

BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD

MINUTES OF THE May 23, 2022 REGULAR MEETING

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

Present: Mayor Jeremy Stutsman, Mike Landis, Mary Nichols and Barb Swartley

Absent: DeWayne Riouse

CALL TO ORDER: Mayor Stutsman called the meeting to order at 2:00 p.m.

REVIEW/APPROVE MINUTES: Mayor Stutsman presented the minutes of the May 16, 2022 meeting of the Board of Works & Safety & Stormwater Board. Board member Barb Swartley 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. Clerk-Treasurer Aguirre said there was an error in a date referred to in the title of agenda item #10, which should have read: *Clerk-Treasurer: Board of Works schedule check for the remainder of 2022 and request to cancel **June 21** and Nov. 7 meetings and reinstate the Oct. 10 meeting.* Board member Swartley moved to approve the agenda as suggested. Board member Nichols seconded the motion. Motion passed 4-0.

1) Fire Department: Request for lane closure for Memorial Day wreath ceremony

On behalf of the local Veterans of Foreign Wars and the Disabled American Veterans, Fire Department Chief Dan Sink asked the Board for permission to close the westbound lane/s of Lincoln Avenue at the Lincoln Avenue Bridge for the annual Veteran's wreath ceremony at 8:30 a.m. on May 30, 2022. He said the annual ceremony usually takes approximately 15-20 minutes and normal traffic should be re-established by 9 a.m.

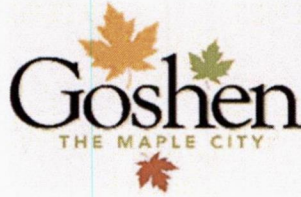
Swartley/Nichols moved to allow the closure of the westbound lane/s of Lincoln Avenue at the Lincoln Avenue Bridge for the annual Veteran's wreath ceremony at 8:30 a.m. on May 30, 2022. Motion passed 4-0.

2) Goshen Brewing Co. request to use parking lot and electricity for music festival, Aug. 27, 2022

Jesse Sensenig, owner of the Goshen Brewing Company, asked the Board for permission to use two-thirds of the City parking lot adjacent to his business and to use City electricity for a music festival from 9 a.m. until 11 p.m. on Aug. 27, 2022. He said the lot would need to be blocked off late on Friday, Aug. 26 and reopen early Aug. 28.

Sensenig said he would like to use City power of 100 amps to help power the event in a way that will be sufficient. He has offered to hire an electrician to tie into the power if approved. Sensenig also said Goshen Brewing Co. will have three or four food trucks on site, beer tents, art, and live music throughout the day. He said he has secured four nationally touring bands and a local opener. He anticipates that the festival will draw people from the greater region and hopefully continue to grow throughout the years.

In response to a question from Board member Swartley, Jesse Sensenig said the lot would be fenced off for the event. Board members briefly discussed the logistics of using the electricity and that there are no fees for using the City's electrical power.



Swartley/Nichols moved to allow Goshen Brewing Company to use two-thirds of the City parking lot adjacent to the business, starting late on Aug. 26 and ending Aug. 28, and to use City electricity for a music festival on Aug. 27, 2022. Motion passed 4-0.

3) Downtown Goshen, Inc. requests: Closure, police and other service requests for First Fridays and related events in June, July, August, September and October

On behalf of Downtown Goshen Inc., Adrienne Nesbitt, Director of Events for Eyedart Creative Studio, asked the Board to approve a series of street closures, police and other service requests for First Fridays and related events in June, July, August, September and October 2022. Nesbitt made the following requests:

Summer Kick-Off, Friday and Saturday, June 3 and 4 – Street closure/no parking on Main Street from Lincoln Avenue to Jefferson Street and on Washington Street from Third Street to Fifth Street on Friday, June 3 at 8 a.m. until Saturday, June 4 at 8 p.m.; a City trash trailer parked behind the Electric Brew; two Police officers from 5 to 9 p.m. on June 3; and two Street Department crew members for trash assistance from 5 to 9 p.m.

Celebrate Goshen, Friday, July 1 – Street closure/no parking on Main Street from Clinton Street to Lincoln Avenue and from Lincoln Avenue to Jefferson Street and on Washington Street from Third Street to Fifth Street on Friday, July 1 at 8 a.m. until 10 p.m.; a City trash trailer parked behind the Electric Brew; two Police officers from 5 to 9 p.m.; and two Street Department crew members for trash assistance from 5 to 9 p.m.

The Goshen Games, Friday and Saturday, August 5 and 6 – Street closure/no parking on Main Street from Lincoln Avenue to Jefferson Street and on Washington Street from Third Street to Fifth Street on Friday, Aug. 5 at 8 a.m. until 10 p.m.; a street closure/no parking on Main Street from Washington Street to Jefferson Street until Monday, Aug. 8th for sand removal; a City trash trailer parked behind the Electric Brew; two Police officers from 5 to 9 p.m.; and two Street Department crew members for trash assistance from 5 to 9 p.m.

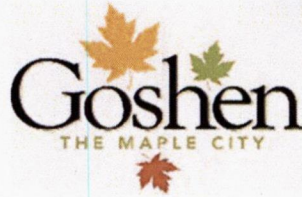
VolksFest, Friday, Sept. 2 – Street closure/no parking on Main Street from Lincoln Avenue to Jefferson Street and on Washington Street from Third Street to Fifth Street on Friday, Sept. 2 at 8 a.m. until 10 p.m.; a City trash trailer parked behind the Electric Brew; two Police officers from 5 to 9 p.m.; and two Street Department crew members for trash assistance from 5 to 9 p.m.

Harvest Festival, Friday, Oct. 7 – Street closure/no parking on Main Street from Lincoln Avenue to Jefferson Street and on Washington Street from Third Street to Fifth Street on Friday, Oct. 7 at 8 a.m. until 10 p.m.; a trash trailer parked behind the Electric Brew; two Police officers from 5 to 9 p.m.; and two Street Department crew members for trash assistance from 5 to 9 p.m.

Mayor Stutsman said the list of requests was circulated to City Department heads for consideration. He said there were a few clarifying questions, but no objections to the requests. In response to questions from **Board member Landis, Nesbitt** clarified the use of the trash trailers and that Downtown Goshen Inc. pays the trailer disposal costs. **Swartley/Nichols** moved to approve the closure and service requests from Downtown Goshen, Inc. for First Fridays and related events in June, July, August, September and October as submitted. Motion passed 4-0.

4) Planning & Zoning Department: Elkhart Road at Rieth Subdivision - Acceptance of Plat

Rhonda Yoder, City Planning and Zoning Administrator, asked the Board to accept the Elkhart Road at Rieth Subdivision plat with easements.



Yoder said a two-lot commercial subdivision has been submitted, Elkhart Road at Rieth Subdivision, A Replat of Elkhart Road P.U.D. – Phase I, which is a replat of the current Lowe's property to create an outlot. The property is zoned Commercial B-3 PUD (Planned Unit Development). She said the subdivision meets the Zoning and Subdivision Ordinance and Elkhart Road PUD requirements. A subdivision drainage plan also is being presented to the Board of Works on May 23, 2022.

Yoder said public infrastructure is existing. The plat does not include dedication of right-of-way, but does reflect added right-of-way that was dedicated subsequent to the original plat dedication. The plat includes a number of easements. Additionally, access and drainage easements are being established through a separate recorded document, Outparcel Easements, Covenants, Conditions and Restrictions, which will be recorded before the plat and the instrument number referenced on the plat.

Swartley/Nichols moved to accept the Elkhart Road at Rieth Subdivision plat with easements. Motion passed 4-0.

5) Legal Department: Agreement with Abonmarche Consultants, Inc. for topographic and boundary surveying services for the Hess Riverdale Addition and Merit Learning Center

Carla Newcomer, a paralegal with the City Legal Department, asked the Board to approve and execute the agreement with Abonmarche Consultants, Inc. for Topographic and Boundary Surveying Services for the Hess Riverdale Addition and Merit Learning Center. Abonmarche will be paid a lump sum amount of \$14,800.00 for a topographic and boundary survey.

Swartley/Nichols moved to approve and execute the agreement with Abonmarche Consultants, Inc. for Topographic and Boundary Surveying Services for the Hess Riverdale Addition and Merit Learning Center. Motion passed 4-0.

6) Legal Department: Resolution 2022-17 – Designating the City of Goshen Building Commissioner with Authority to Review, Issue, and Register Electrical and Mechanical Contractor Licenses under Ordinance Number 5120

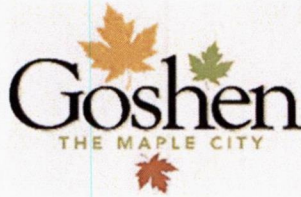
Matt Lawson, an attorney with the City Legal Department, asked the Board to move to adopt Resolution 2022-17, *Designating the City of Goshen Building Commissioner with Authority to Review, Issue, and Register Electrical and Mechanical Contractor Licenses under Ordinance Number 5120*.

BACKGROUND:

According to **Resolution 2022-17**, the Goshen Common Council approved Ordinance 5120, "*Licensing and Registering of Contractors Ordinance of the City of Goshen, Indiana*," on May 16, 2020. Ordinance 5120 requires individuals acting in the capacity of an Electrical Contractor, Class "A" Mechanical Contractor, or Class "B" Mechanical Contractor in the City to be licensed with the City and registered with the Goshen Building Department. Further, the ordinance designated the Board of Public Works & Safety to designate the Building Commissioner or other qualified individual to review and issue such licenses.

Resolution 2022-17 would establish that the Building Commissioner is a qualified individual who should be designated to investigate, review, grant, issue, and register Electrical and Mechanical Contractor licenses under Ordinance Number 5120 and on behalf of the Board of Works & Safety and the City of Goshen.

Mayor Stutsman provided further context and background of Resolution 2022-17.



Board member Landis requested clarification of the information the Building Department requires and reviews before approving electrical and mechanical licenses. **City Building Commissioner Myron Grise** explained the required qualifications the Department reviews.

Mayor Stutsman said this resolution will allow the Building Commissioner to approve electrical and mechanical licenses. He said in the past seven years, the Board has not rejected any license requests recommended by the Building Department.

Swartley/Nichols moved to adopt Resolution 2022-17, *Designating the City of Goshen Building Commissioner with Authority to Review, Issue, and Register Electrical and Mechanical Contractor Licenses under Ordinance Number 5120*. Motion passed 4-0.

7) Engineering Department: Drainage plan approval for Elkhart Road at Reith subdivision (JN: 2021-2034)

City Director of Public Works & Utilities Dustin Sailor asked the Board to accept the drainage plan for the Elkhart Road at Rieth Subdivision, which was prepared by the developer's state-licensed engineer. The City does not warrant the drainage plan will function as intended and accepts no liability for the failure of the drainage design.

Sailor said that pursuant to Ordinance No. 3196, Section 512 of the Goshen Subdivision Control Ordinance, Goshen Engineering has reviewed the drainage plan for Elkhart Road at Rieth Subdivision on behalf of the Board of Works and Safety. The Goshen Engineering Department finds the proposed drainage plan adequate to maintain on-site runoff from a 1 hour - 1 DO-year rain event, which equates to 3-inches of rainfall in 24-hours.

Goshen Engineering recommends the Board's acceptance of the plan with the understanding that Goshen Engineering reviewed the drainage plan for general adherence to good engineering practice. **Sailor** said the Board should note in its approval that acceptance of the development's drainage plan in no way guarantees the drainage plan and drainage improvements will work as intended, and the City accepts no liability for any design failures.

Swartley/Nichols moved to accept the drainage plan for the Elkhart Road at Rieth Subdivision, which was prepared by the developer's state-licensed engineer. The City does not warrant the drainage plan will function as intended and accepts no liability for the failure of the drainage design. Motion passed 4-0.

8) Engineering Department: Lane restrictions request for Madison Street reconstruction (JN: 2021-0016)

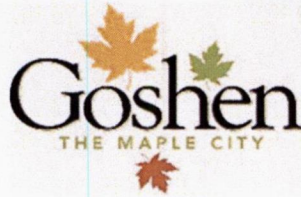
City Director of Public Works & Utilities Dustin Sailor asked the Board to approve Madison Street lane restrictions between Main Street and the alley east of Penguin Point for mill and paving work between June 6 to June 9, 2022. **Sailor** said Niblock Excavating Inc. will be milling and repaving Madison Street, which will require lane restrictions. He said Niblock will maintain open access for the businesses and residents on Madison Street.

Swartley/Nichols moved to approve Madison Street lane restrictions between Main Street and the alley east of Penguin Point for mill and paving work between June 6 and June 9, 2022. Motion passed 4-0.

9) Engineering Department: Lincoln Avenue lane restriction and alley closure for fiber installation

City Director of Public Works & Utilities Dustin Sailor asked the Board to approve lane restrictions on Lincoln Avenue, beginning June 1 through June 2, 2022, and an alley closure June 2-3 and June 6, 2022.

Sailor said TCS Communications, LLC., working for Frontier Communication, has requested the following lane restrictions and closures for the purpose of installing fiber at existing manholes:



1) The north-south alley between Lincoln Avenue and Clinton Street located west of Indiana Avenue beginning Thursday, June 2 through Friday, June 3. If work is required on Monday, June 6, the alley will be opened over the weekend and closed again on June 6.

2) Lane restrictions on Lincoln Avenue from June 1 to June 2. The lane restrictions will be at the northwest corners of Denver Avenue and Indiana Avenue.

Sailor said current MUTCD traffic control standards are to be used. These traffic controls will include signs, cones and flaggers as required. The contractor will be allowed one lane to work within at any one time.

Swartley/Nichols moved to approve lane restrictions on Lincoln Avenue, beginning June 1 through June 2, 2022, and an alley closure June 2-3 and June 6, 2022. Motion passed 4-0.

10) Clerk-Treasurer: Board of Works schedule check for the remainder of 2022 and request to cancel June 21 and Nov. 7 meetings and reinstate the Oct. 10 meeting

City Clerk-Treasurer Richard R. Aguirre asked the Board to approve his request to cancel Board of Works & Safety meetings on June 21, 2022 and Nov. 7, 2022 and reinstate the previously cancelled meeting on Oct. 10, 2022.

Aguirre said that on Jan. 24, 2022, the Board of Works & Safety approved a meeting schedule for 2022, which was attached to the packet memo. He said that although the Board meets nearly every Monday, there are several weeks that no meetings were scheduled because of City holidays and planned member absences.

Aguirre said today he was requesting three schedule revisions for 2022:

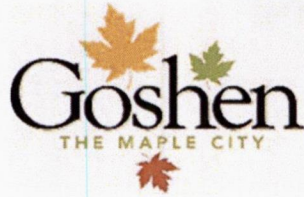
- Cancel the Board's previously scheduled meeting on Tuesday, June 21, 2022. The reason: the regular Monday meeting was moved to June 21, because City employees will be observing the federal Juneteenth Holiday on Monday, June 20. Since City offices will be closed that day, Aguirre said it seemed only reasonable that the Board also should observe this important holiday.
- In addition, the Clerk-Treasurer requested that that Board reinstate the previously cancelled meeting of Oct. 10, 2022 and cancel the Nov. 7, 2022 meeting. The reason: the annual Accelerate Indiana Municipalities (AIM) Idea Summit, which had been scheduled for Oct. 4-6, has been rescheduled for Nov. 2-4. Aguirre said he would now have adequate time to prepare minutes, the agenda and packet for the Oct. 10 meeting, but would not have time to do so for the Nov. 7 meeting.

Aguirre asked Board members to confirm their previously scheduled absences and list any additional absences.

Board member responded that further schedule changes were possible, but not yet finalized. So, at this point, Board member absences should not require the cancellation of any Board meetings for the rest of the year.

Aguirre also indicated that if the Board approved the schedule changes, he would circulate a revised meeting schedule to the news media, City Department heads and staff and other interested individuals and ensure it also was posted on the City's website.

Aguirre said that the Board met every week in January, February and March – and for the last seven weeks in a row since April 11. The Board was meeting today, May 23 (but not May 30) as well as June 6 and June 13. If the Board canceled its Tuesday, June 21 meeting, it would then meet June 27, not meet the week of July 4 and then meet for eight consecutive Mondays in July and August. He said the Board also is scheduled to meet every Monday in September, October, November and December except for Sept. 5 (Labor Day), Nov. 28 (the Monday after the City's two-day Thanksgiving holiday) and Dec. 26 (Christmas holiday observed by City).



Swartley/Nichols moved to approve the request to cancel Board of Works & Safety meetings on June 21, 2022 and Nov. 7, 2022 and reinstate the previously cancelled meeting on Oct. 10, 2022. Motion passed 4-0.

Privilege of the Floor (opportunity for public comment for matters not on the agenda):

Mayor Stutsman opened Privilege of the Floor at 2:24 p.m.

City Director of Public Works & Utilities Dustin Sailor distributed to the Board a memorandum (EXHIBIT #1) and announced that Norfolk Southern's traffic management group confirmed today that the company will close the Main Street railroad crossing north of Pike Street on Tuesday, May 31, with plans to reopen the crossing on June 2.

There were no further public comments, so the Mayor closed the public comment period at 2:25 p.m.

As all matters before the Board of Public Works & Safety were concluded, Mayor Stutsman/Nichols moved to approve Civil City and Utility claims and adjourn the meeting. Motion passed 4-0.

Mayor Stutsman adjourned the meeting at 2:25 p.m.

EXHIBIT #1: *Memorandum from City Director of Public Works & Utilities Dustin Sailor informing the Board that Norfolk Southern's traffic management group has confirmed that the company will close the Main Street railroad crossing north of Pike Street on Tuesday, May 31, with plans to reopen the crossing on June 2.*

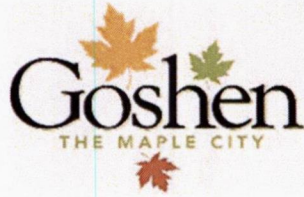
APPROVED

A handwritten signature in blue ink, appearing to read "J. Stutsman", is written over a horizontal line.

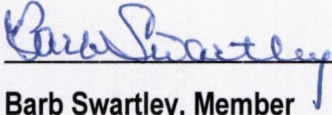
Jeremy Stutsman, Chair

A handwritten signature in blue ink, appearing to read "Michael A. Landis", is written over a horizontal line.

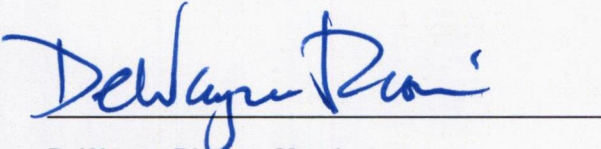
Michael Landis, Member



Mary Nichols, Member

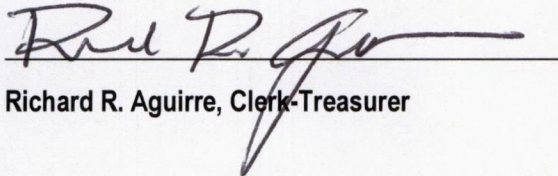


Barb Swartley, Member



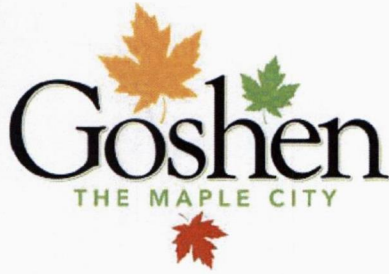
DeWayne Riouse, Member

ATTEST



Richard R. Aguirre, Clerk-Treasurer

EXHIBIT #1



**Engineering Department
CITY OF GOSHEN**

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engineering@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Board of Works and Safety and Stormwater Board

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

RE: **PUBLIC NOTICE -
NORFOLK SOUTH RAILROAD TRACK WORK – N. MAIN STREET
(JN: STREETS – MAIN STREET)**

DATE: May 23, 2022

Norfolk's (NS) traffic management group has confirmed that NS will close the Main Street railroad crossing north of Pike Street, on Tuesday, May 31, with plans to reopen the crossing on June 2.

Requested Motion: No action requested