

**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD
MINUTES OF THE March 14, 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 March 7, 2022 meeting of the Board of Works & Safety & Stormwater Board were presented. Board member DeWayne Riouse moved to approve the minutes as presented and the motion was seconded by Board member Mary Nichols. Motion passed 4-0.

REVIEW/APPROVE AGENDA: Mayor Stutsman presented the meeting agenda. Board member Riouse moved to approve the agenda as submitted. Board member Nichols seconded the motion. Motion passed 4-0.

Clerk's note: Paralegal Shannon Marks was not present at the beginning of the meeting. Original item numbers one and two were moved to the end of the agenda per Mayor Jeremy Stutsman.

1) Resident request: Gravel driveway for 212 W. Plymouth Avenue (Dana Miller for Cynthia Murphy)

Dana Miller, of Dana Miller Building Solutions of Goshen, submitted a written request to the Board to approve the installation of a stone driveway at 212 Plymouth Ave. where a solid surface is specified in the City Design Standards and Specifications for Parking and Driveway Surfaces.

In his request, Miller wrote that currently parking is provided at the back of the property on a concrete pad, which is 130 feet- from the back door, which is the main entrance for the occupants. Cynthia Murphy, the owner and occupant, has lived with this situation since buying the house years ago. Miller wrote that in the last two years, Murphy has fallen and suffered fractures-to her legs, resulting in hospitalization and rehab. At present, she is in rehab for the third fracture with returning home in about a month. The reason for asking for the stone surface is twofold: 1. Cost; the stone surface is 1/3 of the price of concrete; 2. the ability to accomplish this new drive before Murphy needs to return home. Miller wrote that six inches of dirt will be removed in the driveway and turn around area. Four inches of fist sized stone will be installed and then topped with two inches of smaller limestone as a finish surface. In installing the driveway, the storage shed will be moved so access is off the entry concrete at the back door. Miller wrote that this work will allow Murphy to get to within 15-20 feet of her house entrance, with the sidewalk and back door concrete providing a solid even walking surface. Miller reported that Murphy's house seems to be unique in this housing area bordered by Plymouth Avenue, Wilson Avenue and the Millrace in that it is the only one where the house does not have almost immediate access to either Canal Street or the two intersecting alleys. He wrote that there are multiple surfaces for vehicles in this section with stone being in the mix. An accompanying map showed that all setback requirements would be met and the variance request is to be allowed to use stone instead of solid surface for the vehicle areas.



Rossa Deegan, Assistant Planning & Zoning Administrator, told the Board that Miller has submitted a layout and zoning clearance to the City Planning & Zoning Department to allow for the expansion of a gravel parking/driving aisle in the rear yard of 212 W Plymouth Ave. The property is a single family home and is zoned Residential R-1. Deegan said the proposed driveway/parking area meets all Zoning Ordinance requirements but the proposed surface needs Board of Works approval. Planning does not have any objections to the request.

Board member Landis said that removing six inches of dirt and using four inches of gravel was a good idea.

Riouse/Nichols moved to approve installation of a stone driveway at 212 Plymouth Avenue where a solid surface is specified in the City Design Standards and Specifications for Parking and Driveway Surfaces.

Motion passed 4-0.

2) Parks & Recreation Department: Controlled burn notification (Tanya Heyde)

Tanya Heyde, Superintendent of the Goshen Parks & Recreation Department, informed the Board that her Department plans to conduct a prescribed prairie burn at the Rieth Interpretive Center, 411 W. Plymouth Ave., with the objective of maintaining and restoring plants and habitat. She reported the burn will cover approximately 1.2 acres of prairie south of West Plymouth Avenue, east of the Elkhart River, west of the Millrace Canal and north of the Rieth Interpretive Center building. Heyde stated it was difficult to provide accurate notice of the date of the prescribed burn because the decision to commence involves weather-dependent conditions. The burn is planned to take place the week of March 21–March 25, 2022, with a target date of Monday, March 21. If conditions are not suitable on Monday, March 21, the burn will take place another day within the week. The burn will begin at approximately 9 a.m.

Mayor Stutsman said reminders would be posted on social media as well as other media outlets. **Board member Mike Landis** asked if the prevailing winds had been factored in. Landis stated that when his daughter was a child, smoke carried by the wind caused her to become sick. **Superintendent Heyde** responded by saying a maximum and minimum wind speed has been set in place and any speed over the maximum would delay the burn.

Riouse/Nichols moved to approve a prescribed prairie burn at the Rieth Interpretive Center the week of March 21–March 25, 2022, with a target time/date of 9 a.m. Monday, March 21. If conditions are not suitable on March 21, the burn will take place another day within the week. Motion passed 4-0.

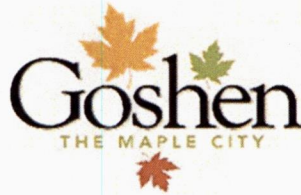
3) Utilities Department: Approval of unpaid final accounts (Bodie Stegelmann)

Goshen City Attorney Bodie Stegelmann, on behalf of the Goshen City Utilities Office, asked the Board to move the office's uncollected final accounts from active to Collection, Sewer Liens and Write offs. He reported that the original amount of unpaid final Water/Sewer accounts for this period, through Nov. 23, 2021, was \$8,305.24. Collection letters were sent out and payments of \$1,586.76 were collected. The uncollected amount was \$6,718.48.

Riouse/Nichols moved to move the Goshen Water and Sewer Office's uncollected finalized accounts from active to Collection, Sewer Liens and Write offs. Motion passed 4-0.

4) Legal Department: Resolution 2022-10, Special Purchase of Road Salt

City Attorney Bodie Stegelmann asked the Board to adopt Resolution 2022-10, Special Purchase of Road Salt. In a memorandum, the Legal Department reported that for several years, the City of Goshen has participated in the State of Indiana's Road Salt Program.



The State is developing the 2022-2023 road salt bid, and political subdivisions that wish to participate in the program must provide the State the tonnage of road salt that it will commit to purchase under the State's quantity purchase agreement. Resolution 2022-10 authorizes the City to make a special purchase by participating in the State's program, and authorizes the City to request 1,300 tons of road salt thereby committing to purchase a minimum of 1,040 tons and up to 1,560 tons. After the State goes through the bidding process, the City will know who the contract is awarded to and the contract pricing.

Riouse/Nichols moved to adopt Resolution 2022-10, Special Purchase of Road Salt. Motion passed 4-0.

5) Legal Department: Resolution 2022-11, Development Agreement with Greenwood Rental Properties, LLC. City Attorney Bodie Stegelmann asked the Board to pass and adopt Resolution 2022-11, Development Agreement with Greenwood Rental Properties, LLC. Stegelmann said Resolution 2022-11 approves the terms and conditions of the Development Agreement with Greenwood Rental Properties, LLC and authorizes Mayor Stutsman to execute the agreement on behalf of the Board and City.

Background: This agreement concerns the financing and development of real estate located northeast of the intersection of Plymouth Avenue and Indiana Avenue. Attached to Board of Works & Safety packet was a copy of City Redevelopment Director Becky Hutsell's memo to the Common Council that further explained the proposed development. The Common Council passed a resolution on March 7 approving the development agreement, which includes the construction of a sixty (60) unit, market rate, multi-family housing development. Per the agreement, the City will issue an Economic Development Revenue Bond that would be purchased by Greenwood Properties in the amount of \$2,340,000. Each year, 75% of the new TIF revenue generated by the project would be pledged back to the developer as bond repayment. The bond term would be 20 years with 0% interest.

Riouse/Nichols moved to pass and adopt Resolution 2022-11, Development Agreement with Greenwood Rental Properties, LLC. Motion passed 4-0.

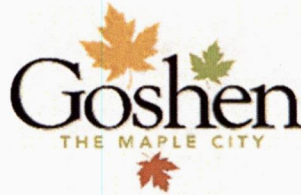
6) Legal Department: Acceptance of easements from The Crossing Development LLC

City Attorney Bodie Stegelmann asked the Board to accept the two temporary easements and one permanent easement from The Crossing Development LLC, an Indiana limited liability company, and authorize the Mayor to execute the Acceptance pages. In a written request, the Legal Department reported that the three easements are needed for The Crossing Subdivision Drainage Project, which is located south of Plymouth Avenue and east of County Road 19. Two are temporary easements needed for the construction of storm sewer utility and drainage facilities on the Grantor's real estate. The third is a permanent easement to the City for Goshen City storm sewer utility and drainage purposes.

Riouse/Nichols moved to accept the two temporary easements and one permanent easement from The Crossing Development LLC and authorize the Mayor to execute the Acceptance pages. Motion passed 4-0.

7) Engineering Department: Closure of Madison Street for tree removal on March 16 and partial lane restrictions, March 15-April 22 for curb, gutter and sidewalk work by Niblock

Civil City Engineer Josh Corwin asked the Board to approve the Madison Street one-day closure on March 16 between 6th Street and 7th Street for the removal of trees.



He also asked the Board to approve partial lane restrictions on Madison Street, between Main Street and the alley east of Penguin Point, for sidewalk, curb and gutter improvements between March 15 and April 22, 2022. Corwin reported that Niblock will be remove several trees and replace sections of curb, gutter and sidewalk on Madison Street. The removal of the trees will require a road closure between 6th Street and 7th Street on March 16th and will reopen at the end of the workday. The curb, gutter and sidewalk work will require partial lane restrictions between Main Street and the alley east of Penguin Point. Niblock will maintain open access for the businesses and residents on Madison Street. The partial lane restriction will occur between March 15 and April 22, 2022.

Riouse/Nichols moved to approve the Madison Street one-day closure on March 16 between 6th Street and 7th Street for the removal of trees, and the Madison Street partial lane restrictions between Main Street and the alley east of Penguin Point for the sidewalk, curb and gutter improvements between March 15 to April 22, 2022. Motion passed 4-0.

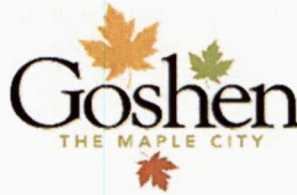
8) Stormwater Department: Approval of temporary gravel driveway and agreement for completion of the construction project at 1516 Firestar Drive (JN: 2004-2015 OR 2006-2010)

Stormwater Specialist Mattie Lehman with the City Stormwater Department asked the Board to approve the use of a temporary gravel driveway at 1516 Firestar Drive and approve and authorize the Mayor to execute the Agreement with Sunrise Home Builders, Inc. for the Completion of the Construction Project at 1516 Firestar Drive. She said the home at 1516 Firestar Drive has passed its final building inspection and the project is substantially complete except for seeding disturbed areas, planting the three required street trees, the installation of the concrete driveway, and the installation of the concrete sidewalk. These final requirements cannot be completed at this time due to weather conditions. He said due to weather-related delays, Sunrise Home Builders, Inc. has agreed to and is requesting permission from this Board to install a temporary gravel drive until such time as the permanent hard surface driveway can be installed. The property owner and builder, Sunrise Home Builders, Inc., agrees to complete all concrete work, tree plantings, and lawn stabilization with seed and a temporary stabilization measure by June 15, 2022. The expected cost of work is \$23,245.00 and a surety check for that amount has been remitted to the Clerk-Treasurer's office.

Riouse/Nichols moved to approve the use of a temporary gravel drive at 1516 Firestar Drive and approve and authorize the Mayor to execute the Agreement with Sunrise Home Builders, Inc. for the Completion of the Construction Project at 1516 Firestar Drive. Motion passed 4-0.

9) Stormwater Department: Agreement for completion of the Goshen Hospital Bed Tower Construction Project at 200 High Park Avenue (JN: 2018:2058)

Stormwater Specialist Mattie Lehman asked the Board to approve and authorize the Mayor to execute the Agreement with Goshen Hospital Association, Inc. for the Completion of the Construction Project at 200 High Park Avenue. Lehman said the new Goshen Hospital Bed Tower project has passed its final building inspection and the project is substantially complete except for the full installation of the approved landscaping plan, the abandonment of an existing storm sewer connection to the public combined sewer, the removal of debris from a stormwater inlet structure, the removal of the existing drive and installation of concrete curb and sidewalk, the installation of the final top layer of asphalt and parking lot striping, and the installation of two pieces of kitchen equipment.



Lehman said these final requirements cannot be completed at this time due to weather conditions, ongoing renovation work on the existing building, and supply system issues.

Lehman said the property owner, Goshen Hospital Association, Inc. agrees to complete all of the above listed items by May 15, 2023. The expected cost of work is \$69,640.00 and a surety check for that amount has been remitted to the Clerk Treasurer's office. Lehman said the extended completion date is due to the Hospital's ongoing renovation projects that require the existing construction staging area to remain. The Stormwater Department has submitted an Agreement for the Completion of this Construction Project for approval and authorization for the Mayor to execute.

Riouse/Nichols moved to approve and authorize the Mayor to execute the Agreement with Goshen Hospital Association, Inc. for the Completion of the Construction Project at 200 High Park Avenue. Motion passed 4-0.

10) Police Department: Conditional offer of employment to Jordan Lamar Snyder

Shannon Marks, a paralegal with the City Legal Department, asked the Board to extend a conditional offer of employment to Jordan Lamar Snyder as a probationary patrol officer as well as approve and authorize the Mayor to execute a Conditional Offer of Employment Agreement with Snyder. The agreement provides for payment of an \$8,000 hiring bonus, payable over five years, because Snyder has completed the Tier I basic training requirements and has active certification with the Indiana Law Enforcement Training Board. The Police Department will ask the Board to confirm an offer of employment to Snyder when a position becomes available in the department.

Riouse/Nichols moved to extend a conditional offer of employment to Jordan Lamar Snyder as a probationary patrol officer as well as approve and authorize the Mayor to execute the Conditional Offer of Employment Agreement with Snyder. Motion passed 4-0.

11) Police Department: Conditional offer of employment to Ever Guillermo Gutierrez-Franco

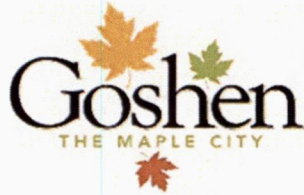
Shannon Marks, a paralegal with the City Legal Department, asked the Board to extend a conditional offer of employment to Ever Guillermo Gutierrez-Franco as a probationary patrol officer as well as approve and authorize the Mayor to execute a Conditional Offer of Employment Agreement with Gutierrez-Franco. The agreement sets forth the conditions that Gutierrez-Franco must meet prior to beginning employment with the Police Department as a probationary patrol officer, and requires him to successfully complete all training requirements once employed. The Police Department will ask the Board to confirm an offer of employment to Gutierrez-Franco when a position becomes available in the department.

Riouse/Nichols moved to extend a conditional offer of employment to Ever Guillermo Gutierrez-Franco as a probationary patrol officer as well as approve and authorize the Mayor to execute the Conditional Offer of Employment Agreement with Gutierrez-Franco. Motion passed 4-0.

Privilege of the Floor:

Mayor Stutsman opened Privilege of the Floor at 2:20 p.m. There were no public comments, so Mayor Stutsman closed the public comment period at 2:20 p.m.

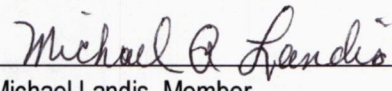
As all matters before the Board of Public Works & Safety and Stormwater Board were concluded, Mayor Stutsman/Nichols moved to approve Civil City and Utility claims and adjourn the meeting. Motion passed 4-0. The Mayor adjourned the meeting at 2:21 p.m.



APPROVED



Jeremy Stutsman, Chair



Michael Landis, Member



Mary Nichols, Member

Barb Swartley, Member

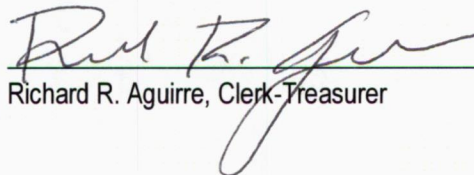


DeWayne Riouse, Member

ATTEST



Emily Bush-Pearson, Office Assistant II, Clerk-Treasurer's Office



Richard R. Aguirre, Clerk-Treasurer