**, the Marketing & Community Engagement Associate for Interra Credit Union, asked the Board to allow the use of the Powerhouse Parking lot on West Washington Street, for Interra's annual Shred-It Days. The event is 9 a.m. to 11 a.m. and 1-3 p.m. on Friday, June 7 and 9 a.m. to 11 a.m. on Saturday, June 8.

**Meihofer** asked the Board to allow use of the parking lot from 7:30 a.m. to 3:30 p.m. on June 7 and 7:30 a.m. to noon on June 8. She also requested the use of four barricades from the City Street Department.

In her written request to the Board, **Meihofer** wrote that Shred-It days has become a popular annual event. She also provided these details about it:

- To encourage ID theft prevention and recycling, Interra brings in Mountain High Shredding with its mobile truck/shredder.





- Because it is a popular event, several cars are often in line to drop off their shredding materials.
- Interra staff members are present and involved – unloading, weighing, etc.
- Interra pays for the first 50 pounds, with a nominal fee charged thereafter.
- There will be directional signage to ensure the orderly entrance into and exit from the parking lot.
- As an example of the popularity, the total in 2023 was almost 30,000 pounds collected.

**Mayor Leichty** asked if Interra had communicated with the City Street Department about the event. **Meihofer** said she had done so.

**Mayor Leichty** said that because she serves on Interra's board of directors, she would recuse herself from voting on this matter.

**Nichols/Swartley** made a motion to allow use of the Powerhouse parking lot from 7:30 a.m. to 3:30 p.m. on Friday, June 7 and 7:30 a.m. to noon on Saturday, June 8 as well as the use of four barricades from the City Street Department. Motion passed 4-0.

**6) Historic Southside Neighborhood Association requests: Approve discounted-cost dump trailers in June and September and the partial closure of 7th Street for an Aug. 17 block party**

**Megan Hessl**, the Chairperson for the Historic Southside Neighborhood Association (HSNA), made a series of requests related to its two annual clean-up days and its annual block party.

For its spring clean-up, **Hessl** asked for permission to reserve three trash trailers to be placed in the neighborhood June 7-9 at the City's discounted half-price rate that has been granted to neighborhoods in the past. As in past years, she said neighbors would monitor what is placed in the trailers to ensure prohibited items are not deposited.

For the neighborhood's fall clean-up, **Hessl** requested permission to reserve three trash trailers to be placed in the neighborhood Sept. 6-9, again at the City's discounted half-price rate for neighborhoods. She again assured that neighbors will monitor what is placed in the trailers.

**Hessl** also requested that the 500 block of South 7th Street be closed to vehicle traffic from 4 p.m. to 8 p.m. on Saturday, Aug. 17. She said about 120 neighbors gather annually to share food and fellowship.

**Mayor Leichty** asked if Hessl had spoken to the City Street Department about her requests. **Hessl** said she had not but would do so closer to the events. She said she had discussed the use of the trailers.

**Clerk-Treasurer Aguirre** said the Street Department might want to comment on the requested discount for the use of the trailers since the rate is scheduled to increase on June 1. **Hessl** responded that she was informed that if she paid for the trailers by June 1, the neighborhood could qualify for the current discounted rate.

**Nichols/Swartley** made a motion to approve the requests from the Historic Southside Neighborhood Association (HSNA) for the use of three trash trailers at the discounted rate for its two annual clean-up days as well as the closure of South 7<sup>th</sup> Street, from 4 to 8 p.m., on Aug. 17 for the block party. Motion passed 4-0.

**7) Legal Department request: Reject all bids submitted to the City for the purchase and installation of a generator at Hilltop Booster Station so that Water & Sewer may review the project specifications for reconsideration to bid at a future time**

On behalf of the Goshen Water & Sewer Department, **City Attorney Bodie Stegelmann** asked the Board to reject all bids submitted for the purchase and installation of the Hilltop Booster Station generator so City staff may review the specifications and reconsider bidding at a later time.

**On April 11, the Board received the following two bids:**

- Buckeye Power Sales of Canal Winchester, Ohio, a total bid of \$52,947.
- Elevated Power, LLC of Mishawaka, Indiana, a total bid of \$132,859.91.





Nichols/Swartley made a motion to reject all bids submitted to the City for the purchase and installation of a generator at the Hilltop Booster Station so that Water & Sewer may review the project specifications for reconsideration to bid at a future time. Motion passed 4-0.

8) Legal Department request: Award the bid for the cleaning of City buildings to Cathy's Cleaning Service and authorize the Mayor to execute the agreement with Cathy's for an estimated annual cost of \$30,684 City Attorney Bodie Stegelmann said the City solicited quotes for cleaning services of the Annex Building, City Hall and the Utilities Billing Office in accordance with Indiana Code § 5-22-8-3. All quotes were due on April 11, 2024. The City received quotes from two cleaning companies. A summary of the quotes received is as follows:

<i>Company</i>	<i>Total weekly cost</i>	<i>Total monthly cost</i>	<i>Total annual cost</i>
Cathy's Cleaning	\$590	\$2,557	\$30,684
Kelly's Cleaning, LLC	\$1,240	\$4,960	\$59,520

Stegelmann recommended that the City award the bid for cleaning services of the City's Annex Building, City Hall, and Utilities Billing Office to Cathy's Cleaning Service as the lowest responsive and responsible quoter. He further recommended that the Board approve and authorize Mayor Leichty to execute an Agreement with Cathy's Cleaning Service for cleaning of City's Annex Building, City Hall, and Utilities Billing Office with services to start June 1, 2024 at an estimated annual cost of \$30,684.00.

Nichols/Swartley made a motion to reject Kelley's Cleaning LLC as it was the highest quoter and award the bid for cleaning services of the City's Annex Building, City Hall, and Utilities Billing Office to Cathy's Cleaning Service as the lowest responsive and responsible quoter as well as approve and authorize Mayor Leichty to execute the Agreement with Cathy's Cleaning Service, with services to start June 1, 2024 at an estimated annual cost of \$30,684. Motion passed 4-0.

9) Legal Department request: Award the quote for the purchase of hydraulic extrication tools and accessories to Impact Rescue, LLC and authorize the Mayor to execute the purchase agreement with the company for the approximate sum of \$73,913

City Attorney Bodie Stegelmann told the Board that the City solicited sealed quotes for the purchase of various hydraulic extrication tools in accordance with Indiana Code § 5-22-8-3.

The City received one quote in response to our invitation. Impact Rescue, LLC offered the following quote that met all of City's specifications:

ITEM NUMBER:	ITEM NAME	QUANTITY	TOTAL QUOTE:
1.	Cutters	1	\$14,542
2.	Spreaders	1	\$14,996
3.	Combi	1	\$15,303
4.	Tele Ram	2	\$24,666
5.	Battery	Each	\$976
6.	Charger AC	1	\$647
7.	Charger DC	1	\$548
8.	Main Power Connector	1	\$1,954
9.	On-tool Charging Cord	1	\$116
10.	Tool diagnostics cord	1	\$165
<b>TOTAL QUOTE:</b>			<b>\$73,913</b>





**Stegelmann** recommended that that the City accept the quote from Impact Rescue, LLC and authorize Mayor Leichy to execute the purchase agreement allowing Goshen Fire Department to purchase various hydraulic extrication tools and accessories in the approximate sum of \$73,913.

**Nichols/Swartley made a motion to award the quote for the purchase of various hydraulic extrication tools and accessories to Impact Rescue, LLC as the lowest responsible and responsive quoter and approve and authorize the Mayor to execute the purchase agreement with Impact Rescue in the approximate sum of \$73,913. Motion passed 4-0.**

**10) Legal Department request: Adopt Resolution 2024-13, Interlocal Agreement with the County of Elkhart for the Improvement of the Pumpkinvine Trail**

**City Attorney Bodie Stegelmann** told the Board that attached to the agenda packet was a resolution to approve the terms and conditions of the Interlocal Agreement with Elkhart County for the Improvement of the Pumpkinvine Trail and authorize Mayor Leichy and Clerk-Treasurer Aguirre to execute the Interlocal Agreement on behalf of the Board of Public Works and Safety and the City.

**Stegelmann** said the agreement would coordinate the improvement and pavement of the Pumpkinvine Trail from State Road 4 (Lincoln Avenue) north to County Road 28 in Elkhart County. The project consists of the planning, funding, designing, engineering, bidding, constructing, inspecting, and overseeing of the project.

**Under the interlocal agreement:**

- The County will serve as the "Design Consultant" on the Project and provide the engineering and design work necessary for bidding and inspection of the project.
- The engineering and design standards for the Project must be approved by the County and City.
- The County will serve as the Lead Agency for the Project and will be responsible for the overall administration of the Project including but not necessarily limited to the following:
  - Bidding and awarding the Project in compliance with governmental requirements applicable to City and County, for the bidding of public works projects.
  - Obtaining any governmental permits or approvals required to construct the Project.
  - Administering any contract or contracts awarded to a successful bidder or bidders on the Project.
  - Providing engineering review and construction inspection services for the Project to the extent that such are not the responsibility of the successful bidder or bidders.
  - Maintaining the documents, contracts, notices, and other records connected with the Project.
  - Providing the City with a financial summary of all funds needed for the Project, all funds received for the Project, and all funds expended on the Project, to include specifically the responsibility of City to fund the amounts needed for the Project.
- While County will serve as the Lead Agency, the City and County acknowledge that such is tied largely to the County providing the Design Consultant services contemplated under "Lead Agency" above.
- The City will be significantly involved with the Project and its participation will include:
  - City shall review and approve the Project engineering and design, though such engineering and design shall be provided by County as part of the Lead Agency role set forth above.
  - City shall fund all direct and indirect construction costs associated with the Project, with the acknowledged desire and intent of County and City to seek cost-sharing participation by third parties, which shall serve to diminish the costs of City for such direct or indirect construction costs. Direct and indirect construction costs associated with the Project shall include trail drainage and repairs needed preparatory to paving, change orders, and compaction and materials testing.





- City shall appropriate and have available for use by County, all funds required of City for its share of the direct and indirect construction costs, it being acknowledged that the transfer of such funds to County must occur essentially simultaneous with the Notice to Proceed with the Project, or even in advance thereof, as County is not in a position to advance the funds for the construction costs associated with the Project.
- Since time is of the essence:
  - The City and County agree to cooperate so that the engineering and design and preliminary bidding process can be completed in time to receive bids for the Project by the end of May 2024.
  - The City may terminate this Agreement by providing written notice of termination to County no later than 60 days after receipt of the bids. In the event City fails to provide the necessary funding for the Project to County within 60 days after the receipt of bids, County may terminate this Agreement.
  - The parties contemplate that construction shall commence and be completed during 2024; however, should unexpected difficulties or delays occur, the Project may extend the completion date with written notice.
  - City and County agree to communicate with each other in establishing a construction schedule that will allow the Project to be completed in a timely fashion consistent with subparagraphs (a) and (b) above.
  - This Agreement shall be in effect through Dec. 31, 2024 and shall thereafter automatically renew on a year-to-year calendar basis if the Project has not been completed, unless either party shall give written notice of termination to the other party at least 90 days prior to the end of the initial term of this Agreement or any renewal year of this Agreement. The entire Pumpkinvine Nature Trail Project area covered by this Agreement is owned and maintained by City and shall continue to be owned and maintained by City at the conclusion of the Project.

**Mayor Leichty** said this project will include the paving of the last unpaved section of the Pumpkinvine Trail.

**Stegelmann** noted that the Common Council approved this interlocal agreement on April 22, 2024.

**Nichols/Swartley made a motion to adopt Resolution 2024-13, Interlocal Agreement with the County of Elkhart for the Improvement of the Pumpkinvine Trail. Motion passed 4-0.**

#### **11) Legal Department request: Adopt Resolution 2024-14, Interlocal Agreement with the County of Elkhart for the Establishment of the Marion Branch Quiet Zone**

**City Attorney Bodie Stegelmann** told the Board that attached to the Board's meeting packet was a resolution to approve the terms and conditions and authorize execution of the Interlocal Agreement with the County for the establishment of the Marion Branch Quiet Zone.

**Stegelmann** said that under this agreement, the County was approving the establishment of the new quiet zone and delegating to City the authority to take all such actions as required by the federal regulations to establish the new quiet zone. This specifically includes the County Road 42 grade crossing as well as at the location of the County Road 40 crossing that are outside the city limits.

**Stegelmann** said the Goshen Redevelopment Commission is agreeing to provide the funding for the implementation of one or more safety measures required for the establishment of the new quiet zone.

**Mayor Leichty** said it was exciting that the City was getting closer to establishing the quiet zone.

**The agreement specifies that:**

- This purpose of this agreement is to coordinate the establishment of a new railroad quiet zone on the Marion Branch from Washington Street to County Road 42 ("Marion Branch Quiet Zone"), including the construction, maintenance, and funding for necessary railroad crossing improvements at each grade crossing within the Marion Branch Quiet Zone, hereinafter referred to as "the Project."





- The City is in the process of making application to the Federal Railroad Administration to establish a new railroad quiet zone on the Marion Branch from Washington Street to County Road 42, hereinafter referred to as the "Marion Branch Quiet Zone."
- Since the proposed new quiet zone includes the public highway-rail grade crossings, which are under the authority and control of County, in accordance with 49 C.F.R. § 222.37(a), both City and County must agree to the establishment of the quiet zone, and the County must delegate to the City the authority to take such actions as are required by 49 C.F.R. pt. 222 to establish the Marion Branch Quiet Zone.
- Such actions required to establish and maintain the Marion Branch Quiet Zone by City will include the implementation and maintenance of one or more safety measures at each grade crossing within the new quiet zone.
- The existing crossing at County Road 42 (DOT# 533515K) has one (1) mainline track with one (1) travel lane in each direction. The existing approach pavement and crossing surface is in good condition. The existing crossing has an active warning system consisting of post mounted flashing lights. Due to the quiet zone requirements, the City agrees to upgrade the active warning devices to include flashing red lights with gates and constant warning time. In addition to upgrading the active warning devices, 100 feet of channelization devices will be added to both approaches while the pavement markings and signage will be updated to meet MUTCD requirements within a quiet zone. The City agrees to meet the Federal Railroad Administration's expectations for construction and completion of the improvements at the public highway-rail grade crossing at County Road 42.

**Nichols/Swartley made a motion to adopt Resolution 2024-14, Interlocal Agreement with the County of Elkhart for the Establishment of the Marion Branch Quiet Zone. Motion passed 4-0.**

**12) Legal Department: Accept the Uniform Conflict of Interest Disclosure Statement for Timothy Christner**  
City Attorney Bodie Stegelmann told the Board that Goshen Fire Department employee Timothy Christner is submitting a Uniform Conflict of Interest Disclosure Statement to the Board for acceptance in a public meeting in accordance with Indiana Code § 35-44.1-1-4, Conflict of Interest.

Stegelmann said Christner is a member of Christner Construction LLC, which provides annual repair and maintenance services for the Goshen Fire Department.

**Nichols/Swartley made a motion to accept the Uniform Conflict of Interest Disclosure Statement filed by Timothy Christner. Motion passed 4-0.**

**13) Water & Sewer Office request: Move \$5,772.95 in uncollected finaled accounts from active to collection, sewer liens and write offs for the period through Jan. 8, 2024**

Kelly Saenz, Manager of the Goshen City Utilities Office, asked the Board to move the Goshen Water and Sewer Office's uncollected finaled accounts from active to Collection, Sewer Liens and Write offs.

Saenz said that the original amount of unpaid final Water/Sewer accounts for the period through Jan. 8, 2024 was \$7,945.54. Collection letters were sent out and payments of \$2,172.59 were collected.

The uncollected amount was \$5,772.95. So, Saenz asked the Board to move the office's uncollected final accounts from active to Collection, Sewer Liens and Write offs for the period.

Saenz added that of the \$5,772.95 in uncollected amounts, \$3,500 came from flat sewer accounts.

**Nichols/Swartley made a motion to move the Goshen Water and Sewer Office's uncollected finaled accounts for this period from active to Collection, Sewer Liens and Write offs. Motion passed 4-0.**



14) Engineering Department request: Approve the Agreement with Specialties Co., LLC for the 2024 Street Department Milling Package project in the amount of \$27,523.55

City Director of Public Works & Utilities Dustin Sailor told the Board that on April 11, 2024, the City received one proposal for the 2024 Street Department Milling Package project from Specialties Company, for \$27,523.55.

Sailor said the Engineering Department has reviewed this proposal and has found it to be within its estimated price for this project and finds Specialties Company LLC to be the lowest responsive and responsible quoter. He requested that the Board accept the proposal.

Nichols/Swartley made a motion to approve the Agreement with Specialties Co., LLC for the 2024 Street Dept. Milling Package project in the amount of \$27,523.55. Motion passed 4-0.

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

Mayor Leichty opened Privilege of the Floor at 4:29 p.m. There were no comments.


Approval of Civil City and Utility Claims

As all matters before the Board of Public Works & Safety were concluded, Mayor Leichty/Board member Swartley moved to approve Civil City and Utility claims and adjourn the meeting. Motion passed 4-0.

Adjournment

Mayor Leichty adjourned the Board of Public Works and Safety meeting at 4:29 p.m.

APPROVED:



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Mayor Gina Leichty

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Mike Landis, Member





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Orv Myers, 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 "Barb Swartley", written over a horizontal line.

Barb Swartley, Member

ATTEST:

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

Richard R. Aguirre, City of Goshen Clerk-Treasurer