

**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD  
MINUTES OF THE MARCH 6, 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. 27, 2023 Regular Meeting. Board member Mike Landis moved to accept the minutes of Feb. 27, 2023 meeting 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 Landis moved to approve the agenda as submitted. Board member Swartley seconded the motion. Motion passed 4-0.

**1) Organization request: The Goshen Historical Society requested sidewalk and parking space closures for a window replacement project at its museum on March 14 and 15, 2023**

On behalf of the Goshen Historical Society, **Mayor Stutsman** asked the Board to reserve five parking spaces in front of the museum at 124 S. Main Street for a window replacement project. The Mayor said **Ron Hoke, the society's board president**, notified him that he could not attend the meeting and asked the Mayor to advance the request. In a written request, **Hoke** indicated that the Historical Society has contracted with Quality Window and Door, Inc., to complete a window replacement of four second-floor windows that face Main Street above the museum. The work is scheduled to take place March 14 and 15, 2023, weather permitting.

**Hoke** wrote that five angled parking places in front of the museum would be used for the equipment needed for the project and the sidewalk in front of the spaces needed to be roped off to keep pedestrians out of the work area. He added that the City's arborist has been notified of the project and a planned tree pruning project downtown can be taken care of at the same time.

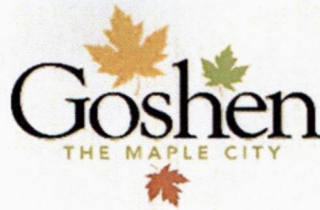
In response to a question from **Board member Landis**, the **Mayor** said the museum will make sure there is adequate room left for pedestrians to use the sidewalk during the window replacement work.

**Landis/Swartley** moved to approve the Goshen Historical Society's request to reserve five parking spaces and space on the sidewalk in front of its museum at 124 South Main Street for a window replacement project, March 14-15, 2023, weather permitting. Motion passed 4-0.

**2) Water & Sewer Business Office: Request for Sewer Relief – 25 The Willows – Shirley Truex**

**Shirley Truex**, a resident of 25 The Willows, asked the Board to be excused from paying sewer charges incurred because of a water leak caused by a broken water line under her mobile home unit that occurred Jan. 3-11, 2023. **Kelly Saenz, City Water & Sewer Utilities Business Office Manager**, told the Board that the Utility Office notified Truex of the leak on Jan. 5 and again on Jan. 11. After making contact with Truex, City staff determined the water did not flow into the sewer and she would qualify for sewer relief. Saenz reported that \$1,826.46 was billed for the sewer service period Dec. 1-Jan. 1 and \$1,563.96 was billed for Jan. 1-Feb. 1. The normal monthly charge: \$49.49





**Saenz** told the Board that the City was recommending that the Board grant **Truex's** request for sewer relief in the amount of \$3,291.44. **Saenz** confirmed that the water didn't flow into the sewer system.

**Saenz** said staff also was recommending a further bill adjustment for the increased water usage, but that separate action would need to be taken to make that possible. **Mayor Stutsman** confirmed the City could approve the sewer relief today and later consider a reduction in the water bill. **Saenz** said the City could also prevent any late fees.

**Board member Swartley** said she would support a reduction in the water bill.

**Swartley** asked why it took so long to repair the leak. **Truex** said she missed the City's first call on Jan. 5 and only learned about the leak on Jan. 11. **Board member Landis** said he believes it should be possible for the City to use an automated system to notify people about water leaks earlier.

**After clarifying the motion with the City Attorney, Landis/Swartley moved to grant Shirley Truex's request for sewer relief in the amount of \$3,291.44 and that at the March 13 meeting, the Board will consider granting some relief for the water bill. Motion passed 4-0.**

### **3) Redevelopment Department: Request for Approval of an Interlocal Agreement with Elkhart County for the Reclamation of CR 33 from CR 36 to CR 38**

**City Redevelopment Director Becky Hutsell** informed the Board that last spring the City entered into an agreement with Elkhart County to jointly fund the reclamation of County Road 33 from County Road 36 to County Road 38. She said the City helped pay for the work because County Road 33 was planned to function as the designated detour route for County Road 31 during the construction for the East College Avenue Industrial Park.

**Hutsell** said that while both the Redevelopment Commission and the City Council approved the Interlocal Agreement, City staff failed to bring the agreement to the Board for the final City approval. She said that while the project is already complete and the Redevelopment Department has funded the city's portion of the work, she was bringing the agreement to the Board for an "after the fact" approval to obtain the final approval for the agreement.

**Landis/Swartley moved to approve the Interlocal Agreement with Elkhart County for the reclamation of County Road 33, from County Road 36 to County Road 38. Motion passed 4-0.**

### **4) Legal Department: Baker Tilly Scope of Work Agreement for Tyler ERP Pro 10 Financial Management Suite (Incode 10) Migration Assistance**

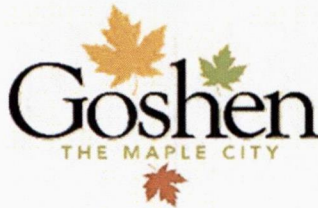
**Assistant City Attorney Matt Lawson** said that attached to the Board's meeting packet for the Board to authorize and for Mayor Stutsman to execute was a Scope of Work agreement with Baker Tilly US, LLP for assistance relating to the migration to the Tyler ERP Pro 10 Financial Management Suite (Incode 10) system.

**Lawson** said that with this scope of work agreement, Baker Tilly consultants will work with City staff on upgrading to ERP 10, provide support in updating/reworking the City's current and proposed processes, and will work as an advocate with Tyler Technologies on the City's behalf.

**Lawson** said Tyler Technologies will provide implementation support on "installing" and "updating" the system, but it is a national company that is not as familiar with Indiana's State Board of Accounts accounting and records requirements. While the attached scope of work agreement provides four particular tasks to be accomplished, the City is most interested in the "Working Session Participation" in which consultants will review the City's system processes and find more efficient financial and communication processes to implement in the City's offices.

**Lawson** said the agreement breaks down the costs over three years, between City/Utilities, and the portion of the current contract allocated to this project. The cost: \$234,975 over a three-year period.





**Lawson** said a portion of these fees will be covered by the existing contractual agreement between the City and Baker Tilly.

**Landis/Swartley** moved to approve and authorize Mayor Stutsman to sign the Scope of Work agreement with Baker Tilly US, LLP, for Tyler ERP Pro 10 Financial Management Suite (Incode 10) Migration Assistance at a not-to exceed cost of \$234, 975 over the next three years, with a portion of these fees being covered by the existing contractual agreement between the City of Goshen and Baker Tilly. Motion passed 4-0.

**5) Legal Department: Agreement with Baker Tilly US, LLP to conduct an executive search for a Utilities City Engineer**

**Brandy Toms, a paralegal with the City Legal Department,** said that attached to the meeting packet for the Board's approval and for Mayor Stutsman to execute was an agreement with Baker Tilly US, LLP to conduct an executive search for a Utilities City Engineer.

**Toms** said that Baker Tilly will perform the following tasks in a 4-Phase structure under this agreement:

**Phase 1:** Task 1 – Develop the candidate profile and define the advertising and marketing strategy. Task 2 – Identify qualified candidates that meet the profile

**Phase 2:** Task 3 – Screen and submit list of recommended semi-finalists to client. Task 4 – Conduct reference checks, and academic verifications. A criminal and/or credit history report if requested by City at this phase.

**Phase 3:** Task 5 – Final process/interviews with finalists. Task 6 – Assist Client in making offer, which may be made contingent upon the successful completion of a background check as specified by City.

**Conclusion:** Acceptance of a job offer by a candidate.

**Toms** said Baker Tilly will remain on the project until a candidate is hired and be paid \$26,950 for this service.

**Mayor Stutsman** said that this is the first time the City will use this service to fill a position. He said it is being used because the City has been unable to hire an engineer and assistance is needed. The Mayor said that if the person hired leaves after less than a year, Baker Tilly will repeat the search with no additional costs to the City. In response to questions from **Board member Landis**. The **Mayor** clarified some of Baker Tilly's tasks. He also said that if this process works well, it could be repeated for other City positions that prove difficult to fill.

**Landis/Swartley** moved to approve and authorize Mayor Stutsman to execute the agreement with Baker Tilly US, LLP to conduct an executive search for a Utilities City Engineer at a cost of \$26,950. Motion passed 4-0.

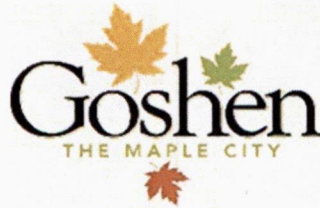
**6) Legal Department: Agreement with Precise Builders for the construction of a 60x20x16 pole barn addition to the City's cold storage facility at the Street Department**

**Brandy Toms, a paralegal with the City Legal Department,** said that attached to the meeting packet for the Board's approval and for Mayor Stutsman to execute was an agreement with Precise Builders of Shipshewana for the construction of a 60x20x16 pole barn addition to the City's cold storage facility. She said Precision Builders will be paid \$19,840 for the work and have a deadline of May 1, 2023 in which to have the project completed.

**Landis/Swartley** moved to approve and authorize Mayor Stutsman to execute the agreement with Precise Builders for the construction of a 60x20x16 pole barn addition to City's cold storage facility at a cost of \$19,840 with a completion by date of May 1, 2023. Motion passed 4-0.

**7) Legal Department: South Bend Elkhart Regional Partnership and Affiliate's Community Service Funds Agreement**





**Brandy Toms, a paralegal with the City Legal Department,** said that the City of Goshen has various community service organizations that provide services or programs to 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. She said these organizations are subject to an application process requiring specific documentation regarding their organization, including a detailed description of how these funds will be used.

**Toms** said the South Bend-Elkhart Regional Partnership is one such community service organization that has applied for these funds. She said the partnership has requested \$2,750 to help with regional economic development strategies. She said the partnership has provided all the required information and an agreement is now being brought before the Board for consideration and approval.

**Board member Landis** asked what work the partnership was doing for the City. **Mayor Stutsman** said it is working on regional economic development and consults with him and City staff during the year.

**Landis/Swartley** moved that the City of Goshen approve, and authorize Mayor Stutsman to execute the agreement with South Bend -Elkhart Regional Partnership designating the sum of \$2,750 to support the project or projects outlined in its submitted application. Motion passed 4-0.

#### **8) Legal Department: Agreement with Eyedart Creative Studio for the Good of Goshen 2023 Marketing Campaign**

**Brandy Toms, a paralegal with the City Legal Department,** said that attached to the meeting packet for the Board's approval and for Mayor Stutsman to execute was an agreement with Eyedart Creative Studio for the Good of Goshen 2023 Marketing Campaign. She said Eyedart Creative Studio will be paid \$50,080 for these services.

**Mayor Stutsman** said this will be the 10<sup>th</sup> year of funding for this initiative and that the Goshen Chamber of Commerce and the Elkhart County Convention and Visitors Bureau will be contributing to the campaign this year.

**Landis/Swartley** moved to approve and authorize Mayor Stutsman to execute the agreement with Eyedart Creative Studio, for the Good of Goshen 2023 Marketing Campaign at a cost of \$50,080. Motion passed 4-0.

#### **9) Legal Department: Resolution 2023-09 – Authorizing the Purchase of 2 single axle dump trucks**

**Brandy Toms, a paralegal with the City Legal Department,** said that attached to the packet for the Board's approval was Resolution 2023-09, *Authorizing the Purchase of two (2) single axle dump trucks with equipment.*

**Toms** said the City solicited for this purchase under Solicitation Number B-2022-006 in December 2022. However, the City did not receive any offers. She said Indiana Code 5-22-10-10 allows City to make a special purchase when another purchasing method described in Indiana Code 5-22 has failed to produce a responsive offer.

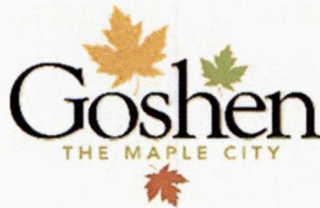
**Toms** said the City obtained a quote from Truck Centers, Inc., meeting the City's detailed specifications, for the total sum of \$410,892, for both trucks – 2024 or newer Freightliner Model 108SD Plus, 44,000# GVW Single Axle Chassis with Equipment by W.A. Jones Equipment Company.

**Landis/Swartley** moved to pass and adopt Resolution 2023-09, *Authorizing the Purchase of two (2) single axle dump trucks with equipment* from Truck Centers, Inc. for the sum of \$410,892.00. Motion passed 4-0.

#### **10) Legal Department: Resolution 2023-10 – Approving Certain New or Revised City of Goshen Police Department Policies and Repealing Certain Policies**

**City Attorney Bodie Stegelmann** reported that the Board previously approved City of Goshen Police Department Policies developed in coordination with Lexipol, LLC.





**Stegelmann** said the Police Department and Lexipol, LLC staff have identified certain, additional revisions to policies, and developed new policies, deemed appropriate due to legislative or other changed circumstances.

**Stegelmann** said that attached to Resolution 2023-10 were redlined policies to show the revisions made with the exception of Policies 104, 208, 506, 608, 806, and 1025, which are new policies. If Resolution 2023-10 was approved, he said the redline markings would be removed and the policies would be put in final form.

**By the Board's passage of Resolution 2023-10, the following revised or new policies were approved:** 104 Code of Ethics (new); 202 Training; 208 Emergency Management Plan Procedures (new); 303 Control Devices; 304 Electronic Control Devices; 306 Firearms; 307 Vehicle Pursuits; 311 Domestic or Family Violence; 312 Search and Seizure; 427 Medical Aid and Response; 500 Traffic; 506 Traffic Procedures (new); 603 Confidential Sources; 608 Collection and Preservation of Evidence (new); 800 Evidence Room; 802 Records Maintenance and Release; 806 Cybersecurity (new); 900 Temporary Custody of Adults; 901 Temporary Custody of Juveniles; 1000 Recruitment and Selection; 1007 Personnel Complaints; 1008 Body Armor; 1025 Recruitment Plan (new); and 1026 Drug and Alcohol Screening Procedure (new).

**In addition, by the passage of Resolution 2023-10, the following current policies were repealed:** 202 Training; 303 Control Devices; 304 Electronic Control Device; 307 Vehicle Pursuits; 311 Domestic and Family Violence; 312 Search and Seizure; 427 Medical Aid and Response; 500 Traffic; 603 Confidential Sources; 800 Evidence Room; 802 Records Maintenance and Release; 900 Temporary Custody of Adults; 901 Temporary Custody of Juveniles; 1000 Recruitment and Selection; 1007 Personnel Complaints; and 1008 Body Armor.

**Landis/Swartley moved to approve Resolution 2023-10, *Approving Certain New or Revised City of Goshen Police Department Policies and Repealing Various Policies*, effective March 13, 2023. Motion passed 4-0.**

**11) Engineering Department: ESRI – Small Enterprise Agreement for GIS Software Services (JN: 2022-0027)**

**City Director of Public Works & Utilities Dustin Sailor** told the Board that the City is under contract with the Environmental Systems Research Institute (ESRI) for licensing of Geographic Information Systems (GIS) software that supports day-to-day tasks of multiple City departments. The current agreement expires May 20, 2023.

**Sailor** said the new contract for a Small County and Municipality Government Enterprise Agreement (SGEA) is nearly identical in its scope of services and maintains this year's annual price of \$38,500 for the next three years.

**Sailor** said ESRI's GIS system is used for tracking the location and condition of City assets and supports asset management workflows that allow for smooth communication between field crews and office staff.

**Landis/Swartley moved to approve and authorize the Mayor to sign the Small Enterprise Agreement with the Environmental Systems Research Institute (ESRI) for licensing of GIS software. Motion passed 4-0.**

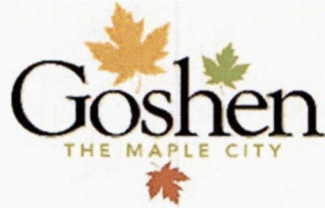
**Privilege of the Floor (opportunity for public comment for matters not on the agenda):**

**Mayor Stutsman opened Privilege of the Floor at 2:36 p.m. There were no public comments.**

**Approval of Civil City and Utility Claims**

**As all matters before the Board of Public Works & Safety were concluded, Mayor Stutsman 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 2:37 p.m.**

**APPROVED:**

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**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 black ink, appearing to be "Barb Swartley", written over a horizontal line.

**Barb Swartley, Member**

**ATTEST**

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

**Richard R. Aguirre, City of Goshen Clerk-Treasurer**