

BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD

MINUTES OF THE March 28, 2022 REGULAR MEETING

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

Present: Members Mike Landis, Mary Nichols and DeWayne Riouse

Absent: Mayor Jeremy Stutsman and Barb Swartley

CALL TO ORDER: Acting Board Chair Mike Landis called the meeting to order at 2:00 p.m.

REVIEW/APPROVE MINUTES: Minutes of the March 21, 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 DeWayne Riouse. Motion passed 3-0.

Acting Board Chair Mike Landis announced that the next meeting of the Board of Works & Safety and Stormwater Board will be April 11, 2022 (no meeting on April 4).

REVIEW/APPROVE AGENDA: Mike Landis presented the agenda. Board member Nichols moved to approve the agenda as submitted. Board member Riouse seconded the motion. Motion passed 3-0.

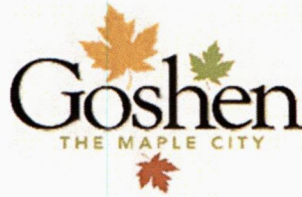
1) Fire Department: Resignation of Lieutenant Matthew Dunithan

Fire Department Chief Dan Sink asked the Board to accept the resignation of Lieutenant Matthew Dunithan effective April 30, 2022. Chief Sink said that after serving the Goshen Fire Department and Goshen community since Sept. 6, 2006, Lieutenant Dunithan has resigned. Chief Sink said he has enjoyed working with Lieutenant Dunithan and appreciates his service to the community, adding that the GFD family wishes Lieutenant Dunithan and his family the best in their new endeavors.

Nichols/Riouse moved to accept the resignation of Lieutenant Matthew Dunithan from the Goshen Fire Department, effective April, 2022. Motion passed 3-0.

2) Resolution 2022-13, Approving Certain City of Goshen Police Department Policies and Repealing Various Policies (repeat submission with corrected ordinance number and amended effective date)

Goshen City Attorney Bodie Stegelmann asked the Board to approve the renumbering of Resolution 2022-10 - *Approving Certain City of Goshen Police Department Policies and Repealing Various Policies* to Resolution 2022-13. On March 21, 2021, the Board adopted Resolution 2022-10, which approved certain City of Goshen Police Department policies. The approval included some amendments to the policies and amendments to the resolution. Stegelmann said that while making modifications to the text of Resolution 2022-10 to reflect modifications made by the Board, it was discovered that resolution number 2022-10 had previously been assigned to another resolution of the Board. So, the City Attorney requested acknowledgement that the resolution approving City of Goshen Police Department Policies should be numbered 2022-13. City Attorney Stegelmann provided the Board with a redline version of Resolution 2022-13, showing the revisions made, which was included in the agenda packet.



Nichols/Riouse moved to approve the renumbering of Resolution 2022-10 - **Approving Certain City of Goshen Police Department Policies and Repealing Various Policies** to Resolution 2022-13. Motion passed 3-0.

(NOTE FROM THE CLERK-TREASURER: *The Goshen Police Department Policy Manual is 967 pages long and can be examined by reviewing the March 21, 2022 Board of Works and Safety agenda packet, which is accessible online at: <https://goshenindiana.org/board-of-works>*)

3) Legal Department: Acceptance of deed of dedication from Greenwood Rental Properties, LLC

Shannon Marks, a paralegal with the City Legal Department, asked the Board to accept the Deed of Dedication for public right-of-way from Greenwood Rental Properties, LLC, and authorize the Mayor to execute the Acceptance. Marks asked that the Board to accept the Deed of Dedication attached to the agenda packet. She said this is for the dedication of public right-of-way on the east side of Indiana Avenue north of Plymouth Avenue.

Nichols/Riouse moved to accept the Deed of Dedication for public right-of-way from Greenwood Rental Properties, LLC, and authorize the Mayor to execute the Acceptance. Motion passed 3-0.

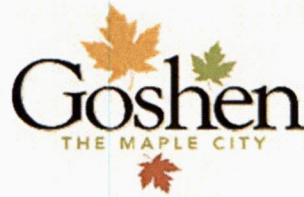
4) Legal Department: Approval of indemnification and hold harmless agreement with OmniSource, LLC to allow for Fire Department training

Goshen City Attorney Bodie Stegelmann asked the Board to approve the Indemnification and Hold Harmless Agreement with OmniSource, LLC to allow for Fire Department training at its property. Stegelmann said the City of Goshen Fire Department periodically conducts training exercises at the OmniSource facility in Goshen and OmniSource requires the City to execute an Indemnification and Hold Harmless Agreement in order to use its facility. OmniSource collects, stores and processes scrap metal, including motor vehicles, at its facility at 812 Logan St. in Goshen. According to the agreement, the Fire Department wants to use the property and any scrap motor vehicles at the site to train its firefighters and other personnel to use "Jaws of Life" extrication equipment. OmniSource will allow its property to be used for the training if the City enters into an agreement to indemnify, defend and hold OmniSource harmless against any and all claims, demands, losses, costs, expenses, obligations, liabilities, and damages that they may incur or suffer arising from the Fire Department's usage of the property. In response to questions from **Board member Landis, City Attorney Stegelmann** said the indemnification and hold harmless agreement is open ended and will remain in effect until OmniSource requests a renewed agreement,

Nichols/Riouse moved to approve the Indemnification and Hold Harmless Agreement with OmniSource, LLC to allow for Fire Department training. Motion passed 3-0.

5) Legal Department: Approval of agreement with the Communication Company of South Bend, Inc. for alarm testing and monitoring at three City facilities

Carla Newcomer, a paralegal with the City Legal Department, asked the Board to approve and execute an agreement with the Communication Company of South Bend, Inc., for alarm testing and monitoring services for the Police Training Facility, the Police Department and the Combined Sewer Overflow facility. Newcomer said the Communication Company of South Bend, Inc. will be paid \$4,835.00 for the services at the Police Training Facility, \$6,670.00 for the Police Department, and \$5,145.00 for the Combined Sewer Overflow plant.



Nichols/Riouse moved to approve and execute the agreement with the Communication Company of South Bend, Inc., for alarm testing and monitoring services for the Police Training Facility, the Police Department and Combined Sewer Overflow facility. Motion passed 3-0.

6) Legal Department: Resolution 2022-14, *Approving Certain Investment Options for City Employees Participating in City of Goshen Group Annuity Contract through American United Life Insurance Company*
Goshen City Attorney Bodie Stegelmann asked the Board to approve Resolution 2022-14, *Approving Certain Investment Options for City Employees Participating in City of Goshen Group Annuity Contract through American United Life Insurance Company*, which will allow employees to choose the investment account into which they wish to contribute their payroll deductions. Stegelmann said the City offers American United Life Insurance Company investment vehicles to its employees through payroll deductions. American United Life Insurance Company recently notified the City that it would no longer offer the AUL Fixed Interest Account as an investment option, and that the City needed to choose how to handle contributions previously invested in the AUL Fixed Interest Account. American United Life Insurance Company offered the City three options, one being to stop all contributions to the AUL Fixed Interest Account and redirect future investment elections to another investment option. American United Life Insurance Company will notify participating employees of the change and employees will be given 30 days to change their investment options.

Nichols/Riouse moved to approve Resolution 2022-14, *Approving Certain Investment Options for City Employees Participating in City of Goshen Group Annuity Contract through American United Life Insurance Company*, which will allow employees to choose the investment account into which they wish to contribute their payroll deductions. Motion passed 3-0.

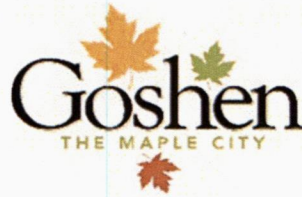
7) Engineering Department: Approval to advertise for bids for Project No. 2018-0022 College Avenue Bridge #410 Reconstruction and Utility Relocation - Phase 1.

Bryce Gast, Administrative City Engineer, asked the Board to give permission for the Engineering Department to advertise for bids for Project No. 2018-0022 - College Avenue Bridge #410 Reconstruction and Utility Relocation - Phase 1. Gast said the bids for the project are due Monday, April 25, 2022. Funds have been appropriated and are available for this project. Asked by Board member Landis if the bridge will be removed and replaced, Gast said that will be a separate project. He said the bid on the agenda today was solely for the relocation of utilities.

Nichols/Riouse moved to permit the Engineering Department to advertise for bids for Project No. 2018-0022 - College Avenue Bridge #410 Reconstruction and Utility Relocation - Phase 1. Motion passed 3-0.

8) Engineering Department: Agreement Amendment No. 4 with Donohue & Associates for a new not to exceed contract amount of \$3,444,576 for WWTP Improvements and Rock Run Interceptor Phase 1 Projects

Bryce Gast, Administrative City Engineer, asked the Board to approve Agreement Amendment No. 4 with Donohue and Associates in the amount of \$60,105 for a new not to exceed contract amount of \$3,444,576 for the WWTP Improvements and Rock Run Interceptor Phase 1 Projects. Gast reported that the Wastewater Treatment Project continues to take longer than anticipated and contracted, and the City's agreement with its onsite construction supervision consultant, Donohue and Associates, expires on April 15, 2022.



The City is having regular discussions with the contractor about their construction progress, but at this time, staff anticipates needing the services of Donohue and Associates through May 31, 2022. To extend Donohue and Associate's contract through this date, representatives have offered an amended service fee of \$66,281 minus \$6,176 for a total fee of \$60,105. The new not-to-exceed value of Donohue and Associates contract, with approval of this amendment, will be \$3,444,576. Asked by **Board member Landis** if the Board recently approved a similar contract extension with Donohue & Associates, **Administrative City Engineer Gast** confirmed that was correct and that it was Agreement Amendment #3. He said this extension was requested because of continued delays in the project. Asked by Landis if the City had any choice but to approve another extension, Gast said if it was not approved, the contractor would leave and staff would need to spend more time at the site overseeing the project. **Nichols/Riouse move to approve Agreement Amendment No. 4 with Donohue and Associates in the amount of \$60,105 for a new not to exceed contract amount of \$3,444,576 for the WWTP Improvements and Rock Run Interceptor Phase 1 Projects. Motion passed 3-0.**

9) Engineering Department: Agreement with Greencroft Goshen, Inc. for the completion of the construction project at 2095 Whispering Pines (JN: 2020-2017)

Dustin Sailor, City Director of Public Works and Utilities, asked the Board to approve and authorize the Mayor to execute an agreement with Greencroft Goshen, Inc. for the Completion of the Construction Project at 2095 Whispering Pines. Sailor said the unit at 2095 Whispering Pines (Greencroft) has passed its final building inspection and the project is substantially complete except for planting a required tree, seeding, and otherwise stabilizing disturbed areas. These final requirements 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., has agreed to plant one large tree and stabilize 3,000 square feet with seed and a temporary stabilization measure by June 15, 2022. The expected cost of work is under \$2,000, with no hard surface needs, so, no surety amount is required.

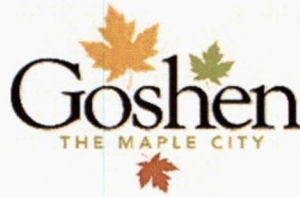
Nichols/Riouse moved to approve and authorize the Mayor to execute the agreement with Greencroft Goshen, Inc. for the Completion of the Construction Project at 2095 Whispering Pines. Motion passed 3-0.

**CITY OF GOSHEN STORMWATER BOARD
Regular Meeting Agenda
2:00 p.m., March 28, 2022**

Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Members: Mike Landis and Mary Nichols

Absent: Mayor Jeremy Stutsman



10) Stormwater Department: Approval of post-construction stormwater management plan for The Willows expansion (JN: 2019-2040)

Dustin Sailor, City Director of Public Works and Utilities, asked the Board to accept the post-construction stormwater management plan for The Willows Expansion as it has been found to meet the requirements of City Ordinance 4329. Sailor said the developer of The Willows, Expansion of Manufactured Housing Community (Sun The Willows, LLC), affecting one (1) or more acres of land and located at 400 Willows Way, Goshen, IN 46526, has submitted a sufficient post-construction plan that is compliant with Ordinance 4329, "Uniform Requirements for Post-Construction Stormwater Management."

Nichols/Landis moved to accept the post-construction stormwater management plan for The Willows Expansion as it has been found to meet the requirements of City Ordinance 4329. Motion passed 2-0.

Privilege of the Floor:

Acting Chair Mike Landis opened Privilege of the Floor at 2:15 p.m. There were no public comments, so Landis closed the public comment period at 2:15 p.m.

As all matters before the Board of Public Works & Safety and Stormwater Board were concluded, Acting Chair Landis/Nichols moved to approve Civil City and Utility claims and adjourn the meeting. Motion passed 3-0.

Acting Chair Landis adjourned the meeting at 2:15 p.m.

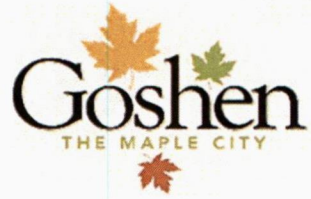
APPROVED

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Jeremy Stutsman, Chair

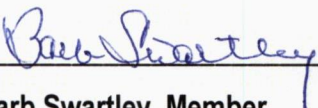
A blue ink signature of Michael Landis, written over a horizontal line.

Michael Landis, Member

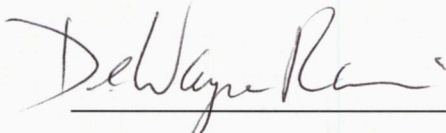




Mary Nichols, Member




Barb Swartley, Member



DeWayne Riouse, Member

ATTEST



Richard R. Aguirre, Clerk-Treasurer