

**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD
MINUTES OF THE FEBRUARY 13, 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 (none absent)

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 Feb. 6, 2023 Regular Meeting. Board member Mary Nichols moved to accept the minutes as presented. The motion was seconded by Board member Barb Swartley. Motion passed 4-0.

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

1) Open bids: Public Recycling Drop-Off Site Services (bids due 1:45 p.m., Feb. 13, 2023)

Opportunity: On Jan. 25, 2023, the City of Goshen Board of Public Works and Safety solicited sealed proposals for the collection, transport and processing of recyclable materials from the City's new public recycling drop-off site. Services must include the supply and maintenance of collection containers. Services to be provided will begin April 1, 2023 and continue through Dec. 31, 2027.

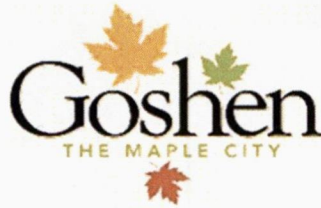
Background: The County of Elkhart has provided recycling drop-off site services on a county-wide basis for more than 10 years. There were ten locations in 2021, which was reduced to five locations in 2022. Two of the drop-off sites were located in the Goshen city limits. The County of Elkhart will no longer provide recycling drop-off site services as of April 1, 2023. The County is proposing to provide the City with funding assistance to provide a recycling drop-off site for use by any resident. As of Aug. 1, 2022, the City of Goshen began providing eligible residences in the Goshen city limits with curbside recycling services on a bi-weekly basis. Goshen's residential curbside recycling will be supplemented with the new drop-off recycling site on Indiana Avenue.

Mayor Stutsman opened the following two bids for the solicited services:

Borden Waste-Away Service, Inc. of Elkhart submitted these bids: 2023 monthly, \$9,945.15 and 9-month total, \$89,506.32; 2024 monthly and annual costs, \$10,442.40 and \$125,308.85; 2025 monthly and annual costs, \$10,964.52 and \$131,574.29; 2026 monthly and annual costs, \$11,512.75 and \$138,153.01; 2027 monthly and annual costs, \$12,088.39 and \$145,060.66; 2028 monthly and annual costs, \$12,692.81 and \$152,313.69; and 2029 monthly and 7-month costs, \$13,327.45 and \$93,292.13.

Republic Services of Elkhart (BFI Waste Services of Indiana) submitted these bids: 2023 monthly, \$3,869 and 9-month total, \$34,821; 2024 monthly and annual costs, \$4,023.76 and \$48,285.12; 2025 monthly and annual costs, \$4,184.71 and \$50,216.52; 2026 monthly and annual costs, \$4,352.01 and \$52,224.12; 2027 monthly and annual costs, \$4,526.09 and \$54,313.08; 2028 monthly and annual costs, \$4,707.13 and \$56,485.56; and 2029 monthly, \$4,895.42 and 7-month total, \$34,267.94.

Mayor Stutsman/Nichols moved to refer the bids to the Legal Department for review. Motion passed 4-0.



2) Legal Department: Fire Department conditional offer of employment to Joshua L. Hite

Shannon Marks, the Legal Compliance Administrator for the City Legal Department, recommended that the Board extend a conditional offer of employment to **Joshua L. Hite** and approve an offer of employment agreement and authorize the Mayor (or the Deputy Mayor in the Mayor's absence) to execute the agreement.

Marks said the agreement sets forth the conditions Hite must meet prior to beginning employment with the Fire Department as a probationary firefighter, which includes being approved by the board of the Indiana Public Retirement System for membership to the 1977 Police Officers' and Firefighters' Pension and Disability Fund.

Marks said Hite currently possesses Firefighter I/II certification, and Basic EMT certification. Once employed, Hite will be required to successfully complete a paramedic training program and obtain an Indiana paramedic license, and serve as an active paramedic with the Department a minimum of three years. The Fire Department will ask the Board to confirm the offer of employment when a position opening becomes available in the department.

Nichols/Swartley moved to extend a conditional offer of employment to Joshua L. Hite as a probationary firefighter and authorize the Mayor, or the Deputy Mayor in the Mayor's absence, to execute the agreement.

Motion passed 4-0.

3) Legal Department: Pass and adopt Resolution 2023-04, Authorizing the Special Purchase of Police Pursuit vehicles (two) from Kelly Chevrolet for \$86,200

City Attorney Bodie Stegelmann asked the Board to approve Resolution 2023-04, *Authorizing the Purchase of Two Police Pursuit Vehicles.*

Stegelmann said the City planned to purchase two pursuit vehicles in 2022 at a cost \$49,975 each. However, the supplier will not be able to supply these vehicles on a timely basis. Indiana Cod 5-22-10-5 allows the City to make a special purchase when an opportunity to make that purchase can be done so at a substantial savings to the City. Stegelmann said staff located two police pursuit vehicles that the City can purchase at a cost of \$43,100 each. The City obtained a quote from Kelly Chevrolet for the sum of \$86,200 for the cost of the two vehicles.

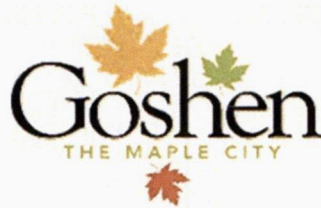
Nichols/Swartley moved to pass and adopt Resolution 2023-04, Authorizing the Purchase of Two Police Pursuit Vehicles from Kelly Chevrolet for the sum of \$86,200 for the two vehicles. Motion passed 4-0.

4) Legal Department: Award contract to Kemira Water Solutions and authorize the issuance of a purchase order for the purchase of Ferric Chloride at a cost of \$1.538 per gallon

Brandy Toms, a paralegal with the City Legal Department, told the Board that the City solicited quotes for the purchase of Ferric Chloride, a chemical required for the Waste Water Treatment Plant, in accordance with Indiana Code § 5-22-8-3. Toms provided this summary of the quotes received for the supply of Ferric Chloride for the remainder of the 2023 calendar year:

- Kemira Water Solutions, Inc. of Lawrence, Kansas – \$1.538 per gallon.
- PVS Technologies, Inc. of Detroit, Michigan – \$1.58 per gallon.
- BioChem, Inc. of Evansville, Indiana – Did not provide a responsive and responsible quote.

Toms said the only responsive and responsible quote received by the City for this chemical was from Kemira Water Solutions. She recommended that the Board award the contract to supply the City with Ferric Chloride for the remainder of the 2023 calendar year to Kemira Water Solutions.



Nichols/Swartley moved to award the contract to Kemira Water Solutions as the lowest responsive and responsible quoter and authorize the issuance of a purchase order for the purchase of Ferric Chloride at a cost of \$1.538 per gallon. Motion passed 4-0.

5) Legal Department: Award contract to Rowell Chemical Corp. and authorize the issuance of a purchase order for the purchase of Sodium Hypochlorite at a cost of \$1.89 per gallon

Brandy Toms, a paralegal with the City Legal Department, told the Board that the City solicited quotes for the purchase of Sodium Hypochlorite, a chemical required for the Waste Water Treatment Plant, in accordance with Indiana Code § 5-22-8-3. Toms provided this summary of the quotes received for the supply of Sodium Hypochlorite for the remainder of the 2023 calendar year:

- Haviland Products of Grand Rapids, Michigan – Did not provide a responsive and responsible quote.
- Olin Chemical of Lemont, Illinois – Did not provide a quote.
- Rowell Chemical Corp. of Hinsdale, Illinois – \$1.89 per gallon.
- Alexander Chemical Corp. of Peru, Illinois – \$1.889 per gallon

Toms said the only responsive and responsible quote received by the City for this chemical was from Rowell Chemical Corp. She recommended that the Board awarded the contract to Rowell Chemical Corp.

City Attorney Stegelmann noted that Alexander Chemical Corp. was disqualified because it would not agree to hold the price quoted until the end of the year, which was a specification by the City.

Nichols/Swartley moved to award the contract to Rowell Chemical Corp. as the lowest responsive and responsible quoter and authorize the issuance of a purchase order for the purchase of Sodium Hypochlorite at a cost of \$1.89 per gallon. Motion passed 4-0.

6) Legal Department: Resolution 2023-04, Interlocal Agreement with Elkhart County for Animal Control Services

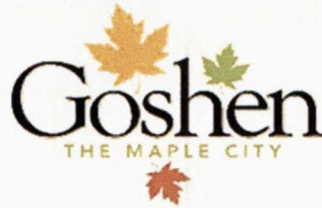
Shannon Marks, the Legal Compliance Administrator for the City Legal Department, presented to the Board Resolution 2023-04, an Interlocal Agreement with the County of Elkhart for animal control services.

Marks said the County has negotiated a contract with The Humane Society of Elkhart County, Inc. to provide animal shelter management and animal control services for 2023 for certain areas of the county, including the City of Goshen. Under this Interlocal Agreement, the City would contribute \$85,400 to reimburse the County for the cost to provide animal control services within the Goshen city limits.

In response to a question from the **Mayor**, **Marks** said the cost to the City will be the same as last year. In response to a question from **Board member Swartley** about who responds to calls involving animals, **Mayor Stutsman** said Humane Society staff members respond.

Nichols/Swartley moved to adopt Resolution 2023-04, Interlocal Agreement with Elkhart County for Animal Control Services. Motion passed 4-0.

7) Legal Department: Approve and authorize the Mayor to execute the agreement with Indiana Underground Plant Protection Services, Inc. d/b/a Indiana 811, for participation in the statewide underground utility locating and notification system



Assistant City Attorney Matt Lawson asked the Board to approve and authorize the Mayor to execute a Membership Agreement with Indiana Underground Plant Protection Services, Inc., d/b/a Indiana 811, for participation in the statewide underground utility locating and notification system established to reduce dig-in damage, periods of utility service disruptions, and the risk of injury to excavators and the public.

Lawson said Indiana 811 will be paid for utility location services per ticket submitted by the City which has historically been as much as \$800 per month.

In response to a question from the **Mayor** about whether this was a new agreement, **Superintendent of City Water Treatment and Sewer Department Kent Holdren** said that in the past the City has been billed for this service monthly and now a yearly contract has been prepared. He said some new capabilities also have been added. In response to a question from **Board member Landis**, **Holdren** responded that this service is used whenever the City or a resident needs to know the location of an underground utility.

Nichols/Swartley moved to approve and authorize the Mayor to execute the agreement with Indiana Underground Plant Protection Services, Inc., d/b/a Indiana 811, for participation in the statewide underground utility locating and notification system, which the City of Goshen will pay for per ticket which has historically been as much as \$800 per month. Motion passed 4-0.

8) Water & Sewer Department: Request to close intersection of East Washington and South 6th streets for repair/replacement of sewer manhole

Kent Holdren, Superintendent of City Water Treatment and Sewer Department, told the Board that the City Water and Sewer Department is repairing/replacing a sewer manhole that has caused the road to collapse, at the intersection of East Washington and South 6th streets. He said the work will require excavation of the road, with a trench that will be approximately 14 feet in depth.

For the safety of the work crews and the public, **Holdren** said this intersection was closed to thru traffic, starting 8 a.m. on Monday, Feb. 13 and will reopen to traffic on Friday evening, Feb. 17, 2023. City staff would notify Goshen Schools, EMS and ensure that the garbage is moved to the appropriate location for pick up.

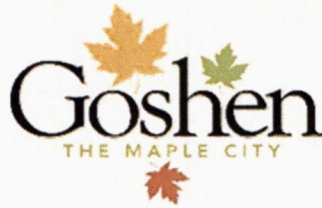
Nichols/Swartley moved to approve the closure of the intersection of East Washington and South 6th streets to thru traffic, starting 8 a.m. on Monday, Feb. 13 and reopening to traffic on Friday evening, Feb. 17, 2023. Motion passed 4-0.

9) Engineering Department: Request for temporary lane restrictions on Greene Road for the installation of fiber optic cable, Feb. 14 to Feb. 17, 2023

City Civil Traffic Engineer Josh Corwin told the Board that Baseline NXC has requested lane restrictions on Greene Road, between Clinton and Lincoln streets, for Feb. 14-17, 2023 for the installation of fiber optic cable. He said the lane restrictions will follow MUTCD guidance and will maintain one lane in each direction. He said Baseline will avoid lane restrictions during times of peak school-related traffic.

Mayor Stutsman said it would be OK by him that in the future fiber optic companies appear before the Board of Works to request street closures.

Nichols/Swartley moved to approve the lane restrictions on Greene Road from Feb.14 to Feb. 17, 2023 for the installation of fiber optic cable. Motion passed 4-0.



10) Engineering Department: Acceptance of drainage plan for the Parke North Second subdivision, located north of Kercher Road and west of Parke North Drive

City Director of Public Works & Utilities Dustin Sailor told the Board that in accordance with the City's Subdivision Control Ordinance No. 3196 Section 512 "Drainage Plan," the City Engineering Department has reviewed the drainage plan for Parke North Second, located north of Kercher Road and west of Parke North Drive (private). He said the drainage plan addresses the drainage needs of Lot 1 and Lot 1 only with a combination of inlet structures, conveyance pipes, and stormwater retention basins that will provide 0.326 acre-feet of storage. After due consideration of the proposed drainage plan, **Sailor** said the City Engineering Department recommended the Board's acceptance of the subdivision's drainage plan. **Sailor** said the record should show the City in no way guarantees the proposed drainage improvements will adequately function as designed by the developer's licensed professional. Additionally, the City accepts no liability in conjunction with the acceptance of the drainage plan. If the drainage plan's piping and or stormwater impoundments are found to underperform following construction, **Sailor** said the developer and/or property owner will be directed by the City to take remedial action.

Nichols/Swartley moved to accept the drainage plan for the Parke North Second subdivision, located north of Kercher Road and west of Parke North Drive. Motion passed 4-0.

11) Engineering Department: Approve and authorize the Board to execute the Agreement with Swan Bravo Indiana, LLC and Allen Edwin Homes for the Completion of the Construction Project at 1335 Sturgeon Point

City Director of Public Works & Utilities Dustin Sailor told the Board the City Stormwater Department is requesting the approval of an Agreement for the Completion of Construction for 1335 Sturgeon Point. He said the home has passed its final building inspection and the project is substantially complete except for exterior stabilization work, which cannot be completed at this time due to weather conditions.

Sailor said the property owner, Swan Bravo Indiana, LLC, and builder, Allen Edwin Homes, agree to complete all stabilization work by June 15, 2023. The expected cost of work is \$4,572.90 and a surety check for that amount has been remitted to the Clerk-Treasurer's Office.

Nichols/Swartley moved to approve and authorize the Board to execute the Agreement with Swan Bravo Indiana, LLC and Allen Edwin Homes for the Completion of the Construction Project at 1335 Sturgeon Point. The 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 2:22 p.m.

There were no comments, so **Mayor Stutsman** closed Privilege of the Floor.

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 2:22 p.m.



APPROVED:

A handwritten signature in black ink, appearing to be "J. Stutsman", written over a horizontal line.

Mayor Jeremy P. Stutsman

A handwritten signature in black ink, appearing to be "Michael A. Landis", written over a horizontal line.

Mike Landis, Member

A handwritten signature in black ink, appearing to be "Mary Nichols", written over a horizontal line.

Mary Nichols, Member

A handwritten signature in blue ink, appearing to be "Barb Swartley", written over a horizontal line.

Barb Swartley, Member

ATTEST

A handwritten signature in black ink, appearing to be "Richard R. Aguirre", written over a horizontal line.

Richard R. Aguirre, City of Goshen Clerk-Treasurer