



BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD

MINUTES OF THE March 7, 2022 REGULAR MEETING

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

Present: Mayor Jeremy Stutsman and members Mike Landis, Mary Nichols and DeWayne Riouse

Absent: Barb Swartley

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

REVIEW/APPROVE MINUTES: Minutes of the Feb. 28, 2022 meeting of the Board of Works & Safety & Stormwater Board were presented. Board member Mary Nichols moved to approve the minutes as presented and the motion was seconded by Board member Mike Landis. Motion passed 4-0.

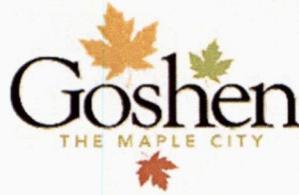
REVIEW/APPROVE AGENDA: Mayor Stutsman presented the agenda and suggested that an agenda item be added, designated as item #10 – The resignation of a Street Department employee. Board member Nichols moved to approve the agenda as suggested. Board member Landis seconded the motion. Motion passed 4-0.

1) Genesis Products: Request for wider entrance driveway on Eisenhower Drive South

Bradley E. Mosness, vice president and Goshen Office Director for Abonmarche, representing Genesis Products, filed a written request that the Board approve a development waiver for a proposed west entrance driveway on Eisenhower Drive South to exceed the City's maximum drive of 36 feet and allow a 49-foot width opening at the right-of-way. In his request, Mosness said the company wanted a wider driveway to accommodate tractor-trailers entering and exiting the property. He wrote that Genesis Products now has existing entrances on the north side of the street that have rutting issues due to truck turning. The wider entrance should help with rutting, help minimize the use of the entire pavement of Eisenhower Drive South when maneuvering into and out of the site, and help with possible traffic backup or vehicle collisions. Mosness wrote that the proposed site plans have been through the City's technical review process and the Engineering Department seemed to favor this request.

Administrative City Engineer Bryce Gast told the Board that City staff recently performed a technical review of plans for a proposed development by Genesis Products at 1853 Eisenhower Drive South. The proposed development includes two new access points from Eisenhower Drive South. During technical review with Genesis and their consultant, Abonmarche, it was explained that the western drive does not meet the requirements for a new access along this corridor. Specifically, the proposed western drive would measure approximately 49 feet wide at the right-of-way, which exceeds the maximum 36 feet width permitted by City policy for new commercial drives. Gast said the Engineering Department does not oppose the proposed wider entrance as it will help to alleviate traffic congestion and reduce the likelihood of vehicular collisions that would result from semi-trailers using the entire width of Eisenhower Drive South to enter a narrower drive. However, because the proposed width of western drive exceeds the permitted width, Engineering cannot permit it without review and approval of the Board of Works.

Bradley E. Mosness, representing Genesis Products was present, but had nothing to add to Bryce Gast's report, but said he was available to answer questions.



Board member Landis asked if tractor-trailers normally have difficulty maneuvering into driveways because of the width of Eisenhower Drive South and other City streets and whether the City should allow driveway widths of 49 feet. **City Director of Public Works & Utilities Dustin Sailor** responded that would be hard to say because larger driveways can adversely affect drainage and that Eisenhower Drive South is especially sensitive to drainage issues. Sailor said the City is trying to address situations like this with wider roads. He also said not all businesses have the same trailer loads. Asked by **Mayor Stutsman** if it was time to change its ordinance regarding driveway widths, **Sailor** said, "I'm not quite ready to say that. We are looking at our standards, so that might be a consideration for that." There were no further questions or comments from the Board or the public. **Nichols/Landis moved to approve the wider driveway for Genesis Products at 1853 Eisenhower Drive South to widen to approximately 49 feet from the current 36-foot (standard). Motion passed 4-0.**

2) Environmental Resilience Department: Request to close Main Street, between Clinton and Lincoln streets, for the Arbor Day celebration on April 29, from 3-9 p.m.

Aaron Sawatsky Kingsley, director of the City Department of Environmental Resilience, asked the Board to approve the closure of Main Street, between Clinton Street and Lincoln Avenue, on April 29, from 3 p.m. to 9 pm., for the City's Arbor Day celebration. Sawatsky Kingsley said the City's celebration, which was cancelled the past two years because of the COVID-19 pandemic, will be held at the County Courthouse and closure of Main Street will allow easier access for food trucks and the Science 2 Go Bus, as well as extra public space for the event. He said the event will feature school choirs, interactive displays for children, a tree-climbing event, live music, food, and other entertainment for the public. Asked by **Mayor Stutsman** if surrounding businesses had been notified about the street closure, Sawatsky Kingsley said that would be the next step.

Nichols/Landis moved to approve the closure of Main Street, between Clinton Street and Lincoln Avenue, on April 29, from 3 p.m. to 9 pm., for the City's Arbor Day celebration. Motion passed 4-0.

3) Police Department: Review and approval of the Goshen Police Department Policy Manual

Goshen Police Chief José Miller submitted a written request that the Board of Works and Safety approve the Goshen Police Department Policy Manual, which was prepared by Lexipol LLC. Chief Miller wrote that on Dec. 7, 2020, the Board approved an agreement between the Police Department and Lexipol for development of the policy manual. He said Lexipol provides fully developed, state-specific policies researched and written by subject matter experts and vetted by attorneys. He wrote that these policies are based on nationwide standards and best practices while also incorporating state and federal laws and regulations where appropriate. In addition, Lexipol will keep the policies updated as new subject matter develops. Chief Miller wrote that since Dec. 7, 2020, the police department's administration, along with representatives from Lexipol, have been working to complete the updated manual. He wrote if approved, the policies will replace all current policies and would be effective starting Monday April 4, 2022. This would allow time for officers and staff to review and acknowledge the policies prior to them being effective. A companion packet document, draft Resolution 2022-10 outlined the context and history of the policy manual. It also specified that if passed by the Board of Works & Safety, a series of new policies would be approved, effective April 4, 2022. Further, Resolution 2022-10 would also repeal a series of policies, also effective April 4, 2022:



On March 7, 2022, Chief Miller told the Board that since requesting approval of the policy manual, several questions have been raised about several policies that he would like to further research to either address the questions or make modifications. Chief Miller said that he didn't think any of the questions raised would be major, so he requested two weeks to make the appropriate changes and would then circulate any revised policies to the Board.

Mayor Stutsman said a two-week delay would put the policies back before the Board on March 21.

Nichols/Landis moved to postpone approval of the Goshen Police Department Policy Manual until the Board's March 21, 2022 meeting. Motion passed 4-0.

(NOTE FROM THE CLERK-TREASURER: The draft policy is 967 pages and can be viewed online by reviewing the March 7 agenda packet of the Board of Works & Safety at: <https://goshenindiana.org/board-of-works>).

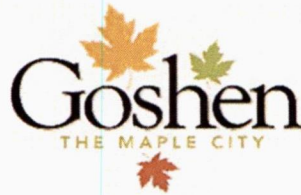
4) Redevelopment Department: Request for approval of Brownfield Revolving Loan Fund Grant agreement with Goshen Interfaith Hospitality Network & Goshen Community Schools

Deputy Mayor and Community Development Director Mark Brinson asked the Board to approve an agreement to provide Goshen Interfaith Hospitality Network with a grant of \$74,258.000 from the Brownfield Revolving Loan Fund for required asbestos remediation work at the Goshen Community Schools property at 801 W. Wilkinson Street. Goshen Interfaith Hospitality Network (GIHN) has entered into a long-term lease agreement with Goshen Community Schools to utilize the property at 801 W. Wilkinson Street, Goshen, as its new homeless shelter location. An asbestos assessment was conducted for the building and there are areas that will need to have asbestos-containing materials (ACMs) abated prior to utilizing the space for housing. The City received an application for the Brownfield Revolving Loan Fund (BRLF) Program from GIHN and its representatives are requesting grant assistance to cover the costs associated with the asbestos abatement. GIHN has obtained quotes for the required remediation work and is requesting a grant for \$74,258.00.

As detailed in the Policy & Procedure Manual approved by the Board of Works in March 2019, all Brownfield RLF applications must meet the guidelines and are reviewed by the members of an appointed Advisory Committee. The committee reviewed this request and recommends approval of a grant to GIHN for \$74,258.00 to fund the asbestos abatement work. Included in the Board's packet was the grant agreement and copies of GIHN's selected quotes for the scope of work. Environmental Services Inc. of North Liberty, Indiana would be paid \$41,256 for removing and disposing of asbestos-containing sprayed acoustical ceiling material and ACM Engineering and Environmental Services of South Bend, Indiana would be paid \$33,002.00 for asbestos abatement project design and on-site management, PCM air sampling and analysis, and AHERA required TEM final clearance air sampling and analysis.

Mayor Stutsman said **Clerk-Treasurer Aguirre** informed him before the meeting that there was an error on the first page of the grant agreement. In two instances (paragraphs five and eight) the amount of the grant was mistakenly written as "Fifty-Nine Thousand and Fifty Dollars" instead of the correct amount, which is Seventy-Four Thousand and Two-Hundred-Fifty-Eight Dollars." The Mayor said that page will need to be corrected in the agreement. **Brinson** said the correction would be made. **City Attorney Bodie Stegelmann** said that in this circumstance, the Board's motion should reference the numeric amount and that the motion would be to approve a revised agreement.

Nichols/Landis moved to approve a revised agreement to provide Goshen Interfaith Hospitality Network with a grant of \$74,258.000 from the Brownfield Revolving Loan Fund for required asbestos remediation work at the Goshen Community Schools property at 801 W. Wilkinson Street. Motion passed 4-0.



5) Legal Department: Lift Station Cellular Telemetry Project agreement with Donohue & Associates, Inc.

City Attorney Bodie Stegelmann asked the Board to approve and execute the revised agreement with Donohue & Associates, Inc. for work on the City's lift station cellular telemetry system at a cost of \$28,000 with an approximate completion time of 120 days. City Attorney Stegelmann said that on Nov. 8, 2021, the Board approved an agreement with Donohue & Associates, Inc. of Indianapolis for work on the City's lift station cellular telemetry system. Donohue & Associates, Inc. requested revisions to the agreement and with this memorandum, the Board has been provided with a revised copy of the agreement with language reviewed and accepted by the Legal Department. The payment amount of \$28,000 for the services will not change, and the work will take approximately 120 days to complete.

Background: According to a project description by Donohue & Associates the City of Goshen wastewater collection system includes more than 30 sanitary lift stations that convey flow to the wastewater treatment plant. The primary means of communication to these lift stations is licensed radio. There are several lift station sites where licensed radio communications has been problematic. These sites include East Goshen, CR28, and 12th Street. The East Goshen site also includes pressure monitoring for the water utility. Additions to the licensed radio network can be costly depending upon the antenna height requirement. This project establishes a cellular telemetry network. The cellular network will initially be utilized to service East Goshen, CR28, and 12th Street Lift Stations, and will provide an alternative for future remote sites. This project also provides an upgraded PLC (Programmable Logic Controller) for the master polling PLC in the Chemical Feed Building at the Goshen Wastewater Treatment Plant (WWTP).

In response to a question from **Board member Landis** about the changes to the agreement, **City Attorney Stegelmann** said Donohue asked for addresses to be changed along with a change in liability limitations.

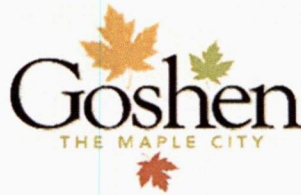
Nichols/Landis moved to approve and execute the revised agreement with Donohue & Associates, Inc. for work on the City's lift station cellular telemetry system at a cost of \$28,000 with an approximate completion time of 120 days. Motion passed 4-0.

6) Legal Department: Agreement with Indiana Housing and Community Development Authority to implement its Low-Income Household Water Assistance Program to assist low-income customers of the City of Goshen Utilities Department

City Attorney Bodie Stegelmann asked the Board to approve the Memorandum of Agreement with the Indiana Housing and Community Development Authority to implement its Low-Income Household Water Assistance Program to assist low-income customers of City of Goshen Utilities, and authorize Mayor Stutsman to sign on behalf of the Board. Stegelmann said the Indiana Housing and Community Development Authority seeks to assist low-income eligible households (those at or below 60% of the state median income) in maintaining or re-connecting to drinking water and wastewater services through its Low-Income Household Water Assistance Program, which is funded through the Consolidated Appropriations Act of 2021 and the American Rescue Plan Act of 2021. All funds distributed as part of this program will be paid directly to the City Utilities Office on behalf of eligible households.

Mayor Stutsman said he thought the City had already approved this program. **City Attorney Stegelmann** said that hadn't been done yet.

Nichols/Landis moved to approve the Memorandum of Agreement with the Indiana Housing and Community Development Authority to implement its Low-Income Household Water Assistance Program to assist low-income customers of the City of Goshen Utilities, and authorize Mayor Stutsman to sign on behalf of the Board. Motion passed 4-0.



7) Engineering Department: Agreement for the completion of the construction project at 1931 Whispering Pines (JN: 2017-2035)

City Director of Public Works & Utilities Dustin Sailor asked the Board to approve and authorize the Mayor to execute the Agreement with Greencroft Goshen, Inc. for the Completion of the Construction Project at 1931 Whispering Pines. Sailor said the unit at 1931 Whispering Pines (Greencroft) has passed its final building inspection and the project is substantially complete except for seeding and otherwise stabilizing disturbed areas, which cannot be completed at this time due to weather conditions. The Stormwater Department has submitted an Agreement for the Completion of the Construction Project for approval and authorization for the Mayor to execute. The property owner, Greencroft Goshen, Inc. agrees to stabilize 5,400 square feet with seed and a temporary stabilization measure by June 15, 2022. The expected cost of work is under \$2,000, and there are no hard surface needs, so no surety amount is required.

Nichols/Landis moved to approve and authorize the Mayor to execute the Agreement with Greencroft Goshen, Inc. for the Completion of the Construction Project at 1931 Whispering Pines. Motion passed 4-0.

8) Engineering Department: Agreement for the completion of the construction project at 2093 Whispering Pines (JN: 2020-2017)

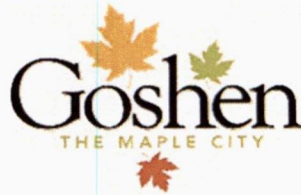
City Director of Public Works & Utilities Dustin Sailor asked the Board to approve and authorize the Mayor to execute the Agreement with Greencroft Goshen, Inc. for the Completion of the Construction Project at 2093 Whispering Pines. Sailor said the unit at 2093 Whispering Pines (Greencroft) has passed its final building inspection and the project is substantially complete except for planting the required tree and seeding and otherwise stabilizing disturbed areas, which cannot be completed at this time due to weather conditions. The Stormwater Department has submitted an Agreement for the Completion of the Construction Project for approval and authorization for the Mayor to execute. The property owner, Greencroft Goshen, Inc. agrees to stabilize 3,000 square feet with seed and a temporary stabilization measure by June 15, 2022. The expected cost of work for is under \$2,000, and there are no hard surface needs, so no surety amount is required.

Nichols/Landis moved to approve and authorize the Mayor to execute the Agreement with Greencroft Goshen, Inc. for the Completion of the Construction Project at 2093 Whispering Pines. Motion passed 4-0.

9) Street Department: Acceptance of resignation of Jeffrey Bigler, a City employee

City Street Commissioner David Gibbs asked the Board to accept the resignation of Jeffrey Bigler from the Goshen Street Department. Gibbs said that early this afternoon he received an email from Bigler, addressed to him and to City Human Resource Manager Rita Manager, stating that he was leaving his position. Gibbs said Bigler has worked for the Street Department since October 2012 and he has decided to move on. The email, received by Gibbs and Huffman at 1:07 p.m. stated: "I am writing this to inform you that I will be leaving my position at the street department. The contract states that 2 weeks' notice must be given to receive pay for any unused vacation time. So today, Monday March 7th, will begin my two weeks." **Mayor Stutsman** wished Bigler the best in his future endeavors.

Nichols/Landis moved to accept the resignation of Jeffrey Bigler from the City Street Department effective March 21, 2022. Motion passed 4-0.



10) Bill reduction request: Mary Phipps of the Swyft Group, LLC requested a \$428.27 sewer charge credit for a tenant (Lorena Rojas Moreno)

Mary Phipps, a property manager with the Swyft Group, LLC. submitted a written request that the Board approve a \$428.27 credit for Lorena Moreno, a resident of the Stone Brook Apartments, for a \$511.08 water/sewer bill for City services for Aug. to 1-Sept, 1, 2021. She wrote that Stone Brook Apartments pays the water/sewer bill monthly to the City and bills the amount due based on usage to each tenant. For her first three months in the apartment, Moreno was billed: \$79.09, \$511.08 and \$86.56. Phipps wrote asking that the bill to be reduced to \$82.81, which is the average of Moreno's two other monthly bills. The August-September bill was higher because of a leaking toilet. Phipps said Moreno promptly reported toilet issues and that the company responded in a timely manner. Phipps further wrote that the bill is too high for a resident of Goshen to pay unexpectedly and asked for the reduction.

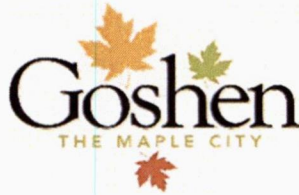
On March 7, Phipps told the Board briefly restated her written request.

Kelly Saenz, manager of the City Water and Sewer Utilities Business Office, told the Board that a leak was detected on Aug. 10, 2022. She said after contacting staff at Stone Brook Apartments, the City learned that it was a toilet leak that occurred between Aug. 3 and Aug. 17. Sainz said the water entered the sanitary sewer line. She said that if the Board grants the credit, it should be for \$318.09 since the amount billed for sewer service was \$347.25. However, Sainz said the Water Department cannot support a sewer relief credit due to the nature of the leak.

Marvin Shepherd, City Manager for Water Quality, reported that the toilet leak was detected Aug. 10, 2021 and the City contacted the account holder, Stone Brook Apartments. Shepherd said the water went down the sanitary sewer line because the toilet was leaking, so water and sewer cannot support a credit.

Board member Landis asked **Mary Phipps** if tenants receive the actual City water and sewer bill or are just informed what they owe. Phipps said tenants are just informed what they owe. In response to follow-up questions from Landis, Phipps said the tenant informed management that there was a problem with the toilet on Aug. 5 and again on Aug. 14 that the problem persisted. She confirmed that the City contacted her about the leak on Aug. 10. In response to a question from **Mayor Stutsman**, Phipps said the company takes care of needed plumbing repairs. In response to follow-up questions from the Mayor, Phipps said the tenant informed the company of a toilet issue on Aug. 5 and the City contacted the company about the leak on Aug. 10. She said the company repaired the toilet between Aug. 5 and 10, but the problem persisted. She said the toilet leak was finally fixed after Aug. 14. Phipps further stated that tenants are responsible for their sewer and water bills, but not repairs. Asked by Landis what will happen if the City declines the request, Phipps said the tenant will need to cover the charge. She confirmed that the tenant will still be liable for the payment even though the company's initial repair didn't resolve the problem.

Mayor Stutsman said that it's hard for the city to grant such requests when City staff knows that City water that had been processed went into the sewer system. The Mayor said he could not recall the City haven't granted such requests in similar circumstances. In response to a question from **Landis, City Attorney Bodie Stegelmann** confirmed that the state statute specifies that relief can be granted if unprocessed water went into the sewer system. Landis said that just as the city is being asked to be merciful, he didn't know why Phipps' company wouldn't be merciful to the tenant for not having made a problem that wasn't her own. Still, **Landis** said he felt sorry for the tenant. **Mayor Stutsman** said as a past residential landlord, he would be viewing this situation differently than the company is about who should pay the larger bill. The Mayor said if this request was granted, it would likely receive similar requests for others upset about their larger bills. **Landis** agreed, Phipps added that she hoped the request would be granted.



Landis/Nichols moved to deny the request for a \$428.27 credit for Lorena Moreno, a resident of the Stone Brook Apartments, for her \$511.08 water/sewer bill for City services for Aug. 1-Sept. 1, 2021. Motion passed 4-0. Mayor Stutsman told Phipps that he would encourage her to inform her boss that the toilet problem was reported on Aug. 5, but not repaired until Aug. 17, and to consider whose fault that would be.

CITY OF GOSHEN STORMWATER BOARD MINUTES OF THE March 7, 2022 REGULAR MEETING

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

Present: Mayor Stutsman and members Mike Landis and Mary Nichols

At 2:28 p.m., Mayor Stutsman temporarily recessed the Board of Works & Safety meeting and convened the Stormwater Board to consider one agenda item.

1) Stormwater Department: Post-construction plan approval for the Goshen Hospital bed tower, carriage house and parking lot (JN: 2018-2058) and the loading dock replacement (JN: 2018-2040)

City Director of Public Works & Utilities Dustin Sailor asked the Board to accept the post-construction stormwater management plan for both the Goshen Hospital Bed Tower, Carriage House, & Parking and the Goshen Health Loading Dock Replacement projects as they have been found to meet the requirements of City Ordinance 4329. Sailor said the developer of projects, affecting one (1) or more acres of land and located at 200 High Park Avenue, has submitted a sufficient post-construction plan that is compliant with Ordinance 4329, "Uniform Requirements for Post-Construction Stormwater Management." The Stormwater Department has requested the Stormwater Board's acceptance of the plan.

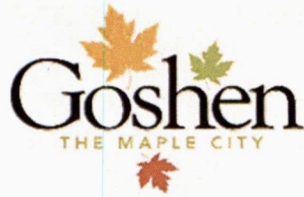
Nichols/Landis moved to accept the post-construction stormwater management plan for both the Goshen Hospital Bed Tower, Carriage House, & Parking and the Goshen Health Loading Dock Replacement projects as they have been found to meet the requirements of City Ordinance 4329. Motion passed 4-0.

At 2:30 p.m., Mayor Stutsman adjourned the Stormwater Board and reconvened the Board of Works & Safety.

Privilege of the Floor:

Mayor Stutsman opened Privilege of the Floor at 2:30 p.m. There were no public comments, so Mayor Stutsman closed the public comment period at 2:30 p.m.

As all matters before the Board of Public Works & Safety and Stormwater Board were concluded, Mayor Stutsman/Nichols moved to approve Civil City and Utility claims and adjourn the meeting. Motion passed 4-0. The Mayor adjourned the meeting at 2:30 p.m.



APPROVED



Jeremy Stutsman, Chair

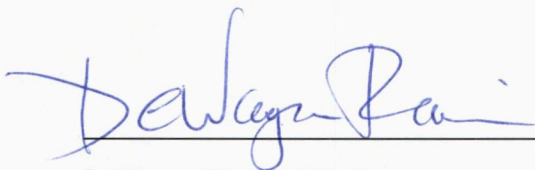


Michael Landis, Member



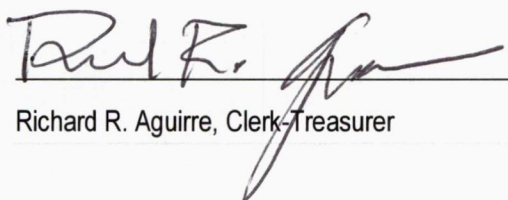
Mary Nichols, Member

Barb Swartley, Member



DeWayne Riouse, Member

ATTEST



Richard R. Aguirre, Clerk-Treasurer