



**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD
MINUTES OF THE JULY 17, 2023 REGULAR MEETING**

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

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

Absent: none

CALL TO ORDER: Mayor Gina Leichthy called the meeting to order at 2:01 p.m.

REVIEW/APPROVE MINUTES: Mayor Leichthy presented the minutes of the July 10, 2023 Regular Meeting. Board Member Barb Swartley moved to accept the minutes as presented and the motion was seconded by Board Member Mike Landis. Motion passed 4-0.

REVIEW/APPROVE AGENDA: Mayor Leichthy presented the meeting agenda with the addition of two items submitted today by City Department heads: 10. Fire Department request: Traffic pattern for change for the Elkhart County 4H Fair and 11. Redevelopment Department request: Approve Economic Development Agreement with Cherry Creek, LLC for the Southeast Housing TIF development. Board member Swartley moved to approve the agenda as amended. Board member Landis seconded the motion. Motion passed 4-0.

1) Fire Department: Affirm the retirement of Sergeant Jason Miller, effective Aug. 18

City Fire Chief Dan Sink told the Board that after 20 years of dedicated service to the Goshen community, Sgt. Jason Miller has submitted his letter of intent to retire, effective Aug. 18, 2023. He asked the Board to affirm Sgt. Miller's retirement from the Fire Department.

Chief Sink said Fire Department employees "have enjoyed our years of working together with Sgt. Miller at GFD and his contributions for our success are many. And we wish him and his family the very best in his new endeavors."

Mayor Leichthy thanked Sgt. Miller for his service and wished him the best.

Swartley/Landis moved to affirm the retirement of Sgt. Jason Miller from the Goshen Fire Department, effective Aug. 18, 2023. Motion passed 4-0.

2) Police Department: Approve resignation of Officer Matthew Whelchel #224, effective July 12

City Police Chief José Miller requested that the Board approve the resignation of Officer Matthew Whelchel, effective July 12, 2023.

Chief Miller said that on the morning of July 12, Officer Whelchel asked to speak with the Chief and informed him that Whelchel wished to resign. Later in the morning, Whelchel provided the chief with his written resignation.

Whelchel indicated that he has been struggling with some stresses of the job for a while and has not been able to move past those issues. He decided at this time in life the profession of law enforcement is not right for him.

Chief Miller thanked Officer Whelchel for the time he did serve and wished him the best in his future endeavors.

Mayor Leichthy thanked Officer Whelchel for his service.

Swartley/Landis moved to approve the resignation of Officer Matthew Whelchel, effective Wednesday, July 12, 2023. Motion passed 4-0.

3) Community-Pro Education request: Street closures, street barriers and other City services for the Hispanic Heritage Month celebration, 1 p.m.-11 p.m., on Sept. 16



City Councilor Gilberto Pérez asked the Board of Works to approve street closures, the use of street barricades and extra trash bins for the third annual Hispanic Heritage Month Celebration on Saturday, Sept. 16, 2023, from 1 p.m. to 11 p.m., in downtown Goshen.

Last year's event brought more than 9,000-plus individuals and families to downtown Goshen for the festival and more than 11,000 people are expected this year.

Community Pro Education requested, starting at 7 a.m. and until 11 p.m. on Sept. 16: the closure of Jefferson Street, from Third Street to the north/south alley on the west side of Main Street; the closure of Main Street, from Jefferson Street to Lincoln Avenue; the closure of Washington Street, east and west, which will serve as table space and performer practice area. Washington and Main Street will serve as the main stage event for the performance bands and folkloric dancers. The group also requested street barricades for Washington Street, Main Street, Lincoln Avenue, Jefferson Street and Third Street. The open area on the west side of Jefferson will serve as the parking for the horses and riders. The group also requested trash bins on Jefferson Street.

Community Pro-Education plans to provide private security officers and contract with three off-duty Goshen Police Department officers from 3 p.m. to 11 p.m.

In a memorandum in support of the request, **Manuel Cortez**, board president of Community Pro-Education, wrote that the Hispanic Heritage Festival is an opportunity to celebrate Hispanic American's contributions to the United States and having the festival in downtown Goshen is a wonderful venue to celebrate the month.

Mayor Leichty noted that the matter had been delayed by the Board to allow organizers to notify downtown businesses about the proposed street closures.

Niomi Lara, vendor coordinator for Community Pro-Education, said she sent emails to all businesses on the streets to be closed. She said three or four businesses have yet to respond, but everyone else was OK with the closures and a few asked to participate in the event.

After receiving advice from **City Attorney Bodie Stegelmann** about how detailed to make a motion, **Board member Swartley** moved to approve the street closure described in Community Pro-Education's written request.

Board member Landis seconded the motion.

Before the vote, Mayor Leichty asked **Police Chief José Miller** if he had reviewed the group's security plans for the festival and if the staffing was adequate. **Chief Miller** said the group planned to hire off-duty officers. **Councilor Pérez** said the group also planned to hire a private security company in addition to off-duty officers.

Mayor Leichty asked if the City required liability of insurance coverage. **City Attorney Stegelmann** said he was unaware of that. **Councilor Pérez** said organizers would provide a certificate of liability. **City Street Commissioner David Gibbs** said City staff would erect the street barricades and provide trash bins.

Board members then passed the motion, 4-0.

4) Downtown Goshen Inc. request: Closure of East Washington Street, from Main Street to Fifth Street, for the Aug. 4 First Friday, in addition to the organization's original request

Amanda McMahon, the director and event coordinator of First Fridays, asked the Board for additional street closure for the Aug. 4 First Friday in addition to the organization's original request. More specifically, McMahon asked for the closure of East Washington Street, from Main Street to Fifth Street from 8 a.m. to 10 p.m. on Aug. 4.

In a letter to the Board, **McMahon** wrote that the area will be used for food trucks and vendors. She added that businesses affected by the closure will be informed in case they have any concerns.

Swartley/Landis moved to approve the closure of East Washington Street, from Main Street to Fifth Street for the Aug. 4 First Friday. Motion passed 4-0.

5) Rob and Rebekah Steury request: Placement of a dumpster in the 3.5 parking spaces in front of 106 South Main Street during a 10-day demolition project



Rob Steury told the Board that he and his wife, Rebekah, recently purchased the building at 106 South Main Street for a new business. To make renovations, including the removal of much of the current furnishings (carpet, drop ceiling, etc.), he requested permission to place a large dumpster in the parking spaces directly in front of their building.

In a letter to the Board, Steury wrote that there is not an accessible alley to the side or back of the building, which is also why they are requesting the use of the parking spaces on the street in front. The dumpster in question will be 8 feet wide by 22 feet long.

Asked by **Board member Swartley** when the demolition would begin, **Steury** said Borden Waste-Away Service indicated it would take one or two weeks for a dumpster to be delivered. He said he could notify City staff of the date the dumpster was being delivered to begin the 10-day period. At the request of **Mayor Leichty**, **Steury** agreed that it would not be until after the Aug. 4 First Friday.

After clarifying the motion with the City Attorney, Board member Swartley moved to approve the placement of a dumpster in 3.5 parking spaces in front of 106 South Main Street for a 10-day demolition project, the dates of which will be given to the City Street Department. Motion passed 4-0.

6) Lacasa request: Partial closure of 8th Street, July 20, for water service installation

Brad Hunsberger, vice president for real estate development for **Lacasa**, asked the Board to approve a partial street closure to allow the installation of new water service at 214 South 8th St. on July 20, 2023.

Hunsberger apologized for the late request and said the partial closure would only be for one day. In response to a question from **Board member Landis**, **Hunsberger** said the closure would not affect traffic on Lincoln Avenue.

Swartley/Landis moved to approve the partial street closure to 8th Street, near 214 South 8th St., on July 20, 2023 for the installation of water service. Motion passed 4-0.

7) Water & Sewer Office: Request to move \$2,196.06 in uncollected finalized accounts from active to collection, sewer liens and write offs

Kelly Saenz, Manager of the Goshen City Utilities Office, said that the original amount of unpaid final Water/Sewer accounts for this period, through April 14, 2023, was \$5,541.74. Collection letters were sent out and payments of \$3,345.68 were collected. The uncollected amount was \$2,196.06. So, Saenz asked the Board to move the office's uncollected final accounts from active to Collection, Sewer Liens and Write offs.

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.

8) Engineering Department: Approve agreement with Abonmarche Consulting for surveying and design services for the installation of a drywell at 1327-1329 E. Reynolds Street

City Director of Public Works & Utilities Dustin Sailor told the Board that attached to the Board's agenda packet was an agreement with Abonmarche Consultants for surveying and design services for a drywell at 1327 & 1329 East Reynolds Street in the amount of \$4,650.00. Sailor said when the City reconstructed East Reynolds Street, the roadwork impacted the onsite drainage at 1327 & 1329 E. Reynolds Street. It was then agreed upon the City would design and install improvements to drainage.

Board member Landis asked how extensive this work would be. **Sailor** said it's not very extensive, but the Engineering Department is down two engineers and cannot do the work itself.

Swartley/Landis moved to approve the agreement with Abonmarche Consulting in the amount of \$4,650.00 for surveying and design services for the installation of a drywell at 1327-1329 East Reynolds Street. Motion passed 4-0.



9) Engineering Department: Approve Change Order No. 1 for the College Avenue Bridge 410 Reconstruction and Utility Relocation in the amount of \$16,666.25

City Director of Public Works & Utilities Dustin Sailor told the Board existing utility alignments prevented the connection of the proposed 12-inch water main to the existing water main as planned, and pipe diameters for existing water services did not match those on the project plans.

Sailor said Change Order No. 1 includes pricing for fittings and water main necessary to make connections to the existing water main and existing services. Change Order No. 1 also includes upsizing of storm structures and adding a heavier-duty pavement section expanded to include all of College Avenue in anticipation of a longer period under traffic before the County bridge project begins. Limestone aggregate was also needed to restore shoulder areas impacted by construction.

Sailor added that the change order also extends the substantial completion date from April 4, 2023 until May 3, 2024, as the final lift station equipment installation will occur sometime in April 2024.

In response to a question from **Board member Landis**, **Sailor** said more base material was being added in case the road has to last a longer period.

Swartley/Landis moved to approve Change Order No. 1 for the College Avenue Bridge 410 Reconstruction and Utility Relocation in the amount of \$16,666.25, bringing the total Contract to \$1,701,943.75, an increase of .99%. Motion passed 4-0.

10) Fire Department request: Traffic pattern for change for the Elkhart County 4H Fair

On behalf of the Elkhart County Sheriff's Department, **City Fire Chief Dan Sink** asked the Board to approve a traffic pattern change nightly during the Elkhart County 4H Fair, July 21-29, 2023.

Chief Sink said the pattern change will occur nightly beginning at 9 p.m. and ending at 11 pm. The pattern change will allow law enforcement to change Blackport Road to one-way traffic going north to Lincoln Avenue, allowing officers to better off-load traffic and relieve traffic congestion as patrons leave the fair.

In response to a question from **Board member Landis**, **Chief Sink** clarified the change and its impact.

Swartley/Landis moved to approve a nightly change in the traffic pattern during the Elkhart County Fair as described. Motion passed 4-0.

11) Redevelopment Department request: Approve Economic Development Agreement with Cherry Creek, LLC for the Southeast Housing TIF development

City Redevelopment Director Becky Hutsell told the Board that attached to the Board agenda packet was a development agreement with Cherry Creek, LLC, which was approved June 26, 2023 by the Common Council.

BACKGROUND:

Before the Board of Works on July 17 2023 was an Economic Development Agreement with Cherry Creek, LLC for the acquisition, financing and development of approximately 170 acres of real estate, located west of Dierdorff Road along Waterford Mills Parkway and Regent Street.

The agreement pertained to the Southeast Housing TIF (Tax Increment Financing) district that was established by the Common Council earlier in 2023 for the development of a multi-family project in the City of Goshen that would include approximately 1,400 housing units, consisting of a mix of single-family homes, single-family attached homes, condos and apartments, with approximately 80,000 square feet of commercial space on approximately 170 acres of real property.



A copy of the Economic Development Agreement in substantially final form was attached to this agreement and included in the Board's meeting packet.

The agreement would establish the terms and conditions of the Economic Development Agreement with Cherry Creek, LLC and would authorize Mayor Gina M. Leichty to execute the Economic Development Agreement along with the Board, the Goshen Common Council and the City of Goshen.

In advance of the meeting, Hutsell provided this summary of the terms of the agreement:

1. Only the public infrastructure will be funded by the Bond. While the Developer had originally included all construction "at grade and below" similar to Ariel Cycleworks and Indiana Avenue Apartments, that number exceeded \$50 million and was nearly double the available capacity for the bond. To allow for this to be a "tax exempt" bond, the City will limit the covered work to only the infrastructure that is deemed public and will be dedicated back to the City.

2. Legislation changed in May and residential TIF's now expire 20 years from the date of the first debt obligation. When originally approved, this TIF had a 25-year lifespan, but because the city had not issued any debt, the new legislation overrules and this TIF will now expire after 20 years. This legislation change has created a significant reduction in the available bond capacity as the last five years of the project would be when the project is likely fully built out and generating the most revenue for repayment.

3. Most recent public infrastructure estimates for Phase I only are roughly \$31 million. Baker Tilly's analysis shows that with a 20-year term at 5% interest, the pledge options are as follows: — 75% reimbursement – \$18,125,000 project capacity / \$27,448,520 total repayment — 90% reimbursement – \$21,785,000 project capacity / \$32,955,220 total repayment — 100% reimbursement – \$24,230,000 project capacity / \$36,626,360 total repayment
**** The interest will not be "revenue" to the developer but will carry (most) of their carrying cost with their lender.**

4. With these scenarios, the Developers will be looking to cover between \$7-13 million of the public infrastructure costs alone. Because of this, the developers requested a 100% TIF reimbursement. They also asked that, in the event it develops quicker than planned and the bond can be repaid early, that the TIF pledge continue until either 1) all public infrastructure costs are repaid or 2) the TIF expires. Ultimately, they are taking the risk because if the project doesn't build out as projected, the bond will not be able to be fully repaid.

5. For Phase II, with the recent legislation changes, the state is now establishing a Revolving Loan Fund program through the Indiana Finance Authority to assist governmental entities with borrowing funds at a low interest rate to assist with residential developments. The goal is to pursue this funding for Phase II of the project's public infrastructure. The City will likely need to carve Phase II out of the existing residential TIF and establish it again as its own but the City is holding off in hopes the residential TIF lifespan may go back to 25 years. The Commission can then pledge that future TIF revenue as a repayment source for the loan. The developer's goal is to purchase the Phase II land by 2025 and the city would begin that process after becoming the owner of the land.

6. To assist in covering the "gap" between what the bond can fund and the total public infrastructure cost for Phase I, the City Redevelopment commission will commit to funding an additional \$1.5 million toward infrastructure costs within the residential TIF area. Identified projects are as follows: a. Cherry Creek Trailway Construction – estimated at approximately \$600,000 but will know more once plans are finalized. b. Entranceway into the subdivision from Waterford Mills Parkway c. Entranceway into the subdivision from Regent Street * All 3 of these projects will have a benefit to the other two TIF's (through trailway connections and traffic improvements) so the work is eligible with RR and Southeast TIF funds.

7. The Redevelopment Commission will contract for construction inspection to oversee the public infrastructure being installed within the development as we do not have adequate staffing for a project of this scale (similar to East College).



8. Cherry Creek will maintain all retention/detention ponds (including those on City-owned property) and a stormwater/maintenance agreement will be completed prior to construction.

9. The Redevelopment Commission will commit to connecting the Cherry Creek trailway to the trail adjacent to Bethany Christian School.

10. The City commits to proceeding with planned projects for CR 40 and Dierdorff Road.

11. Cherry Creek desires 7.18 acres of land that's currently part of the existing trailway. The City will be requesting that the Parks Board transfer that land to the Redevelopment Commission and the city will go through the statutory RFP process. If Cherry Creek is selected to acquire the land, they will be responsible for relocating the existing trailway (with plans to be approved by Parks Board) and will also take on snow removal for the trailway that currently is in place.

BOARD DISCUSSION & APPROVAL OF THE ECONOMIC DEVELOPMENT AGREEMENT ON JULY 17, 2023:

Mayor Leichty invited comments from **City Redevelopment Director Becky Hutsell**

Hutsell discussed the terms of the agreement as outlined in her memorandum to the Board of Works (and summarized above). She asked the Board to approve the economic development agreement, noting it has already been approved by the Redevelopment Commission and the City Council.

Board member Landis asked if the commission and Council approved the agreement when the project was still proposed as a 25-year bond. **Hutsell** said that the approval came when the project would have a 20-year bond.

Mayor Leichty clarified that the Council approved the agreement with a 20-year bond. She added that there was extensive deliberation at the last Council meeting.

Board member Landis asked if residents would pay higher taxes for police and other City services since there would be no taxes paid for 20 years. **Hutsell** explained how the City would benefit from the project and added that the Redevelopment Commission is exploring ways to fill the funding gap. She also noted that residents would pay for water and sewer services.

Mayor Leichty added that revenue should be available through other Tax Increment Financing (TIF) districts. **City Attorney Bodie Stegelmann** said state law was changed this year to allow TIF funds to pay for public safety.

Swartley/Landis moved to approve the Economic Development Agreement with Cherry Creek, LLC for the Southeast Housing TIF Development. 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 2:32 p.m. There was no comments from the public.

Approval of Civil City and Utility Claims

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

Adjournment

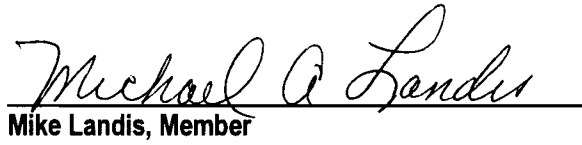
Mayor Leichty adjourned the Board of Works meeting at 2:32 p.m.



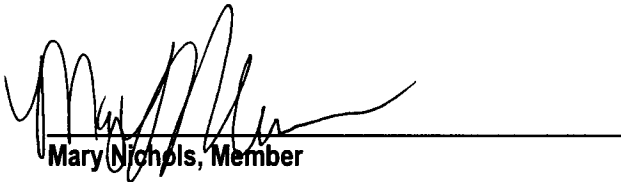
APPROVED:



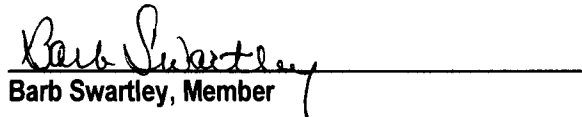
Mayor Gina Leichthy



Mike Landis, Member

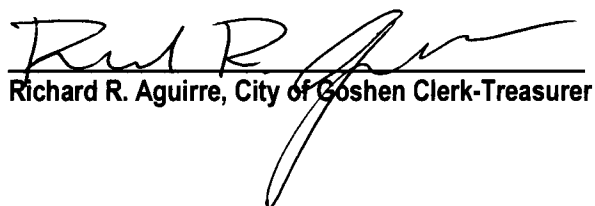


Mary Nichols, Member



Barb Swartley, Member

ATTEST:



Richard R. Aguirre, City of Goshen Clerk-Treasurer