

BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD

MINUTES OF THE July 18, 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 Barb Swartley

Absent: Mayor Jeremy Stutsman and DeWayne Riouse

CALL TO ORDER: Acting Chair Mike Landis called the meeting to order at 2:00 p.m. He said Mayor Stutsman would not be present because he was attending a 2 p.m. meeting of the City Board of Aviation.

REVIEW/APPROVE AGENDA: Acting Chair Mike Landis presented the meeting agenda with added agenda item #10. *Downtown Goshen Economic Improvement District: Request to close two parking spots on East Washington Street, July 18-22, 2022, for fountain repair.* **Board member Mary Nichols moved to approve the agenda as amended. Board member Barb Swartley seconded the motion. Motion passed 3-0.**

REVIEW/APPROVE MINUTES: Acting Chair Landis presented the minutes of the July 11, 2022 regular meeting. Board member Nichols moved to approve the minutes as presented and the motion was seconded by Board member Landis. Motion passed 3-0.

1) Neighborhood request: Approve the partial closure of 13th Street for the College Farm Neighborhood Block Party, on Aug. 6, 2022

Craig Yoder, a committee member of the College Farm Neighborhood Association, asked the Board to approve the closure of the 1800 block of South 13th Street, between Mervin Avenue and Leroy Street, for the association's neighborhood block party on Saturday, Aug. 6, 2022. Yoder said the Association, which consists of the area south of College Avenue from 12th Street to 15th Street, will be holding the block party from 6:30 to 9 p.m. on Aug. 6. In response to a question from **Board member Landis,** Yoder said that the City Street Department has agreed to provide street barricades for the event.

Nichols/Swartley moved to approve the closure of the 1800 block of South 13th Street, between Mervin Avenue and Leroy Street, from 6:30 to 9 p.m., on Saturday, Aug. 6, 2022. Motion passed 3-0.

2) Planning & Zoning Department: Accept the East College Avenue Industrial Park subdivision plat with dedications and easements

Planning & Zoning Administrator Rhonda Yoder asked the Board to accept the East College Avenue Industrial Park subdivision plat with dedications and easements.

Yoder said a four-lot industrial subdivision has been submitted, the East College Avenue Industrial Park. The property is located on both sides of College Avenue, east of the railroad, containing ±315.58 acres, and is zoned Industrial M-1. She said the subdivision meets the Zoning Ordinance and Subdivision Ordinance requirements, and is consistent with the primary subdivision approved by the Plan Commission on November 16, 2021.



Administrator Yoder said a subdivision drainage plan was accepted by the Board of Works on July 11, 2022. Public infrastructure is being constructed through a development agreement, and a bond purchased by the developer is in place. The plat includes dedication of right of way for two new streets, Brinkley Way East and Brinkley Way West, and the dedication of additional right of way along College Avenue. The plat also includes a number of easements. **Nichols/Swartley moved to accept the East College Avenue Industrial Park subdivision plat with dedications and easements. Motion passed 3-0.**

3) Legal Department: Approve agreement with Design Group International for consulting and leadership coaching for the Department of Environmental Resilience (cost of \$10,560)

Brandy Henderson, a paralegal with the City Legal Department, asked the Board to approve and authorize the Mayor to execute the agreement with Design Group International for consulting and leadership coaching for the Department of Environmental Resilience, at a cost of \$10,560.

According to the agreement, Rose J. Shetler, a senior consultant with Design Group International, will provide professional counsel to strengthen the Department of Environmental Resilience's ability to champion adaptive change across the departments of the City of Goshen in accordance with the strategies of the Climate Action Plan, and provide leadership coaching to support Aaron Sawatsky-Kingsley, Director of Environmental Resilience, in his leadership development and achievement of leadership and departmental goals. Shetler also will work with the officers and employees of the client concerning matters relating to the management and operation of the client, their financial policies, the terms and conditions of employment, and generally any matter arising out of the business affairs of the client. **Henderson** clarified that this was a one-year agreement.

Nichols/Swartley moved to approve and authorize the Mayor to execute the agreement with Design Group International for consulting and leadership coaching for the Department of Environmental Resilience at a cost of \$10,560. Motion passed 3-0.

4) Legal Department: Request to adopt Resolution 2022-23, Acknowledging House Enrolled Act 1002 and Finding that Goshen Water Utility Rates Shall Not Be Adjusted

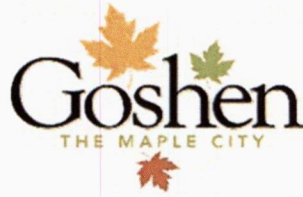
Assistant City Attorney Matt Lawson asked the Board to adopt Resolution 2022-23, *Acknowledging House Enrolled Act 1002 and Finding that Goshen Water Utility Rates Shall Not Be Adjusted.*

Lawson said Resolution 2022-23 recommends to the Goshen Common Council that Goshen Water Utility rates shall not be adjusted due to the repeal of the utility tax receipts in HEA 1002 in accordance with the advice of the City's municipal advisor, Baker Tilly.

In response to question from **Board member Landis, City Attorney Bodie Stegelmann and City Director of Public Works and Utilities Dustin Sailor** clarified the background and purpose of the resolution. They explained that the City's additional expenses have exceeded what the City would have lost from repealing the tax.

Nichols/Swartley moved to adopt Resolution 2022-23, Acknowledging House Enrolled Act 1002 and Finding that Goshen Water Utility Rates Shall Not Be Adjusted. Motion passed 3-0.

5) Legal Department: Agreement with Habitat for Humanity of Elkhart County for the demolition of the property at 414 River Avenue and site preparation to build a single-family home



Brandy Henderson, a paralegal with the City Legal Department, asked the Board to approve and authorize Mayor Stutsman to execute the agreement with Habitat for Humanity of Elkhart County to support the project outlined in its submitted application.

Henderson said the City of Goshen has various community service organizations that provide services or programs to its residents in a manner more efficient than what the City can provide. The City has supported these organizations with funds in the past and wishes to continue to do so. These organizations were subject to an application process requiring specific documentation regarding their organization, including a detailed description of how these funds will be used.

Habitat for Humanity of Elkhart County, one such community service organization that has applied for these funds, has requested \$10,000 to help with the 414 River Avenue project. Habitat for Humanity has provided all the required information and an agreement is now being brought before the Board for consideration and approval.

Board member Landis said this property was discussed by the Board last week and asked how soon Habitat for Humanity intended to demolish the home at 414 River Avenue. **Greg Conrad**, executive director of Habitat for Humanity, said the home already has been demolished and work has begun to prepare the site for construction.

Nichols/Swartley moved to execute the agreement with Habitat for Humanity of Elkhart County to support the project outlined in the submitted application. Motion passed 3-0.

6) Legal Department: Approve and execute Amendment No. 1 to the agreement with Jacobi, Toombs, & Lanz, Inc. for Building Plan Review (increase to \$25,000)

City Attorney Bodie Stegelmann asked the Board to approve and execute Amendment No. 1 to the Agreement with Jacobi, Toombs, & Lanz, Inc. for Building Plan Review to increase the amount of the Agreement to \$25,000.00.

Stegelmann said that in December 2021 the Board approved an agreement with Jacobi, Toombs & Lanz, Inc. for Building Plan Review. The agreement called for Jacobi, Toombs & Lanz, Inc., to be paid at an hourly rate in an amount not to exceed Ten Thousand Dollars (\$10,000.00) for Building Plan Review. He said the volume of services needed under the Agreement has exceeded expectations, and staff seeks an amendment to the Agreement to increase the "not to exceed" amount of the Agreement to \$25,000.00.

Board member Landis asked if City staff originally asked for site plan review assistance not knowing how helpful it would be and only now has determined more assistance is necessary. **Stegelmann** said the plans to be reviewed exceeded expectations. **Deputy Mayor Mark Brinson** added that the City has had many large and complex projects.

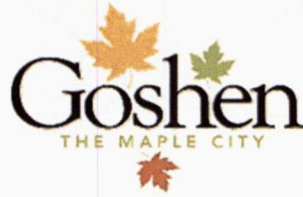
Nichols/Swartley moved to approve and execute Amendment No. 1 to the Agreement with Jacobi, Toombs, & Lanz, Inc. for Building Plan Review to increase the agreement amount to \$25,000.00. Motion passed 3-0.

7) Engineering Department: Approve Balancing Change Order #2 for 16th Street Reconstruction (JN: 2020-0038), decreasing the contract by \$33,942.50

City Director of Public Works and Utilities Dustin Sailor asked the Board to approve the balancing Change Order No. 2 decreasing the contract \$33,942.50 for a final contract amount of \$1,373,781.00.

Sailor said Change Order No. 2 reduces the current contract price \$33,942.50, making the final contract amount \$1,373,781.00, a 2.41 % decrease over the original contract of \$1,407,723.50.

Nichols/Swartley moved to approve the balancing Change Order No. 2 decreasing the contract \$33,942.50 for a final contract amount of \$1,373,781.00. Motion passed 3-0.



8) Engineering Department: Approve and authorize the Mayor to sign Agreement Amendment #1 with Abonmarche Consulting for GIS and IT on-call services (not-to-exceed fee of \$100,000, of which \$40,000 is allocated for on-call services)

City Director of Public Works and Utilities Dustin Sailor asked the Board to approve and authorize the Mayor to sign Agreement Amendment No. 1 with Abonmarche Consulting for GIS and IT On-call Services for a not to exceed fee of \$100,000.00.

Sailor said the City has a contract with Abonmarche Consulting to provide GIS1 services for the development of the Lead and Copper Service Inventory. With the recent resignation of the City's GIS Coordinator, staff has identified the need for an evaluation of the City's GIS framework, protocols, and management structure. In addition, Abonmarche Consulting has been assisting the City in the selection of software for the CCTV2 equipment that will integrate with the GIS system. As part of this agreement amendment, Abonmarche Consulting will assist in the integration of the new camera truck software with the City's camera truck upgrade. As a final item, Abonmarche Consulting has offered a fee for on-call services that will assist with onboarding a new GIS Coordinator and allow City projects requiring GIS to be implemented in a timely fashion.

Work associated with the base agreement amendment is to be completed by December 15, 2022, and the on-call services will extend through the end of the year. The service agreement is for a not to exceed amount of \$100,000.00, of which \$40,000.00 is allocated for on-call services.

Asked by **Board member Landis** if the City will need to rely on Abonmarche Consulting for the same services in 2023, **Sailor** said that has yet to be determined. He said several of the projects in progress now should be completed by the end of the year, but additional help may be needed afterward.

Nichols/Swartley moved to approve and authorize the Mayor to sign Agreement Amendment No. 1 with Abonmarche Consulting for GIS and IT On-call Services for a not to exceed fee of \$100,000.00. Motion passed 3-0.

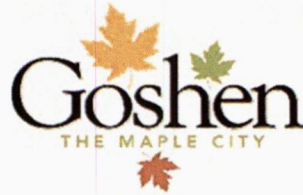
9) Clerk-Treasurer request: Approve a change in the date of the partial closure of 7th Street (from Aug. 27 to Aug. 13) for the Historic Southside Neighborhood Association's block party

Clerk-Treasurer Richard R. Aguirre asked the Board to approve the request from the Historic Southside Neighborhood Association for the closure of the 500 block of South 7th, from 4 p.m. to 8 p.m. on Aug. 13, 2022 and for the use of City barricades for the association's annual picnic and block party.

Aguirre said that on May 16, 2022, the Board approved requests from Terri Wentz, chairperson of the Historic Southside Neighborhood Association, for half-price rates for the use of three trailers in June for the neighborhood's Spring Clean-up and in September for its Fall Clean-up as well as the closure of the 500 block of South 7th Street on the afternoon of Aug. 27, 2022 for the association's annual picnic.

Aguirre said on July 12, 2022, the Clerk-Treasurer received the following email from Terri Wentz:

"Good evening, Richard, On May 16 at the Board of Works meeting, Historic Southside Neighborhood Association was granted a street closure for our annual picnic on August 27th. We have had to change the date our event to August 13th. I spoke with Monica at the street department, she has made that change, for the barriers in the 500 block of South 7th Street. She suggested I contact you, to correct your records. If I need to come before the B.O.W. again, please advise. Thank you and sorry for any inconvenience this change may cause."



Nichols/Swartley moved to approve the request from the Historic Southside Neighborhood Association for the closure of the 500 block of South 7th, from 4 p.m. to 8 p.m. on Aug.13, 2022 and for the use of City barricades for the association's annual picnic and block party. Motion passed 3-0.

10) Downtown Goshen Economic Improvement District: Request to close two parking spots on East Washington Street, July 18-22, 2022, for fountain repair

Scott Woldruff, president of the Downtown Goshen Economic Improvement District, asked the Board to approve the closure of the first two eastbound parking spaces on East Washington Street, in front of L & M Hair Salon. The request was for the closure of spaces from July 18 through July 22, 2022. Woldruff said this request was being made to allow Aquascapes of Michiana to complete a fountain repair.

Nichols/Swartley moved to approve the closure of the first two eastbound parking spots on East Washington Street from July 18 through July 22, 2022. Motion passed 3-0.

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

Acting Chair Landis opened Privilege of the Floor at 2:22 p.m.

There were no public comments, so Acting Chair Landis closed Privilege of the Floor at 2:22 p.m.

As all matters before the Board of Public Works & Safety 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 2:22 p.m.

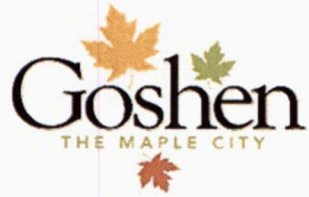
APPROVED

A handwritten signature in black 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

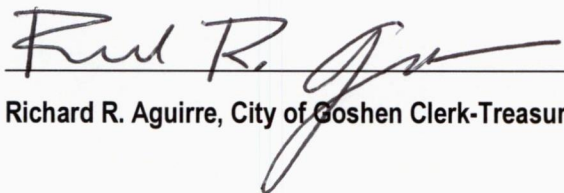
Absent

DeWayne Riouse, Member



Barb Swartley, Member

ATTEST



Richard R. Aguirre, City of Goshen Clerk-Treasurer