

**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD
MINUTES OF THE MARCH 27, 2023 REGULAR MEETING**

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

Present: Mayor Jeremy Stutsman, Mary Nichols and Barb Swartley

Absent: Mike Landis

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

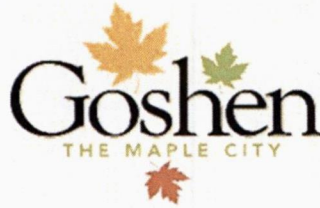
REVIEW/APPROVE MINUTES: Mayor Stutsman presented the minutes of the March 20, 2023 Regular Meeting. Board member Mary Nichols moved to approve the minutes of the March 20, 2023 meeting as presented. The motion was seconded by Board member Barb Swartley. Motion passed 3-0.

REVIEW/APPROVE AGENDA: Mayor Stutsman presented the meeting agenda with added agenda item 15) *Engineering Department: Approval to close College Avenue near Horn Ditch Bridge, April 10 until July 14, 2023.* Board member Nichols moved to approve the agenda as suggested. Board member Swartley seconded the motion. Motion passed 3-0.

1) Fire Department: Approve promotion of Jonathan M. Weishaupt to Fire Sergeant, effective April 2, 2023
Goshen Fire Department Chief Dan Sink told the Board that **Jonathan M. Weishaupt** has passed all of the required tests and standards for promotion to the rank of Fire Sergeant. He asked the Board to approve the promotion of Weishaupt to Sergeant for the Goshen Fire Department, effective, April 2, 2023.
Nichols/Swartley moved to approve the promotion of Jonathan M. Weishaupt to the rank of Fire Sergeant for the Goshen Fire Department, effective April 2, 2023. Motion passed 3-0.
After Board approval, Mayor Stutsman swore Jonathan M. Weishaupt into office as a Goshen Fire Sergeant.

2) Fire Department: Approve promotion of Garrett T. Sheline to Fire Lieutenant, effective April 2, 2023
Goshen Fire Department Chief Dan Sink told the Board that **Garrett T. Sheline** has passed all of the required tests and standards for promotion to the rank of Fire Lieutenant. He asked the Board to approve the promotion of Sheline to Lieutenant for the Goshen Fire Department, effective, April 2, 2023.
Nichols/Swartley moved to approve the promotion of Garrett T. Sheline to the rank of Fire Lieutenant for the Goshen Fire Department, effective April 2, 2023. Motion passed 3-0.
After Board approval, Mayor Stutsman swore Garrett T. Sheline into office as a Goshen Fire Lieutenant.

3) Fire Department: Approve retirement of Lieutenant Mike Bontrager, effective April 1, 2023
Goshen Fire Department Chief Dan Sink told the Board that after 27 years of dedicated service to the Goshen community, **Lieutenant Mike Bontrager** has submitted his letter of intent to retire, effective April 1, 2023. He asked that the Board affirm Bontrager's retirement.



Chief Sink added, "We have enjoyed our years of working together with Lieutenant Bontrager and we thank him for his many contributions to GFD. We would like to wish Mike and Jane the very best in their new endeavors."

Mayor Stutsman echoed **Chief Sink's** comments and said he appreciated **Lieutenant Bontrager's** service.

Nichols/Swartley moved to accept **Lieutenant Mike Bontrager's** retirement from the Goshen Fire Department, effective April 1, 2023. Motion passed 3-0.

4) Police Department: Approve Conditional Offer of Employment to Seth D. Bayes as a probationary officer
Shannon Marks, the Legal Compliance Administrator for the City Legal Department, recommended that the Board extend a conditional offer of employment to **Seth D. Bayes**, as well as approve the attached Conditional Offer of Employment Agreement, and authorize the Mayor, or the Deputy Mayor in the Mayor's absence, to execute the agreement on behalf of the City and the Board.

Marks said the agreement sets forth the conditions that Bayes must meet prior to beginning employment with the Police Department as a probationary patrol officer, 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. The agreement also provides for payment of a hiring bonus. She said the Police Department will request that the Board confirm the offer of employment when a position opening becomes available.

In a memo to the Board, **Marks** wrote that the eligibility prerequisites set forth in collective bargaining agreement have been formally waived by the FOP. **Bayes** has completed the Tier I basic training requirements, has been employed with another Indiana law enforcement agency for at least one year within the last 24 months, and is a first-time employee of the Goshen Police Department.

Nichols/Swartley moved to extend a conditional offer of employment to **Seth D. Bayes** as a probationary patrol officer, approve the Conditional Offer of Employment Agreement with Bayes, which includes the payment of a hiring bonus, and authorize the Mayor, or the Deputy Mayor in the Mayor's absence, to execute the agreement. Motion passed 3-0.

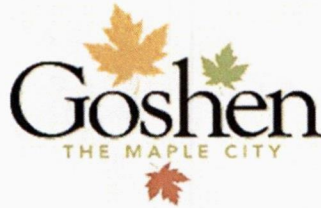
5) St. John the Evangelist Catholic Church request: Approval for permission to block part of 3rd Street, Monroe Street and the adjacent alley, from 2-6 p.m. on April 7, 2023, for a church procession

Jonathan Evangelista, a Pastoral Associate for St. John the Evangelist Catholic Church, told the Board that the church is planning its annual Reenactment of the Lord's Passion (Viacrucis) on Good Friday, April 7, 2023. He said this event allows parishioners to come together for fellowship and witness the reenactment.

Evangelista said the Viacrucis will be held on the grounds of St. John (school parking lot), and will be processing through Third Street, Monroe Street, and the alley between the school and the church. In order to safely allow parishioners to enjoy the Viacrucis, he asked the Board's permission to block part of Third Street, Monroe Street, and the alley from 2-6 p.m. on April 7, 2023. There were no City staff responses to the church's request.

Nichols/Swartley moved to allow **St. John the Evangelist Catholic Church** to block part of Third Street, Monroe Street, and the adjacent alley from 2-6 p.m. on April 7, 2023. Motion passed 3-0.

6) Legal Department: Agreement with Bornttrager, Inc. for the City Hall re-roofing with a Duro-Last Membrane
Brandy Toms, a paralegal with the City Legal Department, told the Board that attached for the Board's approval and authorization for Mayor Stutsman to execute was an agreement with Bornttrager, Inc. of Goshen for the reeroofing of City Hall with a Duro-Last Membrane. She said Bornttrager, Inc. will be paid \$4,658 for this service.



The agreement specifies that Bortrager Inc. will perform the following duties:

- (A) Remove and dispose of existing roofing and debris;
- (B) Inspect existing decking for any water damage. Replacement of any damaged decking will be done at an additional cost of \$7.50 per square feet upon prior inspection and approval from City;
- (C) Install .50 white Duro-Tuff single-ply roofing over 2.6" (R-15) rigid Isocyanurate insulation board mechanically fastened to existing deck per manufacturer's specifications and details;
- (D) Install white Duro-Last flashing on adjoining wall; terminated 12" from deck;
- (E) Install Duro-Last pre-fabricated flashing on all roof penetrations as needed;
- (F) Install 4" 24-gauge prefinished Kynar coated metal fascia around exterior perimeter matching existing Terra Cotta tile roofing'
- (G) Install all necessary termination bar and accessories as needed;
- (H) Clean premises of all roofing scraps and debris created by this project.

Nichols/Swartley moved to approve and authorize Mayor Stutsman to execute the agreement with Bortrager, Inc., for the reroofing of City Hall with a Duro-Last Membrane. Motion passed 3-0.

7) Legal Department: Award the contract to Automate LLC, as the lowest responsible and responsive offeror, for the installation, configuration and startup of programmable logic controllers for \$108,000

Brandy Toms, a paralegal with the City Legal Department, told the Board that earlier in March the City received sealed quotes for the installation, configuration and startup of new programmable logic controllers (PLCs). The work will involve the upgrade of the existing Allen Bradley Control Logix PLCs on 15 control systems throughout the City Water Treatment and Sewer Department.

Toms said the following were the quotes received:

- Automate, Inc. of Elkhart – \$108,000.
- Donohue & Associates, Inc. of Fort Wayne – \$129,000.
- Kendall Electric, Inc. of Fort Wayne – \$117,627.31.

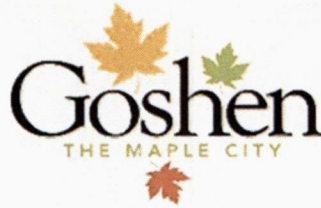
Toms recommended that the Board award the contract to Automate LLC as the lowest responsible and responsive offeror for the installation, configuration and startup of upgraded programmable logic controllers at a cost of \$108,000 and authorize Mayor Stutsman to execute the same.

Nichols/Swartley moved to award the contract to Automate LLC as the lowest responsible and responsive offeror for the installation, configuration and startup of upgraded programmable logic controllers at a cost of \$108,000 and authorize Mayor Stutsman to execute the same. Motion passed 3-0.

8) Water & Sewer Business Office: Request to grant sewer relief to Adriana Salazar, 911 South 15th Street

Kelly Saenz, Manager of the Goshen City Utilities Office, said attached to the meeting packet was a letter from Adriana Salazar of 911 South 15th Street, in Goshen requesting sewer relief from a water leak caused by broken water line within her home. Ms. Salazar also requested the late fee of \$59.46 be included in this relief.

In a memo to the Board, **Saenz** wrote that the leak occurred Dec, 26, 2022 to Jan. 7, 2023. The repair has since been made. She indicated that the Utility Office attempted to notify Ms. Salazar of her water leak on Dec. 29, 2022. Upon making contact with the customer, the City Water & Sewer office was able to determine the water did not flow into in the sewer and therefore, would qualify for sewer relief.



Saenz said the total amount of credit to the customer for this leak is as follows: Dec. 15 to Jan. 15, total sewer billed was \$817.98; sewer average bill, \$ 24.75; and total amount of credit, \$793.23.

In response to a question from **Mayor Stutsman**, **Saenz** said staff has already granted Ms. Salazar \$500 of relief.

Nichols/Swartley moved to grant **Adriana Salazar's** request for additional sewer relief in the amount of \$293.23 plus a \$59.46 late fee for a total amount of \$352. 69. Motion passed 3-0.

9) Engineering Department: Approve the closure of the pedestrian path and the northbound turn lane of Indiana Avenue, between Plymouth Avenue and the Indiana Avenue Apartments entrance, from March 29, 2023 until April 5, 2023, depending on the weather

City Director of Public Works & Utilities Dustin Sailor said that on March 20, the Board granted Ancon Construction permission to close the pedestrian path and the northbound turn lane of Indiana Avenue, between Plymouth Avenue and the entrance to the Indiana Avenue Apartments, from March 29 until April 1.

Sailor said that after further review, the contractor was asking that the pedestrian path and turn lane closure be extended through April 5, 2023 in case there is a weather delay.

As previously indicated, the schools will be on spring break while the work is being performed. Work during this period will include the removal of seven failed sidewalk panels and replacing them with new panels. Northbound traffic will still have access on Plymouth Avenue.

Nichols/Swartley moved to approve the closure of the pedestrian path and the northbound turn lane of Indiana Avenue between Plymouth Avenue and the entrance to the Indiana Avenue Apartments to be weather dependent and extend the time frame from March 29 until April 5, 2023. Motion passed 3-0.

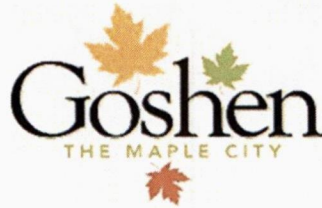
10) Engineering Department: Consider four Traffic Commission signage recommendations

City Civil Traffic Engineer Josh Corwin said that at its past two meetings, the City Traffic Commission gave positive recommendations to the Board of Works and Safety for the following items as outlined in a March 24 Engineering Department memorandum to the Board:

1. Place full size "No Parking" signs near the intersection of Bridge Street and N 8th Street. The Engineering Department has received a request from the Police Department to revisit the parking restrictions near the intersection of Bridge Street and N 8th Street. Drivers continue to disregard the "No Parking" signs and parking remains an issue in the area. It has been noted that the size of the signs may be too small to be noticed by some.

2. Place a "No Outlet" sign on Park Meadows north of the intersection with Hay Parkway. The Engineering Department has received a request for the placement of a "No Outlet" sign on Park Meadows north of the intersection with Hay Parkway as a result of numerous vehicles, such as large delivery trucks, attempting to access Plymouth via Park Meadows Drive and having to turn around in the cul-de-sac. The Engineering Department supported this request.

3. Place additional stop signs to make the intersection of Park West Drive and Pringle Drive an all-way stop. The Engineering Department has received a resident request to place speed limit signs at the entrances to the Park West subdivision at each end of Park West Drive, plus additional signs in the middle of the subdivision and along Pringle Drive. The resident also would like to make the intersection of Park West and Pringle an all-way stop. The resident feels the subdivision is being used as a "cut through" by non-residents of the subdivision and many of motorists are speeding in the process.



Staff opinion: As is usually noted with these requests, the placement of additional speed limit signs and unwarranted stop signs typically have little long-term impact on the corridor travel speed. Staff would support the placement of a limited number of speed limit signs. While the all-way stop would likely not have a significant impact on speeds, it would increase the travel time in the corridor and may deter non-resident drivers from attempting to use the subdivision as a "cut through."

4. Place two "No Outlet" signs on Braxton Court, one on each entrance leg to the cul-de-sac. In October, the commission considered a request for the placement of "No Outlet" signs at the entrance to the cul-de-sacs in the Larimer Greens subdivision and the item was tabled at that time. Since that meeting, the Engineering Department has received additional calls and emails in support of the placement of the signs. It has also been confirmed since the previous meeting that there are two "No Outlet" signs currently at the east cul-de-sac, Bainbridge Place. Therefore, the request is clarified to only be for two new signs at the entrance to the Braxton Court cul-de-sac. Staff Opinion: Staff would support the placement of "No Outlet" signs at the cul-de-sac entrances.

Nichols/Swartley moved to approve the four recommendations referenced in the Engineering Department memorandum dated March 24, 2023 regarding the placement of multiple signs. Motion passed 3-0.

11) Engineering Department: Approve the agreement with McCrite Milling & Construction Co., Inc. for the 2023 City Street Department Milling Package project in the amount of \$19,005

City Director of Public Works & Utilities Dustin Sailor told the Board that on March 9 and 12, 2023, the City received proposals for the above referenced project. Following are the results:

- McCrite Milling & Construction Co., Inc. - \$19,005.
- Specialties Company - \$25,159

Sailor said the Engineering Department was requesting that the Board award the contract to McCrite Milling & Construction Co., Inc. as the lowest responsive and responsible quoter.

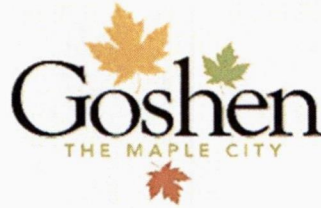
Nichols/Swartley moved to approve the agreement with McCrite Milling & Construction Co., Inc. for the 2023 Street Department Milling Package project in the amount of \$19,005. Motion passed 3-0.

12) Engineering Department: Approve and authorize the Board to execute the Agreement with Genesis Products, Inc. and Nuway Construction for the Completion of the Construction Project at 1778 Eisenhower Drive South

City Director of Public Works & Utilities Dustin Sailor told the Board that the Stormwater Department was requesting the approval of an agreement for the Completion of Construction for 1778 Eisenhower Drive South. The building has passed its final building inspection and the project is substantially completed except for exterior stabilization work, planting all required landscaping at the site, installation of final layer of hard surface for the parking lot, removal of the old drive and installation of new drive. This work cannot be completed due to weather conditions.

Sailor said the property owner, Genesis Products, Inc., and the builder, Nuway Construction, agree to complete all listed work by June 15, 2023. The expected cost of work is \$242,663 and a surety in the form of a letter of credit 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 Genesis Products, Inc. and Nuway Construction for the Completion of the Construction Project at 1778 Eisenhower Drive South. Motion passed 3-0.



13) Engineering Department: Approve and authorize the Mayor to sign Change Order No. 4 for the Wilden Avenue Reconstruction project, increasing the contract amount by \$134,090, for a revised contract amount of \$7,112,620.83

City Civil Traffic Engineer Josh Corwin told the Board that attached to the meeting packet was Change Order No. 4 for the contract with Rieth-Riley for the Wilden Avenue Reconstruction project. This change order is for additional costs expected for water main backfill material.

Corwin said that during the course of the project it was discovered that, due to an error in the project specifications, the costs for INDOT Structure Backfill, Type 1, were not incorporated into the cost for installing the water main. As the in-situ material is not expected to be suitable for use as backfill, Structure Backfill will be required for water main construction.

Corwin said Engineering staff and the City's project inspection consultant, DLZ, negotiated a reduced price for the water main backfill material. Change Order No. 4 increases the contract price by \$134,090.00 (1.93% of the original contract amount) making the current contract amount \$7,112,620.83. No time is being added as part of this change.

Summary:

Original contract amount	\$6,965,019.56
Change Order No. 1	\$ 1,221.51
Change Order No. 2	\$ 12,289.76
Change Order No. 4	\$ 134,090.00
Revised contract amount	\$7,112,620.83

Nichols/Swartley moved to approve and authorize the mayor to sign Change Order No. 4, increasing the contract amount by \$134,090.00, for a revised contract amount of \$7,112,620.83. Motion passed 3-0.

14) Engineering Department: Approve and authorize the Mayor to sign Change Order No. 5 for the Wilden Avenue Reconstruction project, increasing the contract amount by \$30,888, for a revised contract amount of \$7,143,508.83

City Civil Traffic Engineer Josh Corwin told the Board that attached the meeting packet was Change Order No. 5 for the contract with Rieth-Riley for the Wilden Avenue Reconstruction project. This change order is for costs related to the addition of water service taps to the project. Corwin said according to the original project specifications, the City was responsible for making all water service taps to the new water main. However, Goshen Water Department crews typically do not install taps when on a new water main is under construction.

Corwin said Change Order No. 5 increases the contract price by \$30,888.00 (0.44% of the original contract amount) making the current contract amount \$7,143,508.83. No time is being added to the contract for this change.

Summary:

Original contract amount	\$6,965,019.56
Change Order No. 1	\$ 1,221.51
Change Order No. 2	\$ 12,289.76
Change Order No. 4	\$ 134,090.00
Change Order No. 5	\$ 30,888.00
Revised contract amount	\$7,143,508.83

Nichols/Swartley moved to approve and authorize the mayor to sign Change Order No. 5, increasing the contract amount by \$30,888.00, for a revised contract amount of \$7,143,508.83. Motion passed 3-0.



15) Engineering Department: Approve the closure of College Avenue, near Horn Ditch Bridge, from April 10 to July 14, 2023

City Director of Public Works & Utilities Dustin Sailor told the Board that Niblock Excavating has requested permission to close College Avenue on either side of Horn Ditch bridge (Bridge No. 410). The road will be closed from Monday, April 10 until Friday, July 14, 2023.

Sailor said the road will be open during the Elkhart County Fair. He said a short closure may be required after the Fair. Niblock Excavating requested this closure in order to complete planned utility relocations in preparation for the Elkhart County replacement of Bridge No. 410.

Sailor said a traffic control plan was attached to the memo submitted today to the Board. Sailor said the Engineering Department will be monitoring the closure. He added that Century Drive will be the primary access road for nearby businesses.

Nichols/Swartley moved to approve the closure of College Avenue near Horn Ditch Bridge, from April 10 until July 14, 2023. Motion passed 3-0.

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

Mayor Stutsman opened Privilege of the Floor at 2:23 p.m. There were no comments.

Approval of Civil City and Utility Claims

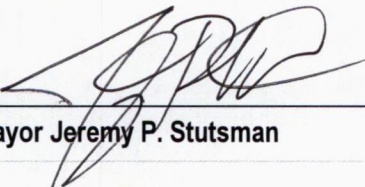
As all matters before the Board of Public Works & Safety were concluded, **Mayor Stutsman/Board member Swartley** moved to approve Civil City and Utility claims and adjourn the meeting. Motion passed 3-0.

Adjournment

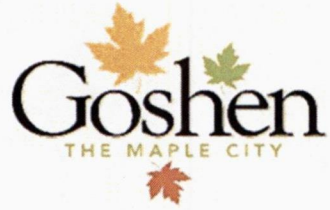
Mayor Stutsman adjourned the Board of Works meeting at 2:24 p.m.

EXHIBIT #1: Memorandum, dated March 27, 2023, which was prepared and circulated at the meeting by the Engineering Department for added agenda item 15) Engineering Department: Approve the closure of College Avenue, near Horn Ditch Bridge, from April 10 to July 14, 2023. Attached to the memorandum was a color map showing the closure and the detour route.

APPROVED:



Mayor Jeremy P. Stutsman



Michael A Landis

Mike Landis, Member

Mary Nichols

Mary Nichols, Member

Barb Swartley

Barb Swartley, Member

ATTEST

Richard R. Aguirre

Richard R. Aguirre, City of Goshen Clerk-Treasurer