



**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD
MINUTES OF THE JANUARY 30, 2025 REGULAR MEETING**

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

Present: Mayor Gina Leichty, Mike Landis, Orv Myers and Barb Swartley

Absent: Mary Nichols

CALL TO ORDER: Mayor Gina Leichty called the meeting to order at 4:00 p.m.

REVIEW/APPROVE MINUTES: Mayor Leichty presented for Board consideration the minutes of the January 9, 2025 and January 16, 2025 Regular Meetings as prepared by Clerk-Treasurer Aguirre. Board Member Orv Myers made a motion to approve the minutes as presented. Board member Barb Swartley seconded the motion. The motion passed 4-0.

REVIEW/APPROVE AGENDA: Mayor Leichty presented the agenda as prepared by the Clerk-Treasurer. Board member Myers made a motion to approve the agenda as presented. Board member Swartley seconded the motion. The motion passed 4-0.

1) Goshen Historical Society Request: Approve the use of five parking spaces in front of the museum

Ron Hoke, executive director of the Goshen Historical Society, presented his request for AirTite Insulation of Goshen to use five parking spaces in front of the museum to insulate the building's attic on Feb.10, 2025. Hoke said AirTite plans to begin the work about 6 a.m. and complete the work by 5 p.m. that evening.

The City Street and Engineering Departments have been in touch with Hoke and provided him with additional guidance on diverting pedestrian traffic (EXHIBIT #1).

Hoke asked to amend his request to close the sidewalk during the requested time.

Myers/Swartley made a motion to approve the closure and use of the five parking spaces and close the sidewalk in front of the museum, at 124 South Main Street, on Feb. 10, 2025. The motion passed 4-0.

2) Dana Miller Building Solutions requests: Approve a connection to the City sewer in the right of way and grant permission for a gravel parking area, both at 916 South 8th Street

Nathan Mateer Rempel presented his requests on behalf of Dana Miller Building Solutions, briefly outlining the project at 916 South 8th Street to convert an old garage into a studio apartment.

Rempel referenced a memo from the City Engineering Department which outlined Rempel's requests regarding the sewer connection and a gravel driveway (EXHIBIT #2). Rempel said that the intention behind installing a gravel driveway was to reduce the project budget and to reduce the carbon emissions from a concrete installation.

City Director of Public Works & Utilities Dustin Sailor discussed the request for a stone-chip driveway, noting that there have been multiple requests for such driveways over the past few years.

Sailor shared that the property at 1707 West Clinton Street was approved on a trial basis to install a geo-grid and stone driveway, and shared pictures of the current condition of the driveway (EXHIBIT #3). Sailor said that the gravel failed, mud is pushing up through the gravel and being tracked out into the road, demonstrating that gravel is not an easily maintainable surface resulting in ruts and potholes. The West Clinton property was granted a driveway variance by the Board in 2022.



Board members discussed the “2020 Design Standards and Specifications for Parking and Driveway Surfaces” which was referenced in Exhibit #2 observing that if the Board makes variances or exceptions from the standard, then the Board opens up requests for too many exceptions.

Board member Landis said that the West Clinton driveway outcome may have been the result of a poor installation. **Sailor** said that some geo-grid installations have been very successful, such as at Fidler Pond. Sailor said that it appears that the West Clinton driveway should have included a concrete approach as far as the sidewalk. Board member Landis also said that there should be concrete from the road through the right-of-way.

Board member Myers then made a motion, that in accordance with **City Ordinance 4333, Section 3.03(M)** and **Ordinance 4290, Section 1(F)**, which cover the requirements associated with utility connections to a subordinate structure, that the Board of Works and Safety moves to allow a water and sewer connection to the accessory/subordinate structure through the primary structure with the following terms and conditions:

1. Should the subordinate structure ever have separate ownership from the primary structure, the subordinate structure’s utility connections to the primary structure will be disconnected and reconnected to the public utility mains.
2. Because the subordinate structure could have uses other than living space, and the City has no wastewater pretreatment program for residential property, there shall be no floor drains or drainage fixtures accessible within areas not rated as living space (i.e., garage or workshop areas).
3. In accordance with Ordinance 4922, the property owner shall obtain an inspection permit for the water and sewer utility extensions from the Goshen Utility Business Office at 203 S. Fifth Street.

Board member Swartley seconded the motion. The motion passed 4-0.

Board member Myers then made a motion, in accordance with the Board of Works and Safety’s 2020 Design Standards and Specifications for Parking and Driveway Surfaces, that the hard surface variance request is denied based on the parking improvement being modified/constructed in conjunction with “new” construction of residential improvements on real property. **Board member Swartley** seconded the motion. The motion passed 4-0.

3) Legal Department Request: Approve Resolution 2025-02, Service Delivery Agreement for 2025 Elkhart County Drug-Free Community Funds

City Attorney Bodie Stegelmann presented the agreement to the Board and said that the agreement was for the purchase of specialized binoculars funded by a \$6,800 grant.

Myers/Swartley made a motion to pass and adopt Resolution 2025-02, Service Delivery Agreement for 2024 Elkhart County Drug-Free Community Funds. The motion passed 4-0.

4) Legal Department Request: Award quote for purchase and maintenance agreement for Street Department radios

City Attorney Stegelmann presented the contract from Emergency Radio Services (ERS), saying that the Street Department received two sealed bids for the purchase of an updated digital radio system. The bid from J&K Communications was for \$180,596.35 and the bid from ERS was for \$77,316.04.

Myers/Swartley made a motion to award the quote for the purchase of an updated digital radio system for the Street Department to Emergency Radio Systems as the lowest responsible and responsive bidder, and to approve and authorize Mayor Leichty to execute the Agreement with Emergency Radio Systems for the purchase of an updated digital radio system for the Street Department at a cost of \$77,316.04. The motion passed 4-0.



5) Engineering Department Request: Approve agreement with Lloyd and Phyllis Yoder for residential project
City Director of Public Works & Utilities Dustin Sailor read a memorandum to the Board requesting approval of a Completion of Construction Agreement for 115 Blackport Drive. The agreement is for a \$4,000 surety check bonding the Yoders to plant a large species tree in the front yard, install a permanent concrete driveway and remove a gravel encroachment.

Myers/Swartley made a motion to approve and authorize the Board to execute the agreement with Lloyd and Phyllis Yoder for the completion of the residential project at 115 Blackport Drive. The 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 4:22 p.m.

Goshen Common Council Member Dr. Brett Weddell addressed the Board regarding two homes at 213 and 215 Crescent Street, which were damaged by a fire in June 2024 and are in bad condition and open to the elements. Councilor Weddell said there are no safety barricades around the houses and residents are concerned that kids and homeless people might be entering the homes. He also said that the houses should have been torn down by this point.

Mayor Leichty responded that these houses are currently being addressed as disorderly properties and are the subject of an active lawsuit. Due to these circumstances, the City is prohibited from any involvement in the properties until the issue is resolved since the properties are considered evidence in the lawsuit. **City Attorney Stegelmann** said that the status of both properties will be addressed by the Board in February.

Mayor Leichty closed Privilege of the Floor at 4:25 p.m.

Approval of Civil City and Utility Claims

As all matters before the Board of Public Works & Safety were concluded, Mayor Leichty moved to approve Civil City and Utility Claims and adjourn the meeting. Swartley seconded the motion. The motion passed 4-0.

Adjournment

Mayor Leichty adjourned the Board of Public Works & Safety meeting at 4:25 p.m.


EXHIBIT #1: *A Jan. 29, 2025 email from City Project Manager Andrew Lund to Ron Hoke regarding the request to use five parking spaces in front of the Elkhart County Historical Museum, 124 South Main Street.*

EXHIBIT #2: *A Jan. 30, 2025 memorandum from City Director of Public Works & Utilities Dustin Sailor to the Board of Works regarding the requested utility connection and parking hard surface variance request for 916 S. 8th Street.*

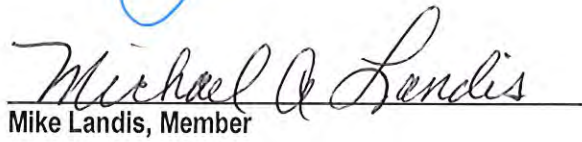
EXHIBIT #3: *Photos provided to the Board by City Director of Public Works & Utilities Dustin Sailor showing gravel driveway conditions at 1707 West Clinton Street.*



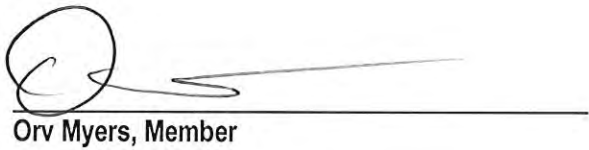
APPROVED:



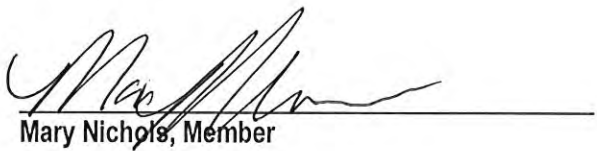
Mayor Gina Leichty



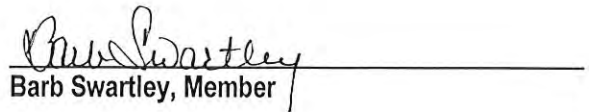
Mike Landis, Member



Orv Myers, Member



Mary Nichols, Member



Barb Swartley, Member

ATTEST:



Jeffery Weaver, City of Goshen Deputy Clerk-Treasurer

Goshen Engineering re Detour for Sidewalk Closure at 124 S Main Street

From Lund, Andrew <andrewlund@goshencity.com>

Date Wed 1/29/2025 10:54 AM

To museum@goshenhistorical.org <museum@goshenhistorical.org>

Cc Aguirre, Richard <richardaguirre@goshencity.com>; Weaver, Jeffery <jefferyweaver@goshencity.com>; Sailor, Dustin <dustinsailor@goshencity.com>; Meade, Melissa <melissameade@goshencity.com>; Hetler, Tara <tarahetler@goshencity.com>; Gibbs, David <davidgibbs@goshencity.com>

Mr. Hoke:

Good morning. Following up from our conversation, we understand that the insulation work at 124 S Main will involve closing the sidewalk, as well as closing parking spaces, per the original request coming before Goshen’s Board of Works (BOW) tomorrow. I am copying the Clerk-Treasurer’s Office in order to make them aware of the updated request, but please be prepared to include the request to close the sidewalk tomorrow at the BOW meeting. Regarding the sidewalk closure, please see below for the type of barricade and a generalized picture of a typical sidewalk closure and detour from the Indiana Manual on Uniform Traffic Control Devices. This includes the signs that should be used to inform pedestrians of the closure and direct them to the detour. A sidewalk diversion would not be applicable as the parking spaces will also be blocked by the work.

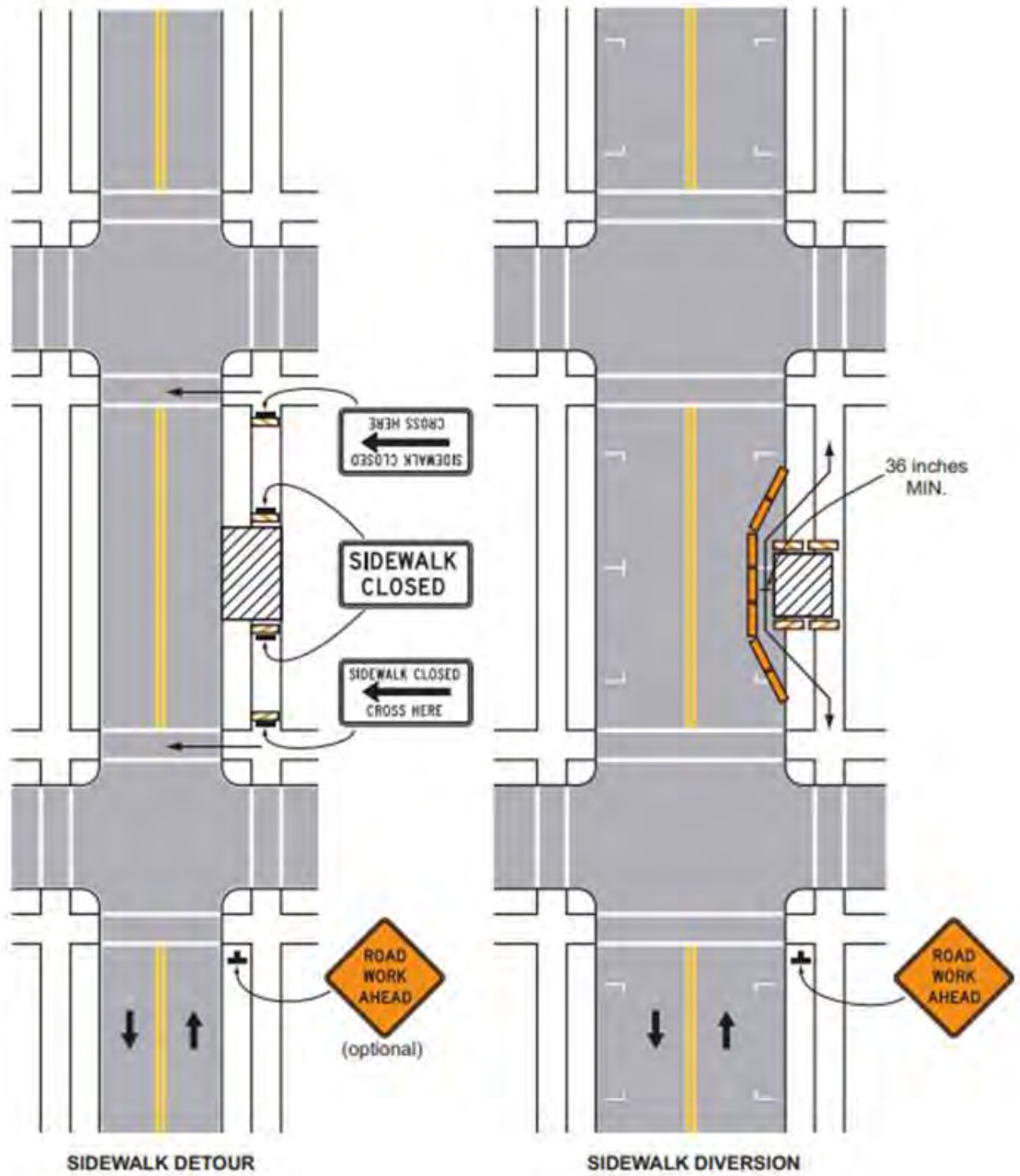
Also, I have spoken with Goshen’s Street Commissioner, David Gibbs, and he understands that you will want the parking spaces blocked. However, please specify this request for the Street Department to block off the parking spaces in advance at the BOW meeting tomorrow, as well.

Please call engineering’s office number: 574.534.2201, or reply all to this email, with any questions.

Type 2 Barricade (ballast not shown – sandbags typically used for ballast):



Refer to sidewalk detour, not diversion:



Thank you,
Andrew

Andrew Lund
Project Manager
Office (574) 534.2201
Direct (574) 533.8622

Cell (574) 361.3525



Engineering Department
CITY OF GOSHEN

204 East Jefferson Street, Suite 1 • Goshen, IN 46528-3405

Phone (574) 534-2201 • Fax (574) 533-8626 • TDD (574) 534-3185
engineering@goshencity.com • www.goshenindians.org

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MEMORANDUM

TO: Board of Works and Safety and Stormwater Board

FROM: Dustin Sailor, P.E., Director of Public Works & Utilities

RE: **916 S. 8TH STREET – SUBORDINATE UTILITY CONNECTION & HARD SURFACE VARIANCE REQUEST (JN: STREETS)**

DATE: January 30, 2025

Two requests for the referenced property were made to the Board of Works and Safety for the Board's meeting on January 30, 2025. The first variance request is for a reduction in the separation distance between the water and sewer service lines, and the second request is for a variance to the Board's hard surface policy to allow for the installation of a gravel driveway surface where a hard surface is required.

As a correction, the first request should be for the Board of Works and Safety to approve a subordinate water and sewer connection to an accessory structure on the same parcel. Goshen Engineering will address the issue of utility separation by specifying pressure-rated pipes. Goshen Engineering has reviewed the owner's general request and is satisfied that the work will not pose a health hazard and will not injure the water or sewer utilities. With that stated, Goshen Engineering was not provided an interior floor plan identifying the utility fixtures to be served. In the suggested Board motion, Goshen Engineering has identified several conditions of approval that should be considered.

With regard to the owner's variance request to the Board of Works and Safety's 2020 Design Standards and Specifications for Parking and Driveway Surfaces, Goshen Engineering is providing as Exhibit A, Section 6 from the standard that defines the exceptions to the standard the Board may consider. Goshen Engineering recommends denying the variance request because the proposed parking area is being modified/constructed in conjunction with "new" construction of residential improvements on real property. Per the second to last paragraph of the standard, a variance is not permissible.

Requested Two Part Motion:

Motion No. 1: In accordance with City Ordinance 4333, Section 3.03(M) and Ordinance 4290, Section 1(F), which cover the requirements associated with utility connections to a subordinate structure, the Board of Works and Safety moves to allow water and sewer connection to the accessory/subordinate structure through the primary structure with the following terms and conditions:

1. Should the subordinate structure ever have separate ownership from the primary structure, the subordinate structure's utility connections to the primary structure will be disconnected and reconnected to the public utility mains.
2. Because the subordinate structure could have uses other than living space, and the City has no wastewater pretreatment program for residential property, there shall be no floor drains or drainage fixtures accessible within areas not rated as living space (i.e., garage or workshop areas).
3. In accordance with Ordinance 4922, the property owner shall obtain an inspection permit for the water and sewer utility extensions from the Goshen Utility Business Office at 203 S. Fifth Street.

Motion No. 2: In accordance with the Board of Works and Safety's 2020 Design Standards and Specifications for Parking and Driveway Surfaces, the hard surface variance request is denied based on the parking improvement being modified/constructed in conjunction with "new" construction of residential improvements on real property.

Section 6 of the Board of Works and Safety's 2020 Design Standards and Specifications for Parking and Driveway Surfaces

6. Applications for relief from these standards and specifications may be made in writing to the Board of Public Works and Safety. Any relief from the standards and specifications granted by the Board of Public Works and Safety shall include all conditions upon which relief from the standards and specifications is granted, including, but not limited to the type of material allowed, whether an alternative surface may be used on only a portion of the proposed area, or whether the modification is temporary. The Board of Public Works and Safety may grant the relief from the requirement for a durable, hard surface under the following circumstances:

- a. The Board of Public Works and Safety finds that the parking area is used for non-residential purposes, is overflow parking, is infrequently used, and exceeds the minimum parking standards found in the Goshen Zoning Ordinance;
- b. The Board of Public Works and Safety finds that the parking area or drive is located on land zoned Agricultural A-1 and is used principally for agricultural or another use for which requiring parking areas of a durable, hard surface is not reasonable or practical; or
- c. After weighing the factors described in subparagraphs i, ii, iii, and iv below, and the unique attributes of the real property on which the parking area or drive is intended to be located, the Board of Public Works and Safety finds that the neighborhood in which the proposed parking area or drive is located is residential and granting relief from the existing standards and specifications would not be injurious to the public health, safety, and general welfare, and would not affect the aesthetic appeal of the neighborhood in an adverse manner:
 - i. Whether driveways in the surrounding neighborhood are not of a durable, hard surface, and whether there is a strong likelihood such surrounding driveways will be constructed of a durable, hard surface in the future;
 - ii. Whether the real property on which the proposed parking area or drive is located has access to on-street parking;
 - iii. Whether the real property on which the proposed parking area or drive is located has a one lane or multiple lane driveway; and
 - iv. Whether the requirement of a durable, hard surface would be unrealistic and excessive.

Relief shall not be granted under this Paragraph c. for new construction of residential improvements on real property.

1707 W Clinton St.

