



**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD
MINUTES OF THE JULY 24, 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 2:01 p.m.

REVIEW/APPROVE MINUTES: Mayor Leichty presented the minutes of the July 17, 2023 Regular Meeting. Board Member Mary Nichols moved to accept the July 17, 2023 minutes as presented and the motion was seconded by Board Member Barb Swartley. Motion passed 4-0.

REVIEW/APPROVE AGENDA: Mayor Leichty presented the meeting agenda with the suggestion that agenda item #3 be moved to the end of the meeting because the applicant wasn't present. Board member Nichols moved to approve the agenda as amended. Board member Swartley seconded the motion. Motion passed 4-0.

1) Police Department: Approve the hiring of Donald "Don" C. Cramer as a Special Police Officer, effective July 24, 2023

Goshen Assistant Police Chief Shawn Turner asked the Board to approve the hiring of **Donald "Don" Cramer** for the position of Special Police Officer.

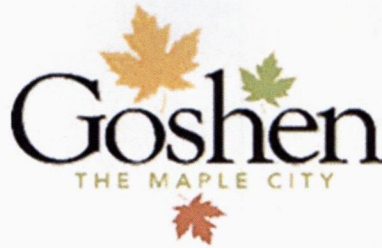
Chief Turner requested that Cramer have full police authority in Elkhart County, or any other Indiana county where he is fulfilling his specific job description or duties assigned to him by the Goshen Police Department. He further requested police authority be granted during the times when Cramer is considered to be in approved on-duty status with the Goshen Police Department, while wearing an official designated uniform, or while in a police vehicle. He will be considered to be on approved on-duty status when responding to known emergencies, whether uniformed or not. **Chief Turner** said Officer Cramer will be assigned primarily to the position of School Resource Officer (SRO). However, he will be eligible for secondary employment as a police officer and may be assigned to patrol duties, if needed, both according to Department Policies, Directives, and Agreements.

Chief Turner said Officer Cramer has worked at the Elkhart County Sheriff's Office since 1985. Prior to his employment with the Sheriff's Office, he served in the U.S. Navy. Officer Cramer has successfully completed the certification at the Indiana Law Enforcement Academy and remains in good status. He has attended many other trainings and has received numerous certifications throughout his years in this profession.

Chief Turner added, "We believe Don Cramer will be a great addition to the Goshen Police Department as a full-time Special Police Officer serving our community. And I would like this hiring to be effective today Monday, July 24, 2023. And on another note, Don is replacing Jeff Eaton, who left the position and was looking for reduced hours and he's in our ordinance position now. But I've had multiple educators already aware that Don is being hired and ... they can't wait to have him in the school system. So, I'm happy for that."

Nichols/Swartley moved to approve the hiring of **Donald "Don" C. Cramer** as a Special Police Officer, effective July 24, 2023. Motion passed 4-0.

After the Board of Works approved the hiring, Mayor Leichty swore Officer Cramer into office.



2) Fire Department: Conditional Offer of Employment to Dakoda “Kody” Miller

On behalf of the Goshen Fire Department, **Shannon Marks, Legal Compliance Administrator for the City Legal Department**, recommended that the Board extend a conditional offer of employment to **Dakoda “Kody” Miller**, as well as approve a Conditional Offer of Employment Agreement and authorize the Mayor, to execute the agreement. **Marks** said the agreement sets forth the conditions that Miller must meet prior to beginning employment with the Fire Department as a probationary firefighter, which includes being approved by the board of trustees of the Indiana Public Retirement System for membership to the 1977 Police Officers’ and Firefighters’ Pension and Disability Fund. **Marks** said Miller possesses Firefighter I/II certification and Basic EMT certification. Once employed, Miller will be required to successfully complete a paramedic training program and obtain an Indiana paramedic license, and serve as an active paramedic with the Fire Department a minimum of three years. The Fire Department will request that the Board confirm the offer of employment when a position opening becomes available in the Department. **Nichols/Swartley moved to extend a conditional offer of employment to Dakoda “Kody” Miller as a probationary firefighter and approve the Conditional Offer of Employment Agreement with Miller, and authorize the Mayor to execute the agreement. Motion passed 4-0.**

3) Resident request: To ensure the safety of attendees, the partial closure of 9th Street, between Bridge Street and Mercer Avenue, on July 30, 2023 for a private block party

Clerk-Treasurer Aguirre informed **Mayor Leichty** that the applicant had arrived, so this matter was called. **Onniesha Harris of Goshen** asked that the Board for the partial closure of the 100 block of North 9th Street, between Bridge Street and Mercer Avenue, on July 30, 2023 between 2 p.m. and 10 p.m. for a block party. She said she was holding the party to celebrate her 11-year-old son, Kyshawn, beating cancer after 3½ long years of treatment. It will be an open house type of event.

Harris requested this one block be closed during the party to prevent vehicles from flying through or using her driveway as a turn-around during the celebration, as they usually do. In her written request, Harris said she would appreciate barricades being dropped off at 9th Street and Bridge Street and at 9th Street and Mercer Avenue. In response to a question from **Mayor Leichty**, **Harris** said she communicated with neighbors about the party and none objected to the street closure.

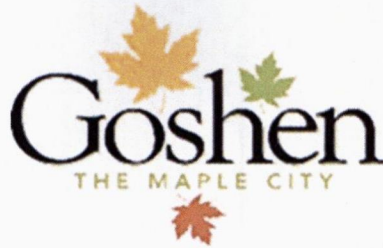
Nichols/Swartley moved to approve the closure of the 100 block of North 9th Street, between Bridge Street and Mercer Avenue, on July 30, 2023 between 2 p.m. and 10 p.m. for a block party.

Board member Swartley asked if **Harris** had contacted City staff and arranged for the use of street barricades. **Harris** said she had communicated with **Clerk-Treasurer Aguirre**, who indicated the Street Department would drop off barricades. **Street Commissioner David Gibbs** said he had nothing to add.

The motion passed 4-0.

Clerk-Treasurer Aguirre added that the block party was being held to celebrate a joyous event – the recovery of **Harris’** son from leukemia as has been documented on social media. **Aguirre** and **Mayor Leichty** congratulated **Harris** on her son’s recovery.

4) Abonmarche request for Hydra Holdings, LLC: Approve waiver from design standards and specifications for parking and driveway services for a temporary driveway



On behalf of the property owner, Hydra Holdings, LLC, **Bradley E. Mosness, Vice President of the Goshen office of Abonmarche Consultants, Inc.**, requested a waiver to the Design Standards and Specifications for Parking and Driveway Surfaces for an existing building at 2515 Lombardy Drive for a new tenant in need of access to the west side of the existing building.

Mosness said Hydra Holdings wants to install a temporary driveway to the west side of the building with roller compacted asphalt millings to a thickness of six inches. The proposed drive, shown on a site plan attached to the applicant's request, would be used by vehicles.

Mosness said Hydra signed a four-year lease for a tenant to use the existing building while they construct a new permanent facility in Goshen. In a written request, Mosness wrote that the proposed use is to construct side walls for RV units. Once the lease is up, the driveway will likely be removed as the property owner would like to expand the existing building to attract future tenant(s).

Mosness also wrote that providing the millings are acceptable to the Board, the owner would like to install the driveway so the tenant can start using the building. The owner has hired Abonmarche to prepare detailed site plans showing this drive and associated drainage for submittal to the City's Technical Review Committee on Sept. 6. The owner is committed to bringing the exterior site improvements in compliance with City requirements.

Board member Landis asked **City Director of Public Works & Utilities Dustin Sailor** how the City handles situations when a request for a temporary four-year driveway turns into a longer term approval.

Sailor said there have been other instances the City has faced when that very thing has happened. Sailor said he was unsure of what kind of stipulations the Board might want to impose in this case. Sailor said the City currently is dealing with a challenge because an applicant was given a temporary approval for one year and it has now been four or five years. Sailor said it is a challenge when temporary approval is given, the deadline has passed and then the City must seek compliance afterward. He said the City has less leverage after the fact.

Sailor said he also believed the applicant wanted to begin work on the driveway before a site plan has been submitted or approved.

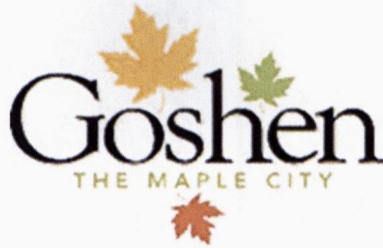
Mayor Leichty asked **Sailor** if he would support moving ahead with the driveway without a site plan. **Sailor** said he had concerns about that, but less about a temporary driveway. He added that work had started without a site plan and City staff is now waiting for a site plan to fully understand the scope of the work.

Mayor Leichty asked **Mosness** the status of the site plan. **Mosness** said **Brent Miller**, the property owner, has hired Abonmarche to conduct a topographic survey of the property, which is a requirement of the City technical review process and is a basis for the design of the drainage or retention pond. Mosness said Brent Miller was open to making a written commitment to submit the documents for technical review. He said the site plan will be filed by Sept. 6 for the tech review process. In the meantime, he said Miller wanted approval for the driveway now.

Board member Landis asked **Mosness** if **Miller** wanted to complete the driveway this week so the building could be used next week, even though the site plan had yet to be filed. **Mosness** said the driveway would be installed the first week of August if approved by the Board.

Mayor Leichty asked **Sailor** what contingencies would be necessary for the Engineering Department to feel comfortable moving forward with the driveway. **Sailor** said the biggest concern is stormwater runoff. He said the applicant would need to take responsibility if there were any impacts on off-site property.

Mayor Leichty asked **City Attorney Bodie Stegelmann** if he had any guidance about the appropriate language to incorporate in considering approval.



Stegelmann said approval should be contingent on the applicant receiving approval from the Technical Review Committee and complying with all terms imposed for approval. He added that the property owner or lessee also should be required to take responsibility for stormwater management according to state regulations.

Board member Landis jokingly asked if the applicant should pray for no rain for a few months. **Stegelmann** responded that he hoped there wouldn't be heavy rain.

Saying he wasn't familiar with the site, **Board member Landis** asked **Sailor** where the stormwater would go if advance steps weren't taken to control runoff in case of heavy rain. He asked if there would be a flood of neighboring properties. **Sailor** responded, "I don't think there will be an immediate flood, in my honest opinion, but I also don't want to take responsibility for that."

Brent Miller of Hydra Holdings said his company was committed to getting through City Technical Review and making any adjustments necessary to manage stormwater. He also said if there were any issues before that caused by the temporary driveway, "we'll take care of that." He said he didn't think there would be any stormwater issues. Asked by **Mayor Leichty** if his company would assume liability for any damage, **Miller** responded, "100 percent."

Board member Nichols asked for clarification for her motion. **Stegelmann** provided guidance on the appropriate language for the motion. After Board member Nichols made her initial motion, with no second yet, Board member **Swartley** asked about adding a condition that the temporary driveway be removed after four years.

Miller said four years would be the longest that the tenant – Brinkley RV – would use the building. After that, Miller said his company would commit to install a permanent driveway. Miller said his goal is to eventually expand the building. However, he said the building will be used for lamination and Brinkley needs to begin operations as soon as possible. He added that his company would be willing to post a bond if necessary to build the temporary driveway.

City Attorney Stegelmann asked **Miller** if the company was willing to remove the asphalt millings after the current tenant vacates the property. **Miller** responded, "Absolutely. And you can put that in writing and we'll sign."

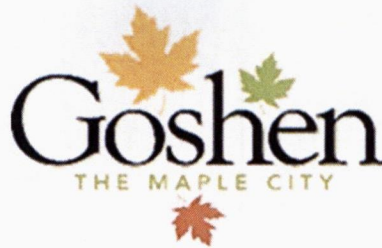
Nichols/Swartley moved to approve the waiver to the Design Standards and Specifications for Parking and Driveway Surfaces for an existing building at 2515 Lombardy Drive with the stipulations that the applicant receive approval from the City Technical Review Committee and accept any responsibility for stormwater runoff in the interim period and that it would be a temporary driveway for the period of the lease, or three or four years.

Mosness asked for clarification of the motion – specifically whether the driveway approval would be before or after Technical Review. **Board member Nichols** said the approval would be before Technical Review.

There were no further questions or comments from the audience or Board. And the motion passed 4-0.

5) Legal Department: Approve and authorize Mayor Leichty to execute the agreement with Rain Guard Seamless Guttering, LLC to furnish and install gutters on the 20x20 shed at Reith Interpretative Center at a cost of \$970

Brandy Toms, a paralegal with the City Legal Department, said that attached for the Board's approval and to authorize Mayor Leichty to execute was an agreement with Rain Guard Seamless Guttering, LLC to furnish and install gutters, downspouts and leaf guards on the 20 x 20 shed at Reith Interpretative Center. The Rain Guard Seamless Guttering, LLC will be paid \$970 for this work.



Under the terms of the agreement, the contractor shall provide the City with the following, which shall include the provision of all labor, supplies, materials, tools, equipment, supervision, insurance and all other items necessary to install seamless gutters and RT Leaf Shields on a newly built 20 x 20 shed at Reith Center located at 410 W. Plymouth Ave.:

- (A) Furnish and install 5" seamless aluminum gutters with hidden brackets and ice hangers;
- (B) Furnish and install two (2) 2"x 3" aluminum downspouts;
- (C) Furnish and install RT Leaf Shields on gutters; and
- (D) Gutter and downspouts shall all be in the color "Desert Tan."

Nichols/Swartley moved to approve and authorize Mayor Leichthy to execute the agreement with Rain Guard Seamless Guttering, LLC to furnish and install gutters on the 20 x 20 shed at Reith Interpretative Center at a cost of \$970. Motion passed 4-0.

6) Engineering Department: Approve an on-call professional services contract with Jones Petrie Rafinski for \$100,000, and authorize the Mayor to sign task orders as they are developed

City Director of Public Works & Utilities Dustin Sailor told the Board that the City Engineering Department has lost key professional staff in the last 10 months and that is causing strain on the department and its ability to develop, manage and complete public works projects and support private development improvements. In an effort to cover the workload until the positions can be filled, Sailor asked the Board to retain the services of Jones Petrie Rafinski Corporation (JPR) of South Bend.

Sailor said the required professional services will be identified on a task order basis by Goshen Engineering staff. Each task order will define the scope of the needed work, a price will be established by the consultant, and the final work and pricing will be approved by the Mayor. The initial term of the contract is for one (1) year and has a maximum value of \$100,000.

Under this agreement, JPR will be providing the City with as needed "on-call" Professional Services on a continuous basis, for the period of one calendar year from the effective date of the agreement. According to a scope of services summary, the following items have been initially identified as the key priorities:

1. Site Plan Review – Assisting the Department with review of site plans submitted pursuant to existing City ordinances, policies, and other regulations.

- a. General Conformity
- b. Determine Availability of Sanitary Sewer and/or Potable Water utility infrastructure
- c. Confirm correct sizing for water service(s) and/or water meter(s)

2. Right of Way Permit Review – Assisting the Department with review of right of way permit applications and/or submittals (for private work being proposed within those public rights of way within the City's municipal boundary)

3. Project Initiatives – Current identified tasks/projects, such as:

- a. Bridge Maintenance Plan & Standard Specifications preparation
- b. Roadway Paving - Package #2023-2
- c. Sidewalk 50/50 program and 2023 Sidewalk and ADA Curb Ramp Inventory
- d. Sanitary Sewer utility slip lining project(s)

4. Assist with Preparation of "Request(s) for Proposals" for several projects that are part of the City's current priorities, commensurate with the effective date of this agreement, such as:



- a. Five (5) Redevelopment Road Reconstruction Projects
- b. ADA Transition plan update
- i. Sidewalk & curb ramp evaluations throughout the City of Goshen

In response to a question from **Board member Landis**, **Sailor** clarified the terms of the agreement and said it would function similar to the City's current agreement with Donohue & Associates for the Wastewater Treatment Plant.

Board member Swartley expressed her appreciation to **Sailor** and his staff for their work under a stressful situation. **Nichols/Swartley** moved to approve an on-call professional services contract with Jones Petrie Rafinski for \$100,000, and authorize the Mayor to sign task orders as they are developed. Motion passed 4-0.

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

Mayor Leichy opened Privilege of the Floor at 2:29 p.m.

City Director of Public Works & Utilities Dustin Sailor informed the Board that the Engineering Department has been working on its street paving program and has run into **an issue at Homeacres and Edgewood drives**. He said the asphalt was peeled off July 14 and there have been three significant rainfalls since then.

Sailor said the road bed is saturated with water, so the Engineering Department had site visit today by a geotechnical engineer, who reported there are 12 inches of topsoil, 18 inches of clay and below that a granular substance. If there could be months of dry weather, the situation would be fine, **Sailor** said, but that's not a delay that would benefit residents.

So, **Sailor** said the City is working with the contractor and gathering numbers. He said he was seeking an acknowledgement from the Board that more money will need to be spent in the corridor. If there is a means to move forward, **Sailor** asked for a preliminary authorization to spend upwards of \$133,000 to address the situation by peeling off 12 inches of material, installing Geogrid and placing stone on top to bridge the soft material underneath.

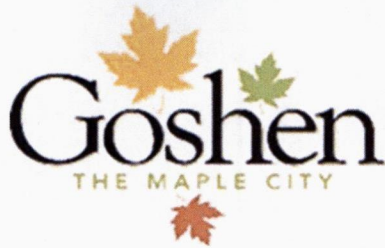
Board member Landis recalled that in previous situations, the City has placed Portland cement and ground it up. **Sailor** acknowledged that this has been done in the past for subgrade stabilization, but said it would not be practical in this situation.

In response to questions from **Mayor Leichy**, **Sailor** said he didn't have a specific proposal today, but wanted to make the Board aware one was coming. **Sailor** said he also wanted the contractor to be able to move forward with work and that he would later seek Board approval for a change order.

Mayor Leichy clarified with **City Attorney Stegelmann** how best to proceed. The **Mayor** then asked if there was a consensus among Board member to approve **Sailor's** eventual request. Board members said there was.

Clerk-Treasurer Aguirre gave the Board an update on its approval last week of the partial closure of 8th Street, July 20, for water service installation at 214 South 8th St. as requested by Lacasa. **Aguirre** said the installation didn't take place on July 20 and was now scheduled to take place July 26. He said he wanted affected City Departments to be aware of the new date.

There was no further comments, so the Mayor closed Privilege of the Floor at 2:34 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 2:34 p.m.


APPROVED:



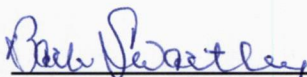
Mayor Gina Leichty



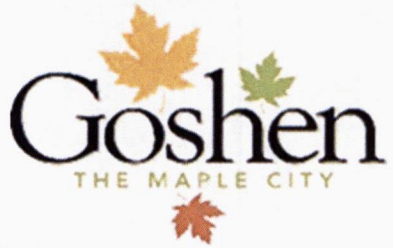
Mike Landis, Member



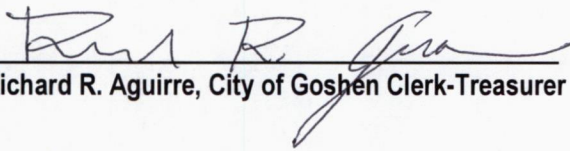
Mary Nichols, Member



Barb Swartley, Member



ATTEST:


Richard R. Aguirre, City of Goshen Clerk-Treasurer