

**BOARD OF PUBLIC WORKS AND SAFETY AND STORMWATER BOARD MEETING  
HELD, FEBRUARY 11, 2019, GOSHEN, INDIANA**

The Board of Public Works and Safety and Stormwater Board of the City of Goshen met in the Council Chambers, 111 E. Jefferson St., on February 11, 2019, at 2 p.m. for their weekly Board meeting. Board Member Landis was the presiding officer with members of the Board present or absent as follows:

**PRESENT:** Mayor Jeremy Stutsman, Board Member Mitch Day

**ABSENT:** Board Member Mike Landis

**OTHERS:** Clerk-Treasurer Administrative Assistants, Central Fleet Maintenance Manager, Fire Chief, Street Commissioner, Director of Public Works, Wastewater Superintendent, Mayor's Administrative Assistant, Police Chief, Contracts & Claims Manager, Utilities Office Manager, Water & Sewer Superintendent, City Attorney, Civil Traffic Engineer, Assistant Fire Chief, Assistant Building Commissioner, Assistant City Planner, Legal Compliance Administrator, Communications Coordinator, Parks Superintendent

Minutes of the meeting of February 4, 2019, were presented. On motion of Board Member Day and second by Mayor Stutsman, the minutes were approved as presented.

**REQUEST TO HIRE—TYLER J. THIBODEAUX GFD**

Fire Chief Dan Sink requested Board approval for the hiring of Tyler J. Thibodeaux for the position of probationary firefighter. Tyler has passed all pension requirements for the State of Indiana. Hiring to be effective Monday, February 11, 2019.

Board Member Day moved to approve the request. Second by Mayor Stutsman and motion passed unanimously.

**REQUEST TO PROMOTE—COLTON C. COX GFD**

Fire Chief Dan Sink requested Board approval for the promotion of Colton C. Cox from probationary firefighter to rank of Private First Class for the Goshen Fire Department. Colton has completed his probationary year with the Goshen Fire Department. Promotion retroactive to February 6, 2019.

Board Member Day moved to approve the request. Second by Mayor Stutsman and motion passed unanimously.

**REQUEST TO PROMOTE—JOSHUA N. ORTIZ GFD**

Fire Chief Dan Sink requested Board approval for the promotion of Joshua N. Ortiz from probationary firefighter to rank of Private First Class for the Goshen Fire Department. Joshua has completed his probationary year with the Goshen Fire Department. Promotion retroactive to February 6, 2019.

**REQUEST TO PROMOTE—RYAN E. ULE GFD**

Fire Chief Dan Sink requested Board approval for the promotion of Ryan E. Ule from probationary firefighter to rank of Private First Class for the Goshen Fire Department. Ryan has completed his probationary year with the Goshen Fire Department. Promotion retroactive to February 6, 2019.

Board Member Day moved to approve the request. Second by Mayor Stutsman and motion passed unanimously.

**REQUEST TO AFFIRM RESIGNATION—MYRON MILLER GFD**

Fire Chief Dan Sink requested Board affirmation for the resignation of Myron Miller from the Goshen Fire Department effective February 25, 2019. Goshen Fire Department would like to wish Myron the very best in his new endeavors.

Board Member Day moved to approve the request. Second by Mayor Stutsman and motion passed unanimously.

**REQUEST TO APPROVE AGREEMENT: INGRESS AND EGRESS EASEMENT & WAIVER AND RESOLUTION 2019-1 AUTHORIZING APPROVAL OF AGREEMENT RELATIVE TO 420-422 W. PIKE STREET**

Legal Compliance Administrator Shannon Marks requested Board approval of Agreement with Douglas L. Dispennett and Genya J. Dispennett and Resolution 2019-1 authorizing the easement agreement.

As part of the rebuilding of Pike Street, the State of Indiana initiated condemnation lawsuit relative to property commonly referred to as 420-422 W. Pike Street. The property was under the control of the State since December 30, 2016, as part of the construction, but was conveyed to the prior landowners as part of the settlement of the State's condemnation action.

As part of the Pike Street project, the State of Indiana constructed a drive east to west, parallel to Pike street, across the land subject to the State's condemnation action. The proposed Ingress and Egress Easement document will grant to the City an easement across the land so that it can use the drive that the State constructed to access its drainage facility along the Elkhart River, south of Pike Street. The Board of Works approved a prior version of the easement in June 2018; however, the State and the landowner settled the condemnation action after the Board of Works' approval of the prior draft of the easement, necessitating revisions to the easement.

An Agreement of Release & Reliability was also included. Under this document, the City will release the State of Indiana from its responsibility to construct the drive described above.

Board Member Day moved to approve the request. Second by Mayor Stutsman and motion passed unanimously.

**REQUEST TO APPROVE MUTUAL AGREEMENT TO TERMINATE CONTRACT  
WITH UNITED SALES AGENCY OF AMERICA**

Legal Compliance Administrator Shannon Marks requested Board approval of the mutual agreement to terminate contract with United Sales Agency of America.

In July 2017, the City entered into an agreement with United Sales Agency of America LLC. USA agreed to replace certain water meters within the City of Goshen. USA has replaced approximately 5,268 of the 7,127 meters identified for replacement. Disagreements between the parties have arisen, and the parties have concluded the best course for both parties moving forward would be to mutually terminate the agreement with USA.

USA and its attorney have approved the language of the Mutual Agreement to Terminate Contract.

Effective date of termination is February 11, 2019

Board Member Day moved to approve the request. Second by Mayor Stutsman and motion passed unanimously.

**REQUEST TO APPROVE OCCUPANCY PERMIT AGREEMENT AT 1125 NORTH MAIN  
STREET WITH PRIDE PROPERTIES, LLC.**

Legal Compliance Administrator Shannon Marks requested Board approval and authorization for the Mayor to execute an Occupancy Permit Agreement with Pride Properties, LLC for the new building addition constructed at 1125 North Main Street. The construction project is now substantially complete except for certain exterior work that cannot be completed due to weather conditions. The owner agrees to complete all remaining work as soon as conditions permit, but no later than June 15, 2019.

The owner has provided the City a surety in the amount of Three Thousand dollars (\$3,000) to insure the timely completion of the remaining work. Once all Building Code requirements have been met and the agreement has been executed by both parties, the City will issue a certificate of occupancy for the location.

Board Member Day moved to approve the request. Second by Mayor Stutsman and motion passed unanimously.

**REQUEST TO APPROVE TWO OCCUPANCY PERMIT AGREEMENTS AT 1375 PARK  
33 BLVD – BUILDING 1400 AND BUILDINGS 1500 AND 1600 WITH PARK 33, LLC.**

Legal Compliance Administrator Shannon Marks requested Board approval and authorization for the Mayor to execute an Occupancy Permit Agreement with Park 33, LLC. One agreement is for Building 1400 and the agreement is for Building 1500 and Building 1600 at 1375 Park 33 Blvd.

Park 33, LLC provided the City a surety bond in the amount of \$137,000.00 under the December 17, 2018 Occupancy Permit Agreement which was for Building 1200. The surety is to insure the timely and proper completion of certain exterior work at 1375 1375 Park 33 Blvd that cannot be completed due to weather conditions. This surety also covers other buildings at this same location

that are completed and ready for occupancy before weather permits the completion of the exterior work. Park 33, LLC agrees to complete all remaining work as soon as conditions permit, but no later than June 15, 2019. Once all Building Code requirements have been met and the agreement has been executed by both parties, the City will issue a certificate of occupancy for each building.

Board Member Day moved to approve the request. Second by Mayor Stutsman and motion passed unanimously.

**REQUEST TO APPROVE AGREEMENT WITH L & M ELECTRIC TO RETROFIT LIGHTING IN POLICE AND COURT BUILDING**

Contracts and Claims Manager Keitha Windsor requested Board approval for the execution of an agreement with L & M Electric to retrofit lighting in police and court building as a cost saving measure.

The City solicited quotes from L & M Electric and Middlebury Electric with L & M offering the lowest responsive and responsible quote.

The total cost for all work is \$22,164.00 and work shall be completed within 45 days from receipt of a notice to proceed.

Board Member Day moved to approve the request. Second by Mayor Stutsman and motion passed unanimously.

There being no further business Mayor Stutsman moved to process claims and then to adjourn. Second by Board Member Day and motion passed unanimously.

**BOARD OF PUBLIC WORKS AND SAFETY AND STORMWATER BOARD:**

MAYOR JEREMY STUTSMAN           Absent          

BOARD MEMBER MITCHELL DAY           *Mitchell Day*          

BOARD MEMBER MICHAEL A. LANDIS           *Michael A Landis*          

ATTEST           *Angie McKee*            
CLERK-TREASURER ANGIE MCKEE