



**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD  
MINUTES OF THE JULY 10, 2023 REGULAR MEETING**

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

**Present:** Mayor Gina Leichty, Mike Landis, Mary Nichols, and Barb Swartley

**Absent:** none

**CALL TO ORDER:** Mayor Gina Leichty called the meeting to order at 2:00 p.m. She introduced Katy Sonner, who will serve as the Mayor's executive assistant.

**REVIEW/APPROVE MINUTES:** Mayor Leichty presented the minutes of the June 26, 2023 Regular Meeting. Board Member Mike Landis 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 Leichty presented the meeting agenda as submitted by the Clerk-Treasurer's Office. Board member Landis moved to approve the agenda as presented. Board member Nichols seconded the motion. Motion passed 4-0.

**1) Goshen Painter's Guild request: Placement of a Free Little Art Gallery at Main and Washington streets in downtown Goshen**

Linda Wilson, a member of the Goshen Painter's Guild, who also rents space at the Painted Finch Gallery on East Washington Street, and several artist members submitted a request for the Board's permission to place a Free Little Art Gallery (FLAG) in downtown Goshen. These small wooden artist boxes are being installed in many cities. In her written request, Wilson indicated that she has a donor willing to build the small gallery and donate the materials. Wilson is seeking approval for the Free Little Art Gallery to be installed in one of the planters at the corner of Washington Street and Main Street. Wilson said the project's goal "is to provide small pieces of art to anyone who wishes to choose one and also to accept small pieces of art for sharing from the public."

Mayor Leichty said she spoke to Linda Wilson earlier in the day and recommended that Wilson confirm acceptance of the proposed location for the Free Little Art Gallery with the board of the Downtown Economic Improvement District, which maintains the planters. The Mayor said that once the board confirms the location, Wilson will bring her request back to the Board of Works. She asked if there was a motion to table the request.

Landis/Nichols moved to table the Goshen Painter's Guild request to a later date. Motion passed 4-0.

**Ken Beachy request: Utilities extension to 513 S. Winter Avenue**

Mayor Leichty observed that Ken Beachy of 513 South Winter Ave. in Goshen, who requested that the Board approve the extension of City utility services to a second primary structure, was not present. So, Mayor Leichty indicated that the matter would be considered later in the meeting to allow Beachy time to arrive.

**2) Legal Department: Award contract to C.E. Hughes Milling, Inc., dba the Airmarking Co., as the lowest responsible and responsive quoter and authorize Mayor Liechty to execute the agreement for the 2023 Line Striping Project at an estimated cost of \$90,000**

Brandy Toms, a paralegal with the City Legal Department, told the Board that the City recently solicited quotes for the 2023 line striping project in accordance with Indiana Code § 5-22-8-3.



**Toms** said the only responsive and responsible quote received was from C.E. Hughes Milling, Inc., doing business as the Airmarking Co., at Twenty-Five Cents per linear foot for yellow line painting and Twenty-Five Cents per linear foot for white line painting. The estimated cost of this project is \$90,000.

**Landis/Nichols** moved to award a contract to C.E. Hughes Milling, Inc., dba the Airmarking Co., as the lowest responsible and responsive quoter and authorize Mayor Liechty to execute the agreement for the 2023 Line Striping Project at an estimated cost of \$90,000 Motion passed 4-0.

**3) Legal Department: Approve and authorize Mayor Leichy to execute the agreement with Martec General Construction for renovations to 1402 W. Wilden Ave. at a cost of \$32,000**

**Brandy Toms, a paralegal with the City Legal Department,** told the Board that the City purchased a building at 1402 W. Wilden Avenue to be utilized, in part, for storage space for the Utilities and Clerk Treasurer's offices.

**Toms** said some renovations need to be made to this building to comply with City Building Code and for better utilization of the space. Attached to the meeting packet for the Board's approval and to authorize Mayor Leichy to execute was an agreement with Martec General Construction for renovations at 402 W. Wilden Ave. Martec General Construction will be paid \$32,000 for these renovations.

**Landis/Nichols** moved to approve and authorize Mayor Leichy to execute the agreement with Martec General Construction for renovations to 1402 W. Wilden Ave. at a cost of \$32,000. Motion passed 4-0.

**4) Legal Department: Approve and authorize Mayor Leichy to execute the amended agreement with Cummins Sales and Service, Inc. for inspection and diagnostic testing of one additional City generator located at 308 Egbert Road, at a cost not to exceed \$459.76**

**Brandy Toms, a paralegal with the City Legal Department,** told the Board that attached to the meeting packet for the Board's approval, and to authorize Mayor Leichy to execute, was an amendment agreement with Cummins Sales and Service, Inc. for inspection and diagnostic testing of City generators. She said the parties have agreed to amend the existing contract by adding one generator, located at 308 Egbert Road in Goshen, to the planned maintenance program at a cost not to exceed \$459.76

**Landis/Nichols** moved to approve and authorize Mayor Leichy to execute the amendment agreement with Cummins Sales and Service, Inc. for inspection and diagnostic testing of one additional City generator, located at 308 Egbert Road, at a cost not to exceed \$459.76. Motion passed 4-0.

**5) Legal Department: Amendment No. 1 to Contract for Solid Waste Collection Services with Borden Waste Away Service, Inc.**

**Shannon Marks, the Legal Compliance Administrator for the City Legal Department,** told the Board that attached to the meeting packet for the Board's consideration and approval was Amendment No. 1 to the Contract for Solid Waste Collection Services with Borden Waste Away Service, Inc.

**Marks** said the amendment establishes the agreed eligible residence count of 10,992 which will be effective for services beginning Aug. 1, 2023. Compensation paid to Borden for services provided from Aug. 1, 2022 through July 31, 2023 is based on an estimated eligible residence count of 11,000. This amendment also documents the amount to be deducted on the invoice for August 2023 services for the excess paid for services since August 1, 2022. She said both of these items were contemplated under the original contract.

Also included in this amendment was an additional one-time compensation to Borden totaling \$3,306.16 for services provided to residences that were not eligible for services under the contract. Although not eligible, these residences were previously receiving services from the City.



Once it was determined that the residences were not eligible for services under the contract, they were notified and given time to make other arrangements for services before the services under the City's contract were discontinued. **Board member Landis** complimented City staff for their close count of City residents covered by the agreement. **Landis/Nichols moved to approve and execute the Amendment No. 1 to the Contract for Solid Waste Collection Services with Borden Waste Away Service, Inc. Motion passed 4-0.**

**6) Legal Department: Agreement Amendment #3 with American Structurepoint, Inc. for Quiet Zone**  
**Shannon Marks, the Legal Compliance Administrator for the City Legal Department,** told the Board that attached to the meeting packet for the Board's approval and execution was the Agreement Amendment #3 between the City and American Structurepoint, Inc.  
**Marks** said this was the continuation of services contracted for by the City to establish a railroad Quiet Zone for the Norfolk Southern Marion Line (along the Ninth Street corridor). The original agreement was in 2013, with prior amendments addressing the term of the agreement, adding services and additional compensation for those added services. This amendment adds services to implement the Quiet Zone, completing the process, and providing compensation to American Structurepoint, Inc. not to exceed \$48,495.00 for said services.  
**Landis/Nichols moved to approve and execute the Agreement Amendment #3 with American Structurepoint, Inc. as presented. Motion passed 4-0.**

**7) Legal Department: Resolution 2023-20, Interlocal Agreement with the County of Elkhart for Public Drainage Infrastructure Project**  
**Shannon Marks, the Legal Compliance Administrator for the City Legal Department** told the Board that the industrial development occurring along College Avenue, on the east side of the City, necessitates improvements to the public drainage infrastructure. The City and County will be making improvements to the public drainage infrastructure as part of the industrial development that is currently underway and the reconstruction of College Avenue that is planned for 2027.  
The proposed interlocal agreement memorializes the City and County's agreement for the initial and future improvements to the public drainage infrastructure necessitated by the industrial development along College Avenue. Resolution 2023-20 is to approve and authorize execution of the Interlocal Agreement.  
**Landis/Nichols moved to adopt Resolution 2023-20, Interlocal Agreement with the County of Elkhart for Public Drainage Infrastructure Project. Motion passed 4-0.**

**8) Engineering Department: Closures for Elkhart County to Perform Bridge Deck Sealing**  
**City Director of Public Works & Utilities Dustin Sailor** told the Board that Elkhart County was requesting various closures of bridges to perform deck sealing. These included: Bridge #411-North Main Street, north of Pike Street, for one day between July 12 and July 14, 2023 and Bridge #408-Lincoln Avenue by Roger's Park on Saturday, July 15. Sailor said if it rained on Saturday, July 15, the County would perform the work on Saturday, Aug. 5, to avoid closing the road during the Elkhart County Fair.  
**Landis/Nichols moved to approve the requested bridge closures on the dates specified for Elkhart County to perform bridge maintenance. Motion passed 4-0.**

**9) Engineering Department: Change Order No. 2 for 2023 Asphalt Paving Project**  
**City Director of Public Works & Utilities Dustin Sailor** told the Board that Niblock Excavating was requesting an additional 31 days be added on to the project schedule for the additional work needed on Wilson Avenue.



Sailor said the additional work of full depth removal, fine grading the subbase and installing base and surface was previously approved by the Board on Change Order No. 1. He clarified that Change Order 2 was for the complete paving package.

**Landis/Nichols moved to approve Change Order No. 2 to add 31 additional days to the 2023 Paving Project schedule, making the final completion date Sept. 1, 2023. Motion passed 4-0.**

**10) Engineering Department: Lane Closures on East & West Jackson Street**

**City Director of Public Works & Utilities Dustin Sailor** told the Board that One Atlas was requesting lane closures for westbound traffic on East Jackson Street and West Jackson Street. He said the company has received right-of-way permits from the City of Goshen and INDOT for work it will be performing to put an environmental monitoring well across from the 7-11 on South Main Street. The work will be performed on July 18, and is anticipated to require one day to complete.

**Landis/Nichols moved to approve the lane closures of westbound traffic on East Jackson Street and West Jackson Street for One Atlas to install an environmental monitoring well. Motion passed 4-0.**

**11) Engineering Department: NIPSCO Lane Restriction in Front of 1828 Berkey Avenue**

**City Director of Public Works & Utilities Dustin Sailor** told the Board that NIPSCO was asking for a lane restriction on Berkey Avenue, just east of Amberwood Drive, for Tuesday, July 18, 2023 to install a steel gas distribution emergency valve. Sailor said this work was originally planned and approved by Board of Works for June 29, but NIPSCO requested the date change due to resource issues. Flaggers will be used to allow traffic in both directions. The traffic plan was attached to the meeting agenda.

**Landis/Nichols moved to approve the lane restriction on Berkey Avenue, just east of Amberwood Drive, on July 18, 2023, to allow NIPSCO to install a steel gas distribution emergency valve. Motion passed 4-0.**

**12) Engineering Department: Parking Spot Closure by 121 W. Washington Street**

**City Director of Public Works & Utilities Dustin Sailor** told the Board that IWM Consulting requested that the far west parking space on the north side of Washington Street, directly in front of 121 W. Washington Street, be blocked off on Wednesday, July 12, so the company can access the monitoring well located in that parking space.

**Landis/Nichols moved to approve the closure of one parking space on the north side of Washington Street in front of 121 W. Washington Street on July 12, 2023, for access to a monitoring well. Motion passed 4-0.**

**13) Engineering Department: Purl Street and 8th Street Intersection**

**City Director of Public Works & Utilities Dustin Sailor** told the Board that as a result of the coming change of use of the former Chandler Elementary building, it is anticipated that there will be an increase in pedestrian traffic between this facility and Goshen High School. As a result, Sailor said **former Mayor Stutsman** asked the Traffic Commission to consider making the intersection at Purl Street and 8th Street an all-way stop, with the addition of stop signs installed on 8th Street at that intersection.

**Sailor** said the Indiana Manual on Uniform Traffic Control Devices specifies that multi-way stop intersections should be considered near locations that may generate significant traffic and encourages the use of traffic control at all pedestrian crossings in school zones. He said the City Traffic Commission was forwarding a positive recommendation to the Board of Public Works to install two additional stop signs on 8th Street, making the intersection of Purl Street and 8th Street an all-way stop.

**Mayor Leichty** asked if there would be additional striping across 8<sup>th</sup> Street to signify to motorists that there is a street crosswalk at that location.



**Sailor** said stop bars would be added and said there already should be crosswalk striping at that location. **Landis/Nichols** moved to approve the installation of two stop signs on 8th Street making the intersection of Purl Street and 8th Street an all-way stop. Motion passed 4-0.

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

**Mayor Leichty** opened Privilege of the Floor at 2:19 p.m. There was no comments from the public.

**14) Ken Beachy request: Utilities extension to 513 S. Winter Avenue**

**Ken Beachy** of 511 South Winter Ave. in Goshen, had asked the Board to approve the extension of City utility services to a second primary structure, designated as 513 South Winter Ave. In his written request, Beachy indicated that he received approval from the Board of Zoning Appeals on July 27, 2023 for a zoning variance allowing two primary buildings where only one is allowed for the construction of an approximately 714 square foot detached garage with a dwelling unit above in addition to an existing home.

**Mayor Leichty** asked if **Ken Beachy** was present. **City Assistant Planning & Zoning Administrator Rossa Deegan** responded that **Beachy** was not present, but said that he could discuss the request. Deegan said the matter could be tabled and that the Engineering Department might have objections to the request.

**Board member Landis** asked if this was a "time-sensitive" matter. **Deegan** responded, "Not for me," promoting some laughter. Deegan said **Clerk-Treasurer Aguirre** might be able to address the issue. Aguirre said Beachy had asked that the matter be heard on July 10, and he had been advised to attend the meeting and that the Clerk-Treasurer didn't know why Beachy was not present. **Board member Landis** said the Board could still consider the request.

**Deegan** said the property was on Winter Avenue, in a residential R-2 District. He said the project requires Engineering and Zoning clearance review before building permits can be issued. Deegan said the applicant wants to install a dwelling unit above a garage on the property. At this time, the property has a single-family home with a detached garage, and approval would allow a second unit above the garage.

**Deegan** said the request went before the Board of Zoning Appeals. He said because the garage and home are not attached, they are not one structure and multiple structures are not permitted there. Otherwise, if they were attached, he said there could be a single-family or a duplex use. Deegan said there were "no issues on the planning and zoning side of things and we recommended approval." He said this type of development would be recommended, but he could not address the technical or utility issues.

**City Director of Public Works & Utilities Dustin Sailor** said the Engineering Department did have some comments about the request. He said the department learned that the new dwelling unit would have a separate address. He said the City ordinance allows a subordinate structure to receive City water and sewer service.

However, since the new dwelling unit will have a separate address, **Sailor** said the Engineering Department wants to make sure there's no potential for the garage-dwelling unit to be separated from the home. Sailor said separate structures are required to have separate water and sewer utility services. Sailor said he would recommend that language be added to any Board approval to guarantee that there would not be access to separate City sewer and water service for a separate dwelling unit on the same property.

**Board member Landis** said a diagram provided showed that the home, located at 511 South Winter Avenue, and the garage, at 513 South Winter Ave., were practically touching at a corner of each structure.

**Sailor** said the Engineering Department has recently had no objections to similar requests that were approved by the Board. In those cases, he said the separate buildings were not given separate addresses. In those two cases, Sailor said the separate buildings were subordinate structures.



**Board member Landis** asked how the garage-dwelling unit on Winter Avenue could ever be sold since it's so close to the home. **Sailor** responded that he didn't know, but noted that attached condominiums are sold.

**Board member Landis** asked what language could be added to the Board's approval to address Sailor's concerns and ensure the garage was not someday sold as a separate dwelling unit. **Sailor** responded that he discussed the matter with **City Attorney Bodie Stegelmann**, and noted that actions by the Board of Works and Board of Zoning Appeals do not appear on title searches. Sailor said Stegelmann had some thoughts on what could be done.

**City Attorney Stegelmann** said he and **Sailor** discussed the possibility of recording minutes to show, on the public record, that Sailor had a concern that a subordinate unit would not be able to get separate City water and sewer service. Stegelmann said other steps could be taken, but indicated that Sailor had suggested that any approval of this request could include the caveat that if two lots were ever created on this property, and the garage was ever separated from the house, the City could not guarantee separate service.

**Board member Landis** said at this point, the garage unit would be tied to the house permanently for water and sewer service. **Sailor** said this was done for a house on 5<sup>th</sup> Street; the Board of Zoning Appeals granted water and sewer service to a subordinate structure on the condition that the structures could never be separated. Sailor said that provision was not included in the Board of Zoning Appeals' approval for the Winter Avenue property.

**Board member Swartley** asked if there was adequate square footage at 511 South Winter Avenue to separate the house and the garage and its dwelling unit at 513 South Winter Avenue. **Sailor** said he didn't know, but was basing his recommendation on the City ordinance that specifies that only subordinate structures can receive water and sewer service from the same account. Sailor said he wanted the proposed provision included.

There were no further comments or questions from the Board.

**Landis/Nichols moved to allow City utility services to be extended to the improvement at 513 South Winter Ave., to the new building, with the caveat that after this approval, the City could not guarantee that services could directly be provided to the additional unit. Motion passed 4-0.**

At 2:27 p.m., Mayor Leichthy temporarily closed the Board of Works & Safety meeting and convened the City of Goshen Stormwater Board to consider one Stormwater agenda item.

## CITY OF GOSHEN STORMWATER BOARD MINUTES OF THE JUNE 26, 2023 REGULAR MEETING

*Convened at 2:27 p.m. in the Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana*

**Members Present:** Mayor Leichthy, Mike Landis and Mary Nichols

**Members Absent:** none

### 15) Stormwater Department: Municipal Separate Storm Sewer System (MS4) General Permit Notice of Intent Amendment (JN: 2002-0039)

**City Stormwater Coordinator Jason Kauffman** said the City of Goshen is classified as a municipal separate storm sewer system (MS4) community and complies with the Indiana Department of Environmental Management's MS4 general permit, which went into effect on Dec. 18, 2021. The Mayor is identified as the MS4 Operator for the City of Goshen and due to the recent change in the Mayor's Office the City must update its Notice of Intent by submitting an amendment.



**Kauffman** said the amendment, which was a letter attached to the agenda packet, described the change in the Mayor's Office. The letter also included an update in the MS4 Representative contact information found in Appendix B, due to a change in the Stormwater Specialist position.

The Goshen Stormwater Department requested that the Stormwater Board approve having Mayor Leichty co-sign the letter along with Stormwater Coordinator, Jason Kauffman. The signed letter will be submitted to the IDEM Stormwater Section, Office of Water Quality within the required 30-day timeframe after a change in the MS4 Operator. **Kauffman** said the letter also included an updated City permit number.

**Landis/Nichols** moved to approve Mayor Leichty co-signing the MS4 NOI Agreement Letter to stay in compliance with the Indiana Department of Environmental Management's MS4 general permit requirements. Motion passed 3-0.

Mayor Leichty adjourned the City of Goshen Stormwater Board and reconvened the Board of Works & Public Safety meeting at 2:29 p.m.

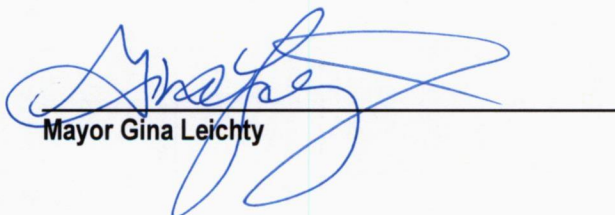
#### Approval of Civil City and Utility Claims

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

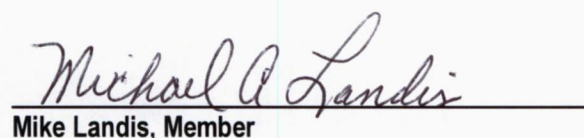
#### Adjournment

Mayor Leichty adjourned the Board of Works meeting at 2:29 p.m.

APPROVED:

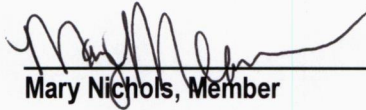


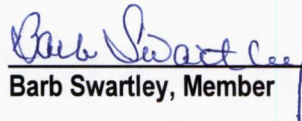
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Mayor Gina Leichty



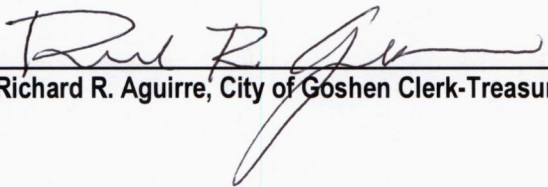
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Mike Landis, Member



  
Mary Nichols, Member

  
Barb Swartley, Member

ATTEST:

  
Richard R. Aguirre, City of Goshen Clerk-Treasurer