

**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD  
MINUTES OF THE JANUARY 30, 2023 REGULAR MEETING**

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

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

**Absent:** None

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

**REVIEW/APPROVE MINUTES:** Mayor Stutsman presented the minutes of the Jan. 23, 2023 Regular Meeting. Board member Barb Swartley moved to accept 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 with the addition of new item #13. *Goshen Theater parking requests for a Feb. 7, 2023 event.* Board member Swartley moved to approve the agenda as suggested. Board member Nichols seconded the motion. Motion passed 4-0.

**1) Downtown Goshen, Inc. request: Approval to use six parking spots in front of 216 South Main Street, from 2-10 p.m., on Feb. 3, March 3, and April 7 for First Friday events**

**Amanda McMahon, event coordinator for Eyedart Creative Studios,** asked the Board to allow Downtown Goshen Inc. (DGI) to use six parking spots in front of 216 South Main Street on Feb. 3, March 3, and April 7, from 2 p.m. to 10 p.m., for First Friday activities.

In a written request, Downtown Goshen Inc. staff members stated that affected businesses have been notified and that DGI would need signs posted the morning of each First Friday to reserve the parking spaces. **McMahon** said two spaces were previously requested, but six were actually needed.

**Board member Landis** asked if DGI would reduce the number of parking spaces if they were not needed for food trucks. **McMahon** responded that she would, but just wanted to request more spaces in case they were needed.

**Swartley/Nichols** moved to allow Downtown Goshen Inc. (DGI) to use six parking spots in front of 216 South Main on Feb. 3, March 3, and April 7, from 2 p.m. to 10 p.m., for First Friday activities. Motion passed 4-0.

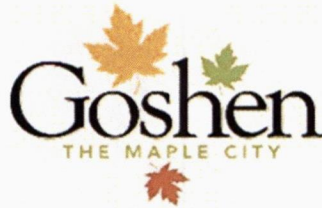
**2) Hayden Schmucker request: Approval for the installation of new gravel in the alley next to 1706 Church Street and extension of the gravel driveway to a new outbuilding**

**Hayden Schmucker,** who lives at 1706 Church St. in Goshen, asked the Board to approve the installation of new gravel in the alley next to his residence. He said he has maintained the alleyway for the past four years. He also said he wanted to extend the current graveled alley about 10 feet to a new outbuilding in his yard.

In a written request, **Schmucker** listed other residences that also have gravel parking lots and driveways: 120 N 23rd St., Mount Joy Mennonite Church; 1707 E Lincolnway Ave., M&H Rentals; and 1703 E Lincolnway Ave., Ron Davidhizer property.

**There were no City staff comments in response to the request.**





Board member Landis asked City Attorney Bodie Stegelmann if the Board needed to explain why the Board was permitting these gravel driveways as members used to do in the past. Stegelmann said it would make the record clear for the Board to indicate there are nearby buildings and lots with gravel surfaces. He said one of the factors for approval gravel driveways was the impact on the neighborhood and whether there were other gravel driveways. Swartley/Nichols moved to approve the installation of new gravel in the alley next to 1706 Church Street and the extension of a gravel driveway to a new outbuilding – approval predicated on the fact there are other properties with gravel surfaces in the area. Motion passed 4-0.

**3) Legal Department: Approve Resolution 2023-02, Service Delivery Agreement between County of Elkhart and Goshen Police Department for 2023 Elkhart County Drug-Free Community Funds**

Shannon Marks, the Legal Compliance Administrator for the City Legal Department, told the Board that Resolution 2023-02 would approve the terms and conditions of a Service Delivery Agreement between the County of Elkhart and the Goshen Police Department for 2023 Elkhart County Drug-Free Community Funds and would authorize the Mayor to execute the agreement on behalf of the City.

Marks said the Police Department was awarded \$36,135 in grant funding from the Elkhart County Drug-Free Partnership for the Goshen Police Department's "K9" program. The funds will be used to purchase of a K9 from LaGrange County, a bite suit, and other K9 equipment.

Mayor Stutsman joked that Police Chief José Miller said that if any Board members would like to test out the new bite suit, to just let him know.

Swartley/Nichols moved to pass and adopt Resolution 2023-02, Service Delivery Agreement between the County of Elkhart and the Goshen Police Department for 2023 Elkhart County Drug-Free Community Funds. Motion passed 4-0.

**4) Utilities Department: Agreement with Peerless Midwest, Inc. for testing for a potential new well field just north of the Goshen Airport**

Kent Holdren, Superintendent of City Water Treatment and the Sewer Department, asked the Board to approve an agreement with Peerless Midwest, Inc. for testing at a new well field site. He said this would include testing the quantity and quality of the water, the best location for a well and will help ensure the water is safe to drink.

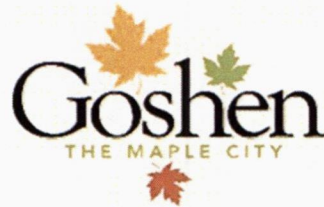
Mayor Stutsman said the testing will be at a property the City recently purchased near the Goshen Airport.

The tasks to be performed and the total costs for each task are as follows: **Water samples**, Cost per sample site (\$6,745) and additional laboratory expedite fee (\$1,150) – \$7,895 each; **New well site survey**, Hydrogeologist to meet with IDEM – \$3,500; **2-inch test borings**: First boring approximately 190' deep. – \$7,900, Any subsequent test borings while the rig is on site – \$6,780, Hydrogeologist report – \$8,305, Not to exceed price for six (6) 2" borings/ monitoring wells and report – \$50,105; and **Construction permits**, Total for four wells – \$7,000.

In response to questions from Board member Landis, Holdren said it is hoped this will be a good location for a well. The Mayor said the City would also create a wellfield protection area. Holdren added that the water would be stored in the nearby water tower and there are exiting 16-inch water mains the City hopes to tie into.

Swartley/Nichols moved to approve and authorize the agreement with Peerless Midwest, Inc. for testing for a potential new well field just north of Goshen Airport. Motion passed 4-0.





**5) Legal Department: Agreement with Jones Petrie Rafinski for a Phase 1 Environmental Site Assessment of 1402 W. Wilden Avenue**

**Brandy Toms, a paralegal with the City Legal Department,** sought the Board's approval for an agreement with Jones Petrie Rafinski (JPR) for a Phase 1 Environmental Site Assessment of 1402 W. Wilden Avenue, a property being acquired by the City. If approved, JPR would be paid \$1,500 for this service.

According to a scope of services proposal, Jones Petrie Rafinski will perform a Phase I Environmental Site Assessment, which will include: a Records Review, Site Reconnaissance, Interviews and Reporting.

JPR previously completed a Phase I Environmental Site Assessment (Project # 2018-0083) of the subject site, which was identified at the time as the Teledata, Inc. facility. The report was prepared for TDI Technologies, Inc. and LDM Investments, LLC. A review of the previously completed Phase I Environmental Site assessment did not identify the presence of any Recognized Environmental Conditions, although there was a recommendation that the former water well (not in use, municipal water connection established in 2003) be properly abandoned, and with the notation that documentation regarding the status of abandonment of a former on-site septic system (also connected to municipal sewer in 2003) was not readily available within the public record.

**Swartley/Nichols moved to approve and authorize Mayor Stutsman to execute the agreement with Jones Petrie Rafinski (JPR) for a Phase 1 Environmental Site Assessment of 1402 W. Wilden Avenue, Goshen, at a cost to the City of \$1,500. Motion passed 4-0.**

**6) Water & Sewer Office: Request to approve unpaid final accounts**

**Kelly Saenz, Manager of the Goshen City Utilities Office,** said that the original amount of unpaid final Water/Sewer accounts for this period, through Sept. 26, 2022, was \$5,241.15. Collection letters were sent out and payments of \$821.45 were collected. The uncollected amount was \$4,419.70. So, Saenz asked the Board to move the office's uncollected final accounts from active to Collection, Sewer Liens and Write offs.

**Mayor Stutsman** asked what percentage of accounts are actually paid after the uncollected final accounts are moved to Collection and Sewer Liens. **Saenz** said that for the sewer accounts, the City collects a good percentage because of the liens and amounts received from the fall and spring taxes. She said that for collection, the city receives less than 20 percent.

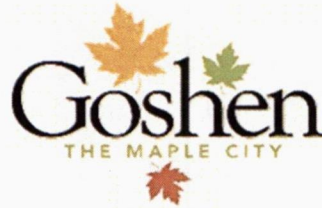
In response to a question from **Board member Swartley,** Saenz confirmed that liens are filed on the account holder's property. **Saenz** said liens can be placed for sewer charges, but not for water bills. Saenz said Utilities works with a collection agency on Main Street, but there is not a good collection rate – about 10-15 percent.

**Swartley/Nichols made a motion 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.**

**7) Engineering Department: Approve and authorize the Board to execute the Agreement D&M Sangha II, LLC and McCollough Scholten Construction, Inc. for the Completion of the Construction Project at 2611 Peddlers Village Road**

**City Director of Public Works & Utilities Dustin Sailor** told the Board that the property at 2611 Peddlers Village Road has passed its final building inspection and the project is substantially complete except for exterior stabilization work. This final requirement cannot be completed at this time due to weather conditions.





**Sailor** said the Stormwater Department thus submits Agreements for the Completion of the Construction Project for approval and authorizations for the Board to execute. He said the property owner, D&M Sangha II, LLC, and builder, McCollough Scholten Construction, Inc., agree to complete all stabilization work by June 15, 2023. The expected cost of the work is \$12,000 and a surety check for that amount has been remitted to the Clerk-Treasurer's office. **Swartley/Nichols moved to approve and authorize the Board to execute the Agreement with D&M Sangha II, LLC and McCollough Scholten Construction, Inc. for the Completion of the Construction Project at 2611 Peddlers Village Road. Motion passed 4-0.**

**8) Engineering Department: Approve and authorize the Board to execute the agreement with Greencroft Goshen, LLC for the Completion of the Construction Project at 2113 Whispering Pines Court**

**City Director of Public Works & Utilities Dustin Sailor** told the Board that the home at 2113 Whispering Pines Court has passed its final building inspection and the project is substantially complete except for exterior stabilization work. This final requirement cannot be completed at this time due to weather conditions.

**Sailor** said the Stormwater Department thus submits an Agreement for the Completion of the Construction Project for approval from the Board of Public Works. The property owner, Greencroft Goshen, LLC, agrees to complete all stabilization work by June 15, 2023. The expected cost of work is \$1,450 and a surety to guarantee the timely and proper completion of the work is not required.

**Swartley/Nichols moved to approve and authorize the Board to execute the Agreement with Greencroft Goshen, LLC for the Completion of the Construction Project at 2113 Whispering Pines Court. The motion passed 4-0.**

**9) Engineering Department: Authorize Mayor Stutsman to sign the Indiana Department of Environmental Management's Notice of Intent to issue permits for sanitary sewer construction**

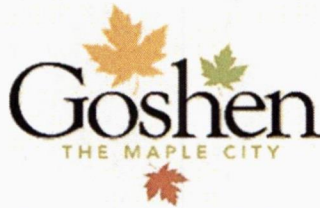
**City Director of Public Works & Utilities Dustin Sailor** told the Board that in accordance with Indiana Administrative Code 327-3-2.1-3, a city or town may issue sanitary sewer construction permits as long as the requirements of the Indiana code are followed. He said the City of Goshen has utilized this allowance to streamline construction permit reviews for both local public and private construction projects. The permits are reviewed by an independent third party civil engineer who performs the review service for the City of Goshen and other utilities within the region.

**Sailor** said every two years, a Notice of Intent (NOI) to issue sanitary sewer construction permits locally must be filed with the Indiana Department of Environmental Management (IDEM). He asked the Board of Public Works to authorize Mayor Stutsman to sign IDEM's NOI.

**Swartley/Nichols moved to authorize Mayor Stutsman to sign IDEM's Notice of Intent to issue permits for sanitary sewer construction. Motion passed 4-0.**

**10) Engineering Department: Approve Change Order No. 6 in the amount of \$217 for The Crossing Subdivision Drainage Improvements, which is a 5.83% increase to the contract price, to allow HRP to complete the above work**





**City Director of Public Works & Utilities Dustin Sailor** told the Board that the City Engineering Department has become aware that Change Order No. 4 was accidentally skipped, and Change Order No. 5 was approved last week. Therefore, there is no Change Order No. 4 for this project.

Sailor said attached to the agenda packet was Change Order No. 6. An existing well was discovered along the side of the newly built access road. He said two wooden 4 x 4 posts with reflectors are needed to protect the well from damage. Each post will be 5 feet above the ground and on either side of the well. He said the contract increase for the two wooden 4 x 4 posts with reflectors is \$217, and brings the new contract change order amount to \$79,584.33, which is a 5.83-percent increase to the contract price. Sailor said this change order, with previous change orders, increases the total project cost to \$1,445,674.56.

**Mayor Stutsman** asked if an amount this small still needed to be reviewed through a change order. **City Attorney Bodie Stegelmann** said approval was necessary because the total of the change order was almost \$80,000.

In response to a question from **Board member Landis**, **Sailor** said the well was found on The Crossings property during work by the City. Sailor said the City has an easement on the property and the City wants to protect the well.

**Swartley/Nichols moved to approve Change Order No. 6 in the amount of \$217 for The Crossing Subdivision Drainage Improvements, which is a 5.83% increase to the contract price, to allow HRP to complete the above work. Motion passed 4-0.**

**11) Engineering Department: Approve and authorize the Mayor to sign the Quiet Zone Project Initiation form**  
**City Civil Traffic Engineer Josh Corwin** told the Board that the City has been notified by the Indiana Department of Transportation (INDOT) that Norfolk Southern should be completing the improvements at the Madison crossing by no later than the end of 2024. As such, Corwin said City staff have re-engaged with the Federal Railroad Administration (FRA) and its consultant to resume the quiet zone application.

**Corwin** said in December, the FRA recommended that the City begin with a new diagnostic review. As part of the review process, the City must invite all entities that operate along the Marion Line, but Norfolk Southern must be in attendance. He said Norfolk Southern has a project initiation form that must be completed prior to its representatives attending the diagnostic review. The form is attached for approval and authorization for the Mayor to sign. An administration fee is also required for coordination with Norfolk Southern and their consultant.

**Corwin** said the administration fee covers scope review, equipment verification, diagnostic reviews, NOI response, Quiet Zone contract, SSM verification, NOE response, and train bulletin issuance. He said Norfolk Southern's consultant has informed the City that the company can complete the coordination efforts for \$25,000 or less. Once the project initiation form is completed and submitted, an agreement for the coordination will be developed and once that is executed, the City will be invoiced for a deposit on the contract fee.

**Mayor Stutsman** asked if this was the last major piece the City has been waiting on for the quiet zone for nine years.

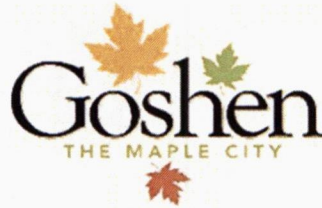
**Corwin** confirmed that understanding, adding that this was the final process for the approval of a quiet zone. He said the City has been waiting for several years, but this process should be completed by the end of 2024.

In response to a question from **Board member Landis**, **Corwin** said this is for an area south of the City limits to Pike Street. Corwin said private crossings without gates, like one on the Goshen College campus, would not be part of the quiet zone. Still, he said horns only should be used by approaching trains if pedestrians or cars are near crossings.

**Swartley/Nichols moved to approve and authorize the Mayor to sign the Quiet Zone Project Initiation form.**

**Motion passed 4-0.**





**12) Clerk-Treasurer & Utilities Offices: Allow the Clerk-Treasurer's Office and Utilities Office to void \$16,295.39 in outstanding warrants dated on or before Dec. 31, 2020**

**Deputy Clerk-Treasurer Jeffery Weaver** told the Board that attached to the agenda packet were lists of outstanding warrants from the City Clerk-Treasurer's office the City Utilities office and the City Courts office that were dated on or before Dec. 31, 2020. Pursuant to IC 5-11-10.5-3 through 5, Weaver requested permission from the Board to void the attached warrants and record receipts back into the funds from which they were drawn.

**Weaver** said the State requires the City to take checks older than two years off the City's books.

Schedule A reflected the Utilities Accounts Payable through Dec. 31, 2020, totaling \$4,629.51.

Schedule C reflected the City Accounts Payable through Dec. 31, 2020, totaling \$8,913.09.

Schedule B reflected the Utilities Accounts Payable through December 31, 2020, totaling \$2,752.79.

**Weaver** said the total was higher than in the past because state auditors recommended that the City Court be included on the list for its Judgement Restitution and Jail Bond refunds.

**Mayor Stutsman** asked if someone who was owed funds could still seek payment or if they would now lose the opportunity to be paid. **Weaver** said it would be up to the affected City Department to authorize payment if, for example, the department wanted to maintain a good relationship with an individual or business. In that case, Weaver said the Department would need to file a new claim for payment.

**Swartley/Nichols moved to allow the Clerk-Treasurer's Office and the Utilities Office to void \$16,295.39 in outstanding warrants dated on or before Dec. 31, 2020. Motion passed 4-0.**

**13) Goshen Theater requests: Parking access for a Feb. 7, 2023 event**

**Jerry Peters, Technical Director of the Goshen Theater**, asked the Board to approve a series of parking requests related to the Feb. 7, 2023 concert at the theater by Lotus, an instrumental jam band formed at Goshen College which is engaged in a national tour.

Peters requested: 1. Bus parking in the alley south of the theater, noon to midnight; 2. Temporary parking for a 26-foot panel truck in the alley east of the theater – about 30 minutes for load-in during the early afternoon and about 30 minutes for load-out late in the evening; 3. Reserving two adjacent spaces in the City parking lot for the truck to park between load-in and load-out, noon to midnight; and 4. Reserving two parking spaces in front of the theater for hospitality vehicles, noon to midnight.

**Mayor Stutsman** clarified the bus and truck parking sites. He asked **Police Chief José Miller** if this would be an issue for the Police Department. The Chief said it would not. **Board member Landis** asked what a "hospitality vehicle" was. **Peters** said they were vehicles used to take band or crew members to and from their hotel.

**Swartley/Nichols moved to approve the parking requests from the Goshen Theater related to the Feb. 7, 2023 concert at the theater. Motion passed 4-0.**

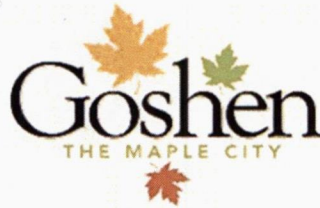
In response to a follow-up question from the **Mayor**, **Peters** said Lotus began at Goshen College about 1999 and now performs throughout the world. **Peters** clarified with the **Mayor** how to reserve the parking spaces on Feb. 7.

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

**Mayor Stutsman** opened Privilege of the Floor at 2:30 p.m. There were no comments.

At 2:30 p.m., **Mayor Stutsman** temporarily closed the Board of Works & Safety meeting and convened the City of Goshen Stormwater Board to consider two agenda items.





## **CITY OF GOSHEN STORMWATER BOARD**

**Regular Meeting Agenda**

**2:00 p.m., Jan. 30, 2023**

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

**Members: Mayor Stutsman, Mike Landis and Mary Nichols**

**14) Stormwater Department: Accept the post-construction stormwater management plan for Genesis Products, Inc. Plant 10 as it has been found to meet the requirements of City Ordinance 4329**

**City Director of Public Works & Utilities Dustin Sailor** told the Board that the developer of Genesis Products, Inc. Plant 10, affecting one or more acres of land and located at 1846 Eisenhower Drive South, has submitted a sufficient post-construction plan that is compliant with Ordinance 4329, "Uniform Requirements for Post-Construction Stormwater Management." **Sailor** said the Stormwater Department requested the Stormwater Board's acceptance of the post-construction stormwater management plan for Genesis Products, Inc. Plant 10 as it has been found to meet the requirements of City Ordinance 4329.

**Nichols/Landis moved to accept the post-construction stormwater management plan for Genesis Products, Inc. Plant 10 as it has been found to meet the requirements of City Ordinance 4329. Motion passed 3-0.**

**15) Stormwater Department: Accept the post-construction stormwater management plan for Keystone RV Plant #23 - Building Addition as it has been found to meet the requirements of City Ordinance 4329**

**City Director of Public Works & Utilities Dustin Sailor** told the Board that the developer of Keystone RV Plant #23, -Building Addition, affecting one or more acres of land and located at 2694 Hackberry Drive, has submitted a sufficient post-construction plan that is compliant with Ordinance 4329, "Uniform Requirements for Post-Construction Stormwater Management." **Sailor** said the Stormwater Department requested the Stormwater Board's acceptance of the post-construction stormwater management plan for Keystone RV Plant #23 - Building Addition as it has been found to meet the requirements of City Ordinance 4329.

**Nichols/Landis moved to accept the post-construction stormwater management plan for Keystone RV Plant #23 - Building Addition as it has been found to meet the requirements of City Ordinance 4329. The motion passed 3-0.**

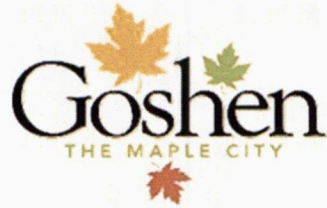
**Mayor Stutsman adjourned the City of Goshen Stormwater Board and reconvened the Board of Works & Safety meeting at 2:32 p.m.**

### **Approval of Civil City and Utility Claims**

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

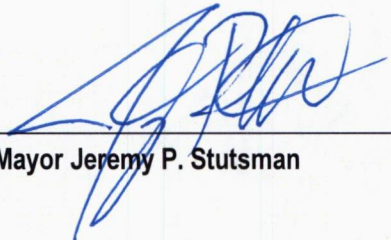
### **Adjournment**

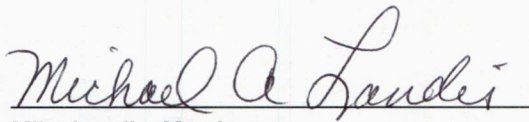
**Mayor Stutsman adjourned the Board of Works meeting at 2:33 p.m.**



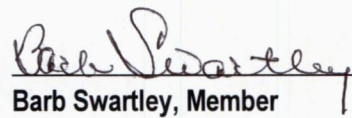
**EXHIBIT #1: A memorandum and area photo-diagram prepared by Jerry Peters, Technical Director of the Goshen Theater, explaining a series of parking requests related to the Feb. 7, 2023 concert at the theater by Lotus, an instrumental jam band. These materials were in support of added agenda item #13.**

**APPROVED:**

  
\_\_\_\_\_  
Mayor Jeremy P. Stutsman

  
\_\_\_\_\_  
Mike Landis, Member

  
\_\_\_\_\_  
Mary Nichols, Member

  
\_\_\_\_\_  
Barb Swartley, Member

**ATTEST**

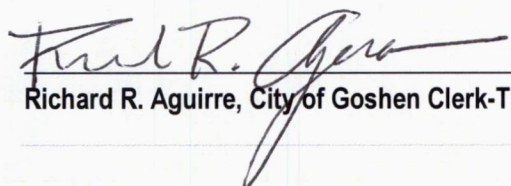
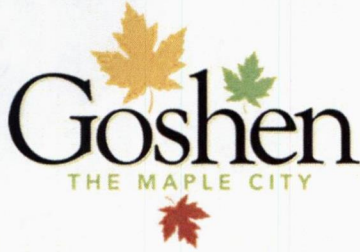
  
\_\_\_\_\_  
Richard R. Aguirre, City of Goshen Clerk-Treasurer



EXHIBIT #1



Richard Aguirre, City Clerk-Treasurer  
CITY OF GOSHEN

202 South Fifth Street, Suite 2 • Goshen, IN 46528-3714

Phone (574) 533-8625 • Fax (574) 533-9740

[richardaguirre@goshencity.com](mailto:richardaguirre@goshencity.com) • [www.goshenindiana.org](http://www.goshenindiana.org)

**To:** City of Goshen Board of Works & Safety  
**From:** Clerk-Treasurer Richard R. Aguirre  
**Date:** Jan. 30, 2023  
**Subject:** Goshen Theater requests for Feb. 7, 2023

***Earlier today, the Clerk-Treasurer's Office received the following requests from Jerry Peters, the Technical Director of Goshen Theater, Inc., related to the Feb. 7 concert at the theater by Lotus, an instrumental jam band formed at Goshen College which is engaged in a national tour:***

**Four requests for Tuesday, Feb 7:**

1. Bus parking in the alley south of the theater, Noon to midnight.
2. Temporary parking for the truck in the alley east of the theater. About 30 minutes for load-in in the early afternoon. About 30 minutes for load-out late in the evening.
3. Save 2 spaces in front of the theater for hospitality vehicles, Noon to midnight.
4. Save 2 adjacent spaces in the city parking lot for the truck to park between load-in and load-out, Noon to midnight.

See the attached map.

Please call if you have questions.

Thank you!

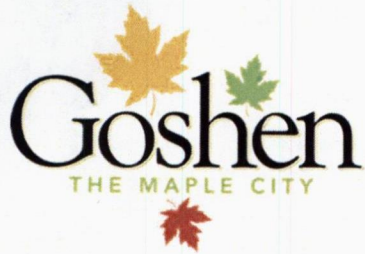
**Jerry Peters**

Technical Director

Goshen Theater, Inc.

574.370.6211





**Richard Aguirre, City Clerk-Treasurer**  
**CITY OF GOSHEN**

202 South Fifth Street, Suite 2 • Goshen, IN 46528-3714

Phone (574) 533-8625 • Fax (574) 533-9740

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