



Board of Public Works & Safety and Stormwater Board

Regular Meeting Agenda

2:00 p.m., August 14, 2023

Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

To access online streaming of the meeting, go to <https://goshenindiana.org/calendar>

NOTE: The next Board of Works meeting will be Sept. 11, 2023. The Board WON'T meet Aug. 21, Aug. 28 and Sept. 4, 2023.

Call to Order by Mayor Gina Leichty

Approval of Minutes: August 7, 2023

Approval of Agenda

1) Opening of sealed bids: For the purchase of a new wheel loader for the Street Department with possible trade-in allowance for a 2001 New Holland Wheel Loader

2) Police Department: Approve the promotion of Captain Ryan Adams #125 to Division Chief of Patrol, retroactive to Aug. 11, 2023

3) Police Department request: Approve the promotion of Officer Aaron D. Johnson from the position of Patrol Sergeant to the rank of Patrol Lieutenant, retroactive to Aug. 11, 2023

4) Police Department request: Approve the hiring of Diego Murillo for the position of probationary patrol officer, effective Aug. 14, 2023

5) Fire Department request: Approve the promotion of John M. Kauffman to the rank of Private First Class for the Goshen Fire Department, effective Aug. 15, 2023.

6) Fire Department request: Approve the promotion of Matthew W. Pilling to the rank of Private First Class for the Goshen Fire Department, effective Aug. 15, 2023.

7) Goshen High School Band Boosters request: Police presence, street closures, barricades and parking for the Goshen High School Marching Band Invitational, Sept. 9, 2023



8) El Imperial Restaurant/Bar request: Request for retroactive approval of a Big Dipper 35 grease trap at 113 South Main Street in downtown Goshen

9) Legal Department request: Accept the easement for Goshen City utility purposes from Villas Venecia 420, LLC, and authorize the Mayor to execute the acceptance

10) Legal Department request: Approve the AmeriCorps at Michiana Council of Governments (MACOG) Service Site Organization Agreement with MACOG providing four AmeriCorps Member Service Years for the 2023-2024 Service Year in the amount of \$44,0000 and authorize Mayor Leichthy to execute the Agreement

11) Engineering Department request: Approve the Indiana Avenue closure of local traffic only for the full depth replacement and full depth reclamation pavement work, Aug. 21 thru Sept. 5, 2023

Privilege of the Floor

Approval of Civil City and Utility Claims

Adjournment



BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD MINUTES OF THE AUGUST 7, 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 and Mary Nichols

Absent: Barb Swartley

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

REVIEW/APPROVE MINUTES: Mayor Leichty presented the minutes of the July 31, 2023 Regular Meeting. Board Member Mary Nichols moved to accept the minutes as presented and the motion was seconded by Board Member Mike Landis. Motion passed 3-0.

REVIEW/APPROVE AGENDA: Mayor Leichty presented the meeting agenda with three additions as submitted by the Clerk-Treasurer's Office: 15) *Maple Indiana Cuisine request: Retroactive approval for placement of two dumpsters in parking spaces at 120 N. Main Street;* 16) *Community Development Department request: Approval of the agreement for the Completion of the Construction Project at 1585 Brinkley Way East (Brinkley RV);* 17) *Fire Department Request: Approve the Memorandum of Agreement between the Indiana Army National Guard Aviation Office and the City of Goshen for usage of City property for training on Aug. 16, 2023.* Board member Nichols moved to approve the agenda as amended. Board member Landis seconded the motion. Motion passed 3-0.

1) Fire Department request: Approve the resignation of Sergeant Michael Masbaum, effective Aug.19, 2023
City Fire Chief Dan Sink said that after serving the Goshen Fire Department and Goshen community since June 16, 2015, Sergeant Michael Masbaum has submitted his resignation, effective Aug.19, 2023.
Chief Sink said, "We have enjoyed working with Sergeant Masbaum during his time at GFD and appreciate his service to our community. Our GFD family would like to wish Michael and his family the very best in their new endeavors."
Mayor Leichty thanked Sgt. Masbaum for his service.
Nichols/Landis moved to approve the resignation of Sergeant Michael Masbaum of the Goshen Fire Department, effective Aug. 19, 2023. Motion passed 3-0.

2) Fire Department request: Approve the promotion of Kyle R. Stamm to the rank of Sergeant for the Goshen Fire Department, effective Aug.19, 2023
City Fire Chief Dan Sink said Kyle R. Stamm has passed all of the required tests and standards required for promotion at the Goshen Fire Department.
Chief Sink added, "It is my pleasure to request your approval for the promotion of Kyle to the rank of Fire Sergeant for the Goshen Fire Department, effective Aug. 19, 2023."
Nichols/Landis moved to approve the promotion of Kyle R. Stamm to the rank of Fire Sergeant for the Goshen Fire Department, effective Aug. 19, 2023. Motion passed 3-0.
After the approval of his promotion, Mayor Leichty swore Kyle R. Stamm into office as a Fire Sergeant.

3) Fire Department request: Approve the promotion of Bryant Lehman to the rank of Sergeant for the Goshen Fire Department, effective Aug. 20, 2023



City Fire Chief Dan Sink said **Bryant Lehman** has passed all of the required tests and standards required for promotion at the Goshen Fire Department.

Chief Sink added, "It is my pleasure to request your approval for the promotion of Bryant to the rank of Fire Sergeant for the Goshen Fire Department, effective Aug. 20, 2023."

Nichols/Landis moved to approve the promotion of **Bryant Lehman** to the rank of **Fire Sergeant** for the **Goshen Fire Department, effective Aug. 20, 2023. Motion passed 3-0.**

After the approval of his promotion, Mayor Leichty swore Bryant Lehman into office as a Fire Sergeant.

4) Fire/Legal Departments request: Approve conditional offer of employment to Colin D. Loe as a probationary firefighter

On behalf of the Fire Department, **Shannon Marks, the Legal Compliance Administrator for the City Legal Department**, recommended that the Board extend a conditional offer of employment to Colin D. Loe as well as approve a Conditional Offer of Employment Agreement and authorize the Mayor to execute the agreement.

In a memorandum to the Board, **Marks** wrote that the agreement sets forth the conditions that Loe 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 wrote that Loe possesses a Firefighter I/II certification and Basic EMT certification. Once employed, he will be required to successfully complete a paramedic training program, obtain an Indiana paramedic license, and serve as an active paramedic with the Department a minimum of three years. The Fire Department will ask the Board to confirm the offer of employment when a position opening becomes available in the Department.

Nichols/Landis moved to extend a conditional offer of employment to **Colin D. Loe** as a probationary firefighter, approve the Conditional Offer of Employment Agreement with Loe, and authorize the Mayor to execute the agreement. Motion passed 3-0.

5) Community Foundation of Elkhart County request: Reservation of 10 parking spots in the 200 block of South Main Street the evening of Aug. 22, 2023 for use by elderly and mobility-challenged people attending "An Evening with Friends" at the Goshen Theater

Rebekah Houff, the Special Events Manager for the Community Foundation of Elkhart County, asked the Board to reserve 10 parking spots in the 200 block of South Main Street for the evening of Aug. 22, 2023.

The Community Foundation will be hosting an exclusive event for Elkhart County's donors and grant makers, "An Evening with Friends," at the Goshen Theater. In a written request, Foundation staff included a photo indicating the parking spaces it wanted to reserve for elderly guests with mobility challenges.

In response to a recommendation from City staff, **Houff** said the Foundation was modifying its original request and asked to reserve six spaces to the north of the handicap parking spaces in front of the Goshen Theater and four spaces to the south of the theater. In response to a question from **Board member Landis**, Houff clarified that the 10 parking spots were separate from the handicap spaces.

Mayor Leichty wished **Houff** and the Foundation a successful event.

Nichols/Landis moved to approve the reservation of 10 parking spaces in the 200 block of South Main Street in front of the Goshen Theater, on Aug. 22, 2023, from 6 p.m. to 9 p.m. Motion passed 3-0.

6) Shanklin Millrace Neighborhood Association request: Approve closure of South 2nd Street, between West Monroe Street and West Purl Street, on Aug. 26 for an ice cream social



Melanie Helmuth asked the Board to approve the closure of South 2nd Street, between West Monroe Street and West Purl Street, parallel to River Race, from 2 p.m. to 6 p.m. on Saturday, Aug. 26 for an ice cream social by the Shanklin Millrace Neighborhood Association.

Helmuth said no driveways or homes will be affected by this closure. She also requested barricades for each end of the street.

In response to a question from **Mayor Leichty**, **Helmuth** said she would get in touch with the Street Department and request the use of the street barricades.

Nichols/Landis moved to approve the closure of South 2nd Street, between West Monroe Street and West Purl Street, from 2 p.m. to 6 p.m. on Saturday, Aug. 26. Motion passed 3-0.

7) Planning & Zoning Department request: Approve and authorize Mayor Leichty to sign the amended Homeownership Assistance Agreement for the Community Development Block Grant with Lacasa for Program Year 2022

Theresa Cummings, City Community Development Specialist, told the Board that the Program Year 2022 Homeownership Assistance Agreement for the Community Development Block Grant has been amended and needed approval by the Board.

In a memorandum to the Board, **Cummings** wrote that the section being amended was as follows: "2. Scope of Services – (e) Claims will be limited to the sum of \$60,000.00) for the homeownership assistance project. The maximum CDBG contribution per household/property shall generally not exceed \$15,000. The Sub-Recipient will be reimbursed by the City after closing for the direct homeownership assistance funding only."

Cummings wrote that when the homeownership assistance program was first developed last year, the City budgeted \$40,000 of assistance with the goal of helping four homebuyers. Since the launch of the program, the market has changed and interest rates have doubled, making it even more financially difficult for a low/moderate income qualified buyer to be able to afford a home.

Cummings wrote that the City requested to increase the budget from \$40,000 to \$60,000 in order to help offset the cost of higher interest rates and mortgage prices by offering up to \$15,000 of assistance per household if warranted. This change will not give Lacasa additional CDBG funds. The City will transfer unallocated 2022 funds from the owner occupied rehab activity into the homeownership assistance program. Attached to the agenda packet was a copy of the amended agreement with the specified changes

Nichols/Landis moved to approve and authorize Mayor Leichty to sign the amended Homeownership Assistance Agreement with Lacasa for Program Year 2022. Motion passed 3-0.

8) Legal Department request: Approve Resolution 2023-23, Authorizing the Transfer of Regent Street Real Estate, and authorize the Mayor to execute the warranty deed transferring the subject real estate to the Goshen Redevelopment Commission

Shannon Marks, the Legal Compliance Administrator for the City Legal Department, told the Board that attached to the agenda packet for the Board's approval and execution was Resolution 2023-23 to transfer title to and control of 26 acres of real estate to the Goshen Redevelopment Commission. Marks said that before the meeting she submitted to the Board a revision of Resolution 2023-23, which included an aerial photograph of the real estate (**EXHIBIT #1**) The real estate transfer furthers the ongoing development of the Cherry Creek housing project; part of the property transferred will be sold to Cherry Creek (with an additional land swap returned to the City) in furtherance of the Cherry Creek development.

Nichols/Landis moved to approve the Resolution as presented and authorize the Mayor to execute the Warranty Deed transferring the subject real estate to the Goshen Redevelopment Commission. Motion passed 3-0.



9) Legal Department request: Adopt Resolution 2023-24, Acquisition of Real Estate at 1723 Reliance Road, and authorize the Mayor to execute the Agreement

Shannon Marks, the Legal Compliance Administrator for the City Legal Department, told the Board that the City is planning to make roadway improvements at the intersection of Reliance Road and Peddler's Village Road and needs to acquire certain real estate for this project.

Marks said the Board's adoption of Resolution 2023-24 would approve the terms and conditions of an Agreement with Samuel S. Perri and Sue A. Perri for the City's acquisition of real estate at 1723 Reliance Road, and would authorize the Mayor to execute the Agreement and any other documents on behalf of the Board and the City of Goshen for the purpose.

Nichols/Landis moved to adopt Resolution 2023-24, Acquisition of Real Estate at 1723 Reliance Road. The motion passed 3-0.

10) Legal Department request: Approve and execute the agreement with OJS Building Services, Inc., for the replacement of a spacepak unit located in the Annex Building, in the Engineering Department, for \$6,600

Brandy Toms, a paralegal with the City Legal Department, told the Board that attached to the meeting packet for the Board's approval and execution was an agreement with OJS Building Services, Inc. for the replacement of a spacepak unit located in the Annex Building, in the Engineering Department. OJS Building Services, Inc., will be paid \$6,600 this service.

Under the terms of the agreement, OJS Building Services, Inc. will provide the City the following work, which shall include the provision of all labor, supplies, materials, tools, equipment, supervision, insurance and all other items necessary to replace the complete spacepak in the Engineering Department. These duties include:

- (A) Remove old unit and leave with City for a parts unit.
- (B) Install a new Spacepak 45ESP3642KJ4MB indoor unit.
- (C) Rework condensate, electrical and ductwork as needed to change out the unit.
- (D) Include new line dry.
- (E) Leak test system.
- (F) Recharge and adjust the refrigerant system.
- (G) Install new Honeywell T6 thermostat.
- (H) Start up and test system.
- (I) Remove any waste and clean work area.

If this system does not operate at the static pressure mandated by the manufacturer, the alterations made to the duct system will be an additional cost not included in the estimated price, according to the agreement.

Nichols/Landis moved to approve and execute the agreement with OJS Building Services, Inc., for the replacement of a spacepak unit located in the Annex Building, in the Engineering Department, at a cost of \$6,600. Motion passed 3-0.

11) Legal Department request: Approve and authorize the Mayor to execute the agreement with Community Fiber Network (CFN) for the rebuild and replacement of equipment with the SCADA Network System at a cost of \$24, 672.71 to perform all services

Brandy Toms, a paralegal with the City Legal Department, recommended that the Board approve and authorize Mayor Leichty to execute an agreement with Community Fiber Network (CFN) for the rebuild and replacement of equipment with the SCADA Network System at a cost of \$24, 672.71 to perform all services.

Under the terms of the agreement, Community Fiber Network will provide City with the following services, which shall include the provision of all labor, supplies, materials, tools, equipment, supervision, insurance and all other items necessary to rebuild and replace equipment with the SCADA Network System:



(A) Contractor will replace City's Allan Bradley Din Rail Network devices in a one for one fashion. Some of the Adtran Switches will be replaced with Trendnet units to ensure all network equipment regarding the SCADA system is on one vendor's platform.

(B) The new equipment does support newer loop technology, ERPS. This would be available to the local ring at the Wastewater location and the larger city-wide SCADA network.

(C) Contractor will install new fiber leads from each termination point to the City's cabinet where the network devices described above will be installed. These fibers will eliminate current copper facilities with intent of minimizing failure points within the SCADA network that exist today.

(D) The labor does include the gathering of the Allan Bradley and Adtran configurations, programming of the new Trendnet units, the replacement of the units by CFN technicians and the running of the fiber drops.

Nichols/Landis moved to approve and authorize the Mayor Leichty to execute the attached agreement with Community Fiber Network (CFN) for the rebuild and replacement of equipment with the SCADA Network System at a cost of \$24, 672.71 to perform all service. Motion passed 3-0.

12) Engineering Department request: Approve the closure of the Lincoln Avenue bridge on Aug. 12 or Aug. 19 for Elkhart County to perform bridge maintenance

City Director of Public Works & Utilities Dustin Sailor told the Board that Elkhart County is requesting the closure of the Lincoln Avenue Bridge #408, Lincoln Avenue by Roger's Park on Saturday, Aug. 12 to perform deck sealing. If it rains on August 12, Sailor said the County would perform the work on Saturday, Aug. 19.

Sailor added that the Board considered this request before, but the County believes these dates will work.

Nichols/Landis moved to approve the closure of the Lincoln Avenue bridge on Aug. 12 or Aug. 19 (rain date) for Elkhart County to perform bridge maintenance. Motion passed 3-0.

13) Engineering Department request: Approve the closure of College Avenue near Horn Ditch Bridge, from Aug. 14 until Oct. 16, 2023

City Director of Public Works & Utilities Dustin Sailor told the Board that he was back before the Board to request the closure of College Avenue. He said College Avenue was reopened for the Elkhart County Fair, but 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, Aug. 14 until Monday, Oct. 16.

In a memorandum to the Board, **Sailor** wrote that Niblock Excavating is requesting this closure to finish planned utility relocations in preparation for the Elkhart County replacement of Bridge No. 410. The traffic control plan was attached to the agenda packet. All appropriate traffic control devices will be utilized.

Rhonda Gibson of Goshen, representing the Springbrooke Homeowners Association, said the last time College Avenue was closed there was no adequate signage on U.S. 33 and many truck drivers made U-turns in their neighborhood. Gibson said she was hoping there could be extra signage this time.

Sailor said additional signage was put up along U.S. 33 and will be used again, but there is a limit to what the City can do. He said trucks need to use College Avenue to reach a manufacturing plant and once they make the turn on College Avenue, there is not much they can do to reverse course. Sailor asked Gibson to notify him if truck traffic becomes a problem again. He also said that he would consider placing additional signage if necessary.

Nichols/Landis moved to approve the closure of College Avenue near Horn Ditch Bridge, from Aug. 14 until Oct. 16, 2023. Motion passed 3-0.



14) Engineering Department request: Authorize Mayor Leichty to sign an agreement with Roberts Environmental for a time and material fee not to exceed \$4,000 to evaluate the lagoon's current condition and begin communication with IDEM

City Director of Public Works & Utilities Dustin Sailor told the Board that the City Wastewater Department would like to engage Roberts Environmental to work through the closure requirements necessary to fill-in the wastewater treatment plant's former bio-solids handling lagoon.

In a memorandum to the Board, **Sailor** wrote that Phase 1 of Roberts' services will entail survey work, review of existing documents, and outreach to the Indiana Department of Environmental Management (IDEM). Additional work phases are anticipated with Robert Environmental once the scope of work is confirmed with IDEM, and agreement amendments will be brought back before the Board.

Under the terms of the agreement, Roberts Environmental Services, LLC will provide the City with general consulting services reviewing initial documents from the previous lagoon closure activities and respond to IDEM comments regarding lagoon closure activities completed to date at the former wastewater lagoon located at 1000 West Wilden Ave. The consultant's duties under the agreement include:

- A. Initial site meeting;
- B. Review previous documents pertaining to past closure activities found online in IDEM's Virtual File Cabinet (VFC) and documents provided by City and/or their contractor(s);
- C. Obtain general elevations of lagoon bottom and surrounding grade;
- D. Prepare an email response to IDEM of proposed additional sampling activities for their approval/comment;

Nichols/Landis moved to authorize Mayor Leichty to sign an agreement with Roberts Environmental for a time and material fee not to exceed \$4,000 to evaluate the lagoon's current condition and begin communication with IDEM. Motion passed 3-0.

15) Maple Indian Cuisine request: Retroactive approval for placement of two dumpsters in parking spaces at 120 N. Main Street

Rosie Morales Singh, the owner of Maple Indian Cuisine, asked the Board for retroactive approval to place two dumpsters in parking spaces in front of 120 N. Main Street, a building that is being remodeled. She said the contractor forgot to request permission for the dumpsters to be placed in the public right-of-way. She said the dumpsters would be removed Aug. 8 and she asked for forgiveness and permission.

Nichols/Landis moved to retroactively approve the placement of two dumpsters in parking spaces at 120 N. Main Street. Motion passed 3-0.

Clerk- Treasurer Aguirre said that City staff had raised an issue related to the placement of the dumpsters and asked if anyone wanted to comment.

City Street Commissioner David Gibbs said he asked for this matter to come before the Board of Works, and especially dumpsters on Main Street, to make certain there is no damage to the pavement when dumpsters are placed. Gibbs said there are some marks in the pavement from these dumpsters being set. He said he believes it will be OK, but will evaluate the pavement after the dumpsters are removed.

16) Community Development Department request: Approval of the agreement for the Completion of the Construction Project at 1585 Brinkley Way East (Brinkley RV)

City Redevelopment Director Becky Hutsell told the Board that Brinkley RV has completed construction of its new facility at 1585 Brinkley Way East and is requesting permission to occupy the building prior to the completion of the permanent stabilization and landscape planting. All other construction items have been completed.

Before the meeting, the **Clerk-Treasurer** presented the Board with a copy of Hutsell's memorandum and six-page proposed Agreement for the Completion of the Construction Project at 1585 Brinkley Way East (**EXHIBIT #2**).



Hutsell said the City's contractors have completed a majority of the sidewalk installation adjacent to their property line and Brinkley is having the irrigation system installed this week. She said the contractors were planning to complete soil stabilization and topsoil placement and seeding next week and install landscaping in early October once weather is more suitable. Hutsell asked the Board to approve the Agreement for the Completion of the Construction Project at 1585 Brinkley Way East.

Mayor Leichty said she understood that there was general City staff approval for this request. **Hutsell** said there was. She noted that she met with the Engineering, Planning and Zoning, Stormwater, Legal and Building departments, and all were in agreement with this request.

Nichols/Landis moved to approve the Agreement for the Completion of the Construction Project at 1585 Brinkley Way East. Motion passed 3-0.

17) Fire Department request: Approve the Memorandum of Agreement between the Indiana Army National Guard Aviation Office and the City of Goshen for usage of City property for training, Aug. 16-17, 2023

On behalf of City staff, **City Attorney Bodie Stegelmann** asked the Board to approve the City entering into an agreement with the Indiana Army National Guard State Army Aviation Office to allow the Indiana Army National Guard Helicopter Aquatic Rescue Team (HART) to perform training exercises at the City's Fidler Pond Park. He said the training will be on Aug. 16 or Aug. 17, 2023, from approximately 8 a.m. through 5 p.m., and would include Goshen Fire Department personnel.

City Attorney Stegelmann provided Board members with a memorandum about this request. The **Clerk-Treasurer** provided the Board with the proposed Memorandum of Agreement between the Indiana Army National Guard State Army Aviation Office and the City of Goshen (**EXHIBIT #3**).

Mayor Leichty confirmed that a press release has been prepared to circulate to the public about this event.

Nichols/Landis moved to approve the Private Property Utilization Agreement with the Indiana Army National Guard State Army Aviation Office, for the Indiana Army National Guard Helicopter Aquatic Rescue Team (HART) to conduct training exercises at the City's Fidler Pond Park on Aug. 16 and Aug. 17, 2023, during the approximate hours of 8 a.m. through 5 p.m., and authorize Mayor Leichty to sign on behalf of the Board of Works & Safety. Motion passed 3-0.

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

Mayor Leichty opened Privilege of the Floor at 2:31 p.m. There was no comments from the public.

At 2:31 p.m., Mayor Leichty 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 AUGUST 7, 2023 REGULAR MEETING

Convened at 2:31 p.m. in the Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Members Present: Mayor Leichty, Mike Landis and Mary Nichols

Members Absent: none



18) Stormwater Department: Accept the post-construction stormwater management plan for North Meadow Third Apartments as it has been found to meet the requirements of City Ordinance 4329

City Stormwater Coordinator Jason Kauffman told the Board that the developer of the North Meadow Third Apartments (aka Delgado Apartments), affecting one (1) or more acres of land as part of a larger common plan of development and located at 420 Johnston St., has submitted a sufficient post-construction plan that is compliant with Ordinance 4329, "Uniform Requirements for Post-Construction Stormwater Management."

The Stormwater Department requested the Stormwater Board's acceptance of the plan.

Nichols/Landis moved to accept the post-construction stormwater management plan for North Meadow Third Apartments as it has been found to meet the requirements of City Ordinance 4329. Motion passed 3-0.

Mayor Leichty adjourned the City of Goshen Stormwater Board and reconvened the Board of Works & Public Safety meeting at 2:32 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 3-0.

Adjournment

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

EXHIBIT #1: A revision of Resolution 2023-23, which included an aerial photograph of the real estate. The revision was distributed to Board members before the meeting in support of agenda item #8, Legal Department request: Approve Resolution 2023-23, Authorizing the Transfer of Regent Street Real Estate, and authorize the Mayor to execute the warranty deed transferring the subject real estate to the Goshen Redevelopment Commission.

EXHIBIT #2: One-page memorandum and six-page proposed Agreement for the Completion of the Construction Project at 1585 Brinkley Way East, dated Aug. 7, 2023 and prepared by City Redevelopment Director Becky Hutsell. These documents were distributed to Board members before the Aug. 7 meeting in support of new agenda item #16) Community Development Department request: Approval of the agreement for the Completion of the Construction Project at 1585 Brinkley Way East (Brinkley RV).

EXHIBIT #3: A one-page memorandum, dated Aug.7, 2023, prepared by City Attorney Bodie Stegelmann about the proposed Memorandum of Agreement with the Indiana Army National Guard State Army Aviation Office and the City of Goshen and the one-page proposed agreement. Both documents were distributed to the Board before the meeting in support of agenda #17) Fire Department request: Approve the Memorandum of Agreement between the Indiana Army National Guard Aviation Office and the City of Goshen for usage of City property for training, Aug. 16-17, 2023.



APPROVED:

Mayor Gina Leichty

Mike Landis, Member

Mary Nichols, Member

Barb Swartley, Member

ATTEST:

Richard R. Aguirre, City of Goshen Clerk-Treasurer



Richard Aguirre, City Clerk-Treasurer
CITY OF GOSHEN

202 South Fifth Street, Suite 2 • Goshen, IN 46528-3714

Phone (574) 533-8625 • Fax (574) 533-9740

richardaguirre@goshencity.com • www.goshenindiana.org

To: City of Goshen Board of Works & Safety
From: Clerk-Treasurer Richard R. Aguirre
Date: August 14, 2023
Subject: Open sealed bids for the purchase of a new wheel loader for the Street Department with possible trade-in allowance for a 2001 New Holland Wheel Loader

The City of Goshen Board of Public Works and Safety solicited sealed offers for the **purchase of a 2023 or newer wheel loader for the City of Goshen Street Department**. Offers were required to be filed with the City of Goshen Clerk-Treasurer's Office, 202 South Fifth Street, Goshen, IN 46528 until 1:45 p.m. on Aug. 14, 2023.

Opportunity: A 2023 or newer wheel loader that meet the needs and desires of the City of Goshen Street Department.

The wheel loader, devices, accessories, and equipment to be delivered under this contract shall be standard commercial products tested and certified to meet or exceed the requirements of this specification and all applicable local, state and federal regulations and standards. The wheel loader and equipment shall comply with all applicable laws in effect at date of contract for purchase. Offered price shall include delivery to Goshen Central Garage, 320 Steury Ave., Goshen IN. Delivery shall be on or before one hundred eighty (180) calendar days from receipt of a notice to proceed from the City.

Offers are also being solicited for the following optional item: TRADE-IN – 2011 New Holland Model #LW170, Serial #ZEFOLW1700570187. The City reserves the right to select any, all or none of the optional offers. Offers for the optional item are not conditional on offers offered for the wheel loader.

All offers received will be taken to the Board of Public Works and Safety meeting to be publicly opened and read aloud just after 2 p.m. on Aug. 14, 2023 during the Board meeting in the City Court Room/Council Chambers at the Goshen Police & Court Building, 111 East Jefferson Street, Goshen.

Suggested Motion:

Refer the bid(s) to the Legal Department for review.



Jose' D. Miller

Chief of Police

111 E Jefferson St
Goshen, Indiana 46528

TO: Goshen Board of Public Works & Safety
Mayor Gina Leichty
Member Mike Landis
Member Mary Nichols
Member Barb Swartley

Date: August 14th, 2023

From: Jose' Miller, Chief of Police

Reference: Request to Promote Captain Ryan Adams #125 to Division Chief of Patrol

I am requesting the Goshen Board of Public Works and Safety **approve the promotion of Ryan A. Adams from the rank of Patrol Captain to the rank of Division Chief.**

Ryan has been an officer at the Goshen Police Department for over twenty-five (25) years. He has previously served as a Captain, Lieutenant, SWAT Team Commander, Detective, and Division Chief of Investigations. Ryan returned to patrol for several years and now again wishes to be part of the administrative leadership at Goshen Police Department.

Ryan has served this community, and our department, with the highest integrity. He has demonstrated time and time again he will be a great asset to our department. I am requesting this promotion to be **retroactive to Friday August 11th, 2023.**

****Ryan will be present for the swear in****

Jose' Miller #116
Chief of Police

Goshen City Police Department
111 E. Jefferson Street
Goshen, IN. 46528

Telephone: (574) 533-8661

Hearing Impaired: (574) 533-1826

FAX: (574) 533-1826



Jose' D. Miller

Chief of Police

111 E Jefferson St
Goshen, Indiana 46528

TO: Goshen Board of Public Works & Safety
Mayor Gina Leichty
Member Mike Landis
Member Mary Nichols
Member Barb Swartley

Date: August 14th, 2023

From: Chief Jose' Miller

Reference: Promotion of Aaron D. Johnson #191 from Patrol Sergeant to Patrol Lieutenant

I am requesting the Goshen Board of Public Works and Safety approve the promotion of Officer Aaron D. Johnson from the position of Patrol Sergeant to the rank of Patrol Lieutenant.

Officer Johnson has worked on the police department approximately six (6) years and has demonstrated he has great leadership qualities. Aaron is currently a Sergeant on the midnight shift and is a field training officer for new recruits.

I request the promotion to be retroactive to Friday August 11th, 2023.

Johnson will be present for the swear in

Respectfully,

A handwritten signature in black ink, appearing to be "Jose' Miller".

Jose' Miller #116
Chief of Police
Goshen City Police Department
111 E. Jefferson Street
Goshen, IN. 46528

Telephone: (574) 533-8661

Hearing Impaired: (574) 533-1826

FAX: (574) 533-1826



Jose' D. Miller

Chief of Police

111 E Jefferson St
Goshen, Indiana 46528

TO: Goshen Board of Public Works & Safety
Mayor Gina Leichty
Member Mary Nichols
Member Mike Landis
Member Barb Swartley

Date: August 14, 2023

From: Jose' Miller, Chief of Police

Reference: The hiring of Diego Murillo #226

I am requesting that the Board of Public Works and Safety **approve the hiring of Diego Murillo for the position of probationary patrol officer.**

Diego has passed all exams and has been approved by both the local and State pension boards.

We are thrilled to have Diego as a new police officer serving our community. I would like this hiring to be **effective today, Monday August 14, 2023.**

Diego will be present for the Board of Works Meeting

A handwritten signature in black ink, appearing to be "Jose' Miller".

Jose' Miller #116
Chief of Police
Goshen City Police Department
111 E. Jefferson Street
Goshen, IN. 46528

Telephone: (574) 533-8661

Hearing Impaired: (574) 533-1826

FAX: (574) 533-1826



Danny C. Sink, Chief
FIRE DEPARTMENT, CITY OF GOSHEN
209 North Third Street • Goshen, IN 46526-3201

Phone (574) 533-7878 • Fax (574) 534-2804 • TDD (574) 534-3185
dannysink@goshencity.com • www.goshenindiana.org

August 1, 2023

To: The Board of Works and Public Safety

RE: Promote John M. Kauffman to Private First Class

From: Fire Chief Danny Sink

John M. Kauffman will complete his probationary year at GFD on August 15, 2023. Based on his performance and recommendations from his Battalion Chief and Training Officer; it is my pleasure to request that John be **promoted to the rank of Private First Class for the Goshen Fire Department, effective August 15, 2023.** Thank you

Thank you.



Danny C. Sink, Chief
FIRE DEPARTMENT, CITY OF GOSHEN
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August 1, 2023

To: The Board of Works and Public Safety

RE: Promote Matthew W. Pilling to Private First Class

From: Fire Chief Danny Sink

Matthew W. Pilling will complete his probationary year at GFD on August 15, 2023. Based on his performance and recommendations from his Battalion Chief and Training Officer; it is my pleasure to request that Matt be **promoted to the rank of Private First Class for the Goshen Fire Department, effective August 15, 2023.** Thank you

Thank you.

CRIMSON MARCHING BAND

Goshen High School (574) 533-8651 Ext. 5120

Director Tom Cox & Director Josh Kaufman

tcox@goshenschools.org & jkauffman@goshenschools.org

401 Lincolnway E.

August 8, 2023

Dear Members of the City of Goshen Board of Public Works and Safety,

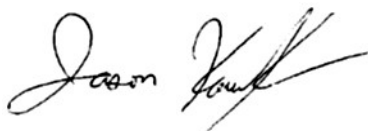
This letter and attached document are a formal request from the Band Boosters of Goshen High School for the closure of the following public street for the upcoming Marching Band Invitational held at Goshen High School. We are making this request for the safety of the students that will be attending this event. Since we utilize the entire campus for this Invitational, students' movement across these streets is necessary. This event will be held on September 9, 2023, and will begin approximately at 5:00 pm. The bands will arrive around 1:00 p.m., and with other pre-event preparations, we request street closure no later than 10:00 a.m. The event will conclude shortly after 9:30 pm, with all participants leaving no later than 11:00 p.m. and clean-up completed no later than midnight. We hope to have a police officer present before, during, and after the event.

The streets that we request closure on are as follows:

1. East Purl Street from 9th Street east to the school campus.
2. 10th Street from the intersection of 10th and US 33 to East Reynolds Street.
3. We would also like to request, like normal, the use of the grassy knoll area between Douglas Street and Plymouth Avenue for parking. We know this will most likely be unavailable to us in the future as we know it is the site for the Ariel Cycleworks Apartments.

We will make sure that we have a member of the Boosters present at the Board of Works meeting to answer any questions you may need. Any questions before the meeting may be directed to me at (574) 606-4064. Thank you in advance for your consideration.

Sincerely,



Jason Kauffman

Goshen High School Band Boosters Representative





Richard Aguirre, City Clerk-Treasurer
CITY OF GOSHEN

202 South Fifth Street, Suite 2 • Goshen, IN 46528-3714

Phone (574) 533-8625 • Fax (574) 533-9740

richardaguirre@goshencity.com • www.goshenindiana.org

To: City of Goshen Board of Works & Safety
From: Clerk-Treasurer Richard R. Aguirre
Date: Aug. 14, 2023
Subject: Request for retroactive approval of a Big Dipper 35 grease trap at El Imperial Restaurant/Bar, 113 South Main Street in downtown Goshen

The Clerk-Treasurer received the following request on Aug. 14, 2023:

Hello,

My name is Erick Ponce and I will be opening El Imperial Restaurant/Bar located on 113 South Main Street. The restaurant will serve a variety of Mexican food dishes accompanied with special alcoholic beverages.

Our mission is to attract 21 and up individuals who enjoy music, food, and drinks. This establishment will provide a unique quality experience. There will be several areas where pictures can be taken, and also a pool table. I plan to open from Thursday-Sunday. The keys to success will be focused in product quality, service, and atmosphere.

Furthermore, I was told by the plumbing inspectors that this facility needed a Big Dipper 35 grease trap installed in order for everything to be up to date with the codes. This has been installed already at my facility and the final step is the approval from you.

If you have any questions or concerns please don't hesitate to give me a call at 574.971.0294.

Thank you,

Erick Ponce

stephanieg777@hotmail.com

(I have attached all the documents with comments & revisions that we have received from the Building Department.)

Yoder, Rhonda

From: Yoder, Rhonda
Sent: Friday, February 12, 2021 9:07 AM
To: Erick Gabriel Ponce
Cc: Jean Nisley ; Myron Grise; Mick Reese; Dustin Sailor; Tara Hetler; Scott Thomas; Rossa Deegan; Lori Lipscomb; Matthew Bottoms
Subject: 113 S Main Street - Remodel Follow Up
Attachments: 2018-10-01 Internal Remodel_zoning clearance 8X14.pdf

Hello Erick,

Thanks for stopping by the Annex Building yesterday to discuss a proposed remodel for San Marcos, 113 S Main Street, that would construct new restrooms and an interior wall to create front and back areas, with the back area to be used for food truck logistics and keeping the existing kitchen area as is, and the front area with new restrooms to be used for the restaurant area.

Per your discussion with commercial building inspector Myron Grise, the construction plans need to be prepared & stamped by an architect and submitted to the State.

Per our discussion:

- Elkhart County Health Department should be contacted to determine their review requirements.
- Architect should consult with Goshen Engineering to confirm requirements for the plumbing plans.
- At the time the construction plans are submitted to State, they should also be submitted to the City for review by Engineering, Fire, Planning and Building departments.
- Building Department requires a full size hard copy set of the construction plans for review.
- Engineering, Fire and Planning review electronic plans, and the plans are uploaded as part of an online permit application at the City Portal.
- Instructions for the City Portal, along with a link to the Portal, are on the Building Department webpage at <https://goshenindiana.org/building-department>
- The City Portal submittal should also include a completed, signed zoning clearance form (fillable form attached).
- The zoning clearance form may be completed and signed electronically (typed signature ok) and left in fillable format when uploaded.
- The review process requires the zoning clearance form to be signed by Engineering & Planning before permits are issued.

Thanks again for your inquiry, and let us know if there are questions.

Sincerely,
Rhonda Yoder, AICP
Planning & Zoning Administrator

Goshen City Planning
204 E Jefferson, Suite 4
Goshen, IN 46528
574-537-3815





**Building Department
CITY OF GOSHEN**

204 East Jefferson Street, Suite 5 • Goshen, IN 46528-3405

Phone (574) 534-1811 • Fax (574) 533-8626 • TDD (574) 534-3185
building@goshencity.com • www.goshenindiana.org

September 27, 2022

El Imperial
Stephanie Garcia and Erick Ponce
113 South Main Street
Goshen, IN 46526

**RE: Permit 20221305-REN (REN-COMM)
(JN: 20221305-REN)**

Dear Stephanie and Erick:

After a review of the revisions that were uploaded, the following comments remain open and will need to be addressed before the permit can be approved. For the revisions, please provide a letter of response to the comments, full set of plans, and/or other information as requested for further review. The letter of response to the comments needs to include the original comment and the appropriate response. Re-submitted plans that do not include the letter of response to the comments or the full set of revised plans, will not be reviewed and will be returned to you.

Fire

1. The DRI-ONE flame retardant spray that has been proposed does not seem to have a third party certification such as Underwriters Laboratories (UL). The product shall be tested and certified by a third party showing that it meets ASTM E-84 and NFPA 701. The manufacturer just cannot state that it meets or exceeds these standards without proof.
2. This product is not listed by a third party listing agency such as UL. It appears this company only claims it meets the mentioned standards, but we cannot take their word for it. It has to be tested and certified by a third party

Engineering

1. The FOG Inspector (Mick Reese) visited the site and found that modifications have been made (removing or moving fixtures or sinks). The previous engineering comment was that no plumbing plan was submitted and none were submitted with the revisions. A plumbing plan showing the modifications must be submitted for engineering to approve the permit.

Planning

1. Based on plan details above, this artificial greenery material will not be used on the facade; the zoning clearance will note this (this is just a note, and no response is required.)

Note: All revisions should be uploaded to the open permit through your portal account. If you have any questions on how to upload documents, please contact the Building Department at (574) 534-1811 if you have any questions.

Revisions to “Changes to El Imperial”

Fire Department

1. The DRI-ONE flame retardant spray that has been proposed does not seem to have a third party certification such as Underwriters Laboratories (UL). The product shall be tested and certified by a third party showing that it meets ASTM E-84 and NFPA 701. The manufacturer just cannot state that it meets or exceeds these standards without proof.
-We spoke to the fire department directly and explained to them the greenery we have and the products we used for extra safety and precaution. A gentleman went to El Imperial and they approved the greenery. This was directly with the fire department.
2. This product is not listed by a third party listing agency such as UL. It appears this company only claims it meets the mentioned standards, but we cannot take their word for it. It has to be tested and certified by a third party.
-We spoke to the fire department directly and explained to them the greenery we have and the products we used for extra safety and precaution. A gentleman went to El Imperial and they approved the greenery. This was directly with the fire department.

Engineering

1. The FOG Inspector (Mick Reese) visited the site and found that modifications have been made (removing or moving fixtures or sinks). The previous engineering comment was that no plumbing plan was submitted and none were submitted with the revisions. A plumbing plan showing the modifications must be submitted for engineering to approve the permit.
-Frogs Plumbing went out and did our plumbing for us at the facility. They have the plumbing plan that was done, and they told us that they would submit that plan to you. They couldn't provide a plumbing plan for us at that moment.

EXHIBIT A

Categories of Commercial Food Preparers

Food service operating hours per week:

3	One hundred (100) hours or more.....	five (5) points
	Between fifty (50) and ninety-nine (99).....	four (4) points
	Between twenty-five (25) and forty-nine (49) hours.....	three (3) points
	Between fifteen (15) and twenty-four (24) hours.....	two (2) points
	Less than fifteen (15) hours.....	one (1) point

Monthly flow attributable to food service by cubic feet:

1	8,021 cubic feet or more.....	five (5) points
	Between 8,884 and 8,020 cubic feet.....	four (4) points
	Between 5,348 and 8,883 cubic feet.....	three (3) points
	Between 4,011 and 5,347 cubic feet.....	two (2) points
	Less than 4,011 cubic feet.....	one (1) point

Seating capacity or maximum number of meals normally served at one time if less than seating capacity (not assessed for church facilities):

3	One hundred fifty (150) seats/meals or more.....	five (5) points
	Between seventy-five (75) and one hundred forty-nine (149) seats/meals.....	four (4) points
	Between fifty (50) and seventy-four (74) seats/meals.....	three (3) points
	Between twenty-five (25) and forty-nine (49) seats/meals.....	two (2) points
	Less than twenty-five (25) seats/meals.....	one (1) point

Serving practices:

	Full kitchen and serves food on dishes that are washed on site.....	five (5) points
	Full kitchen and serves food on disposable dishes or dishes that are not washed on site.....	four (4) points
5	Prepares prepackaged food and serves food on dishes that are washed on site.....	three (3) points
	Prepares prepackaged food and serves food on disposable dishes.....	two (2) points
	Limited use kitchen - bakery or carry-in food prep and clean-up.....	one (1) point
5	Deep fryer used as part of normal food preparation.....	five (5) points
	Deep fryer present but not part of normal food preparation.....	two (2) points
	Facility has commercial dishwasher.....	four (4) points
	Facility has three (3) bay sink and/or prep sink.....	five (5) points
10	Facility has mop sink.....	three (3) points
5	Facility has floor drains.....	three (3) points
	Facility has drive-thru.....	one (1) point

An applicant shall be assigned a category by the Superintendent based on the following point total:

- Twenty-four (24) or more points - Category A - *Interceptor*
- Six (6) to twenty-three (23) points - Category B - *Trap*
- Less than six (6) points - Category C

Big Dipper
- 35



CITY OF GOSHEN
PLANNING DEPARTMENT
100 W. MAIN ST.
GOSHEN, IN 46525

CITY OF GOSHEN REVIEW Planning

REVIEWED BY: Rossa K. Deegan

REVIEW DATE: 07/11/2023

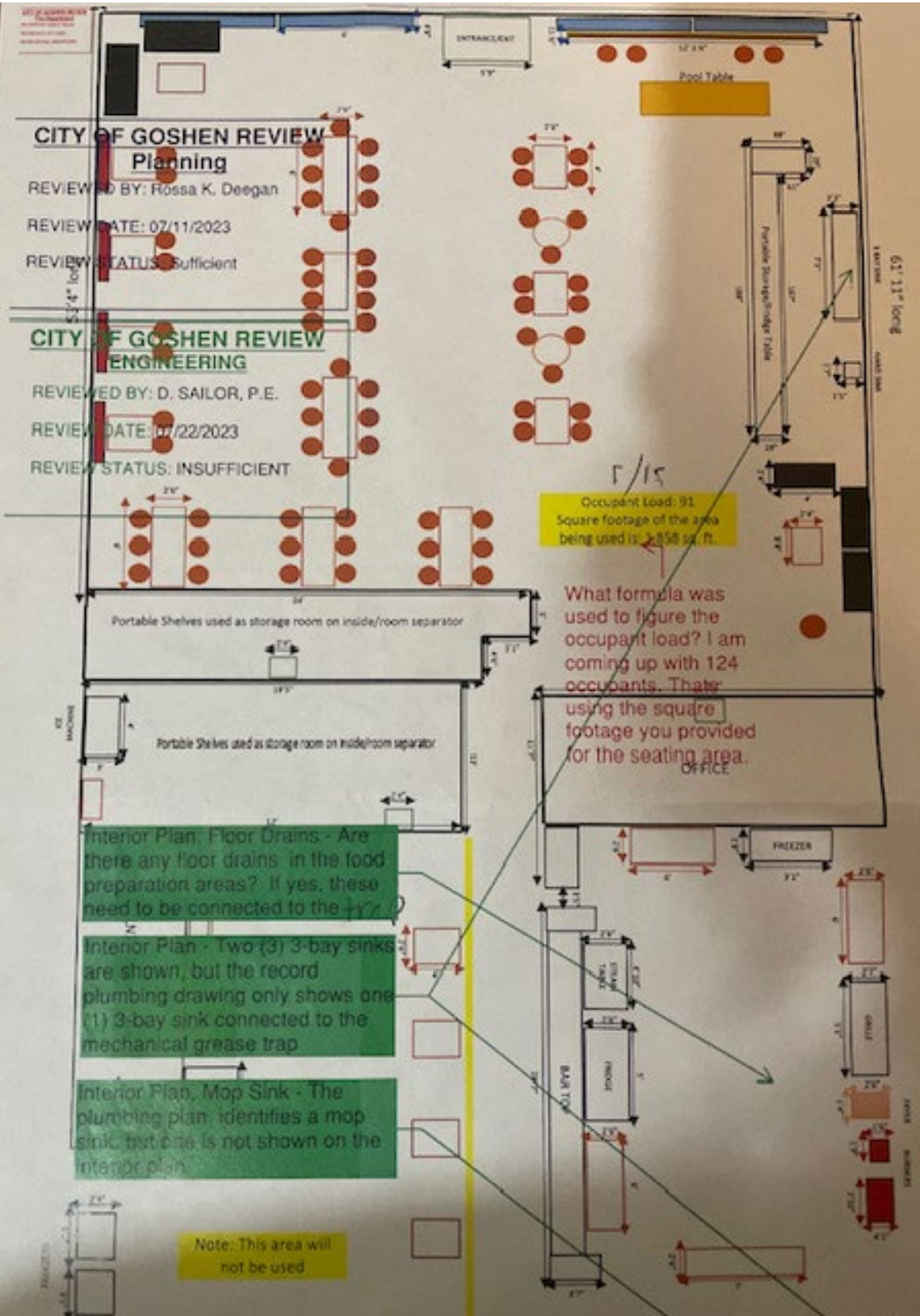
REVIEW STATUS: Sufficient

CITY OF GOSHEN REVIEW ENGINEERING

REVIEWED BY: D. SAILOR, P.E.

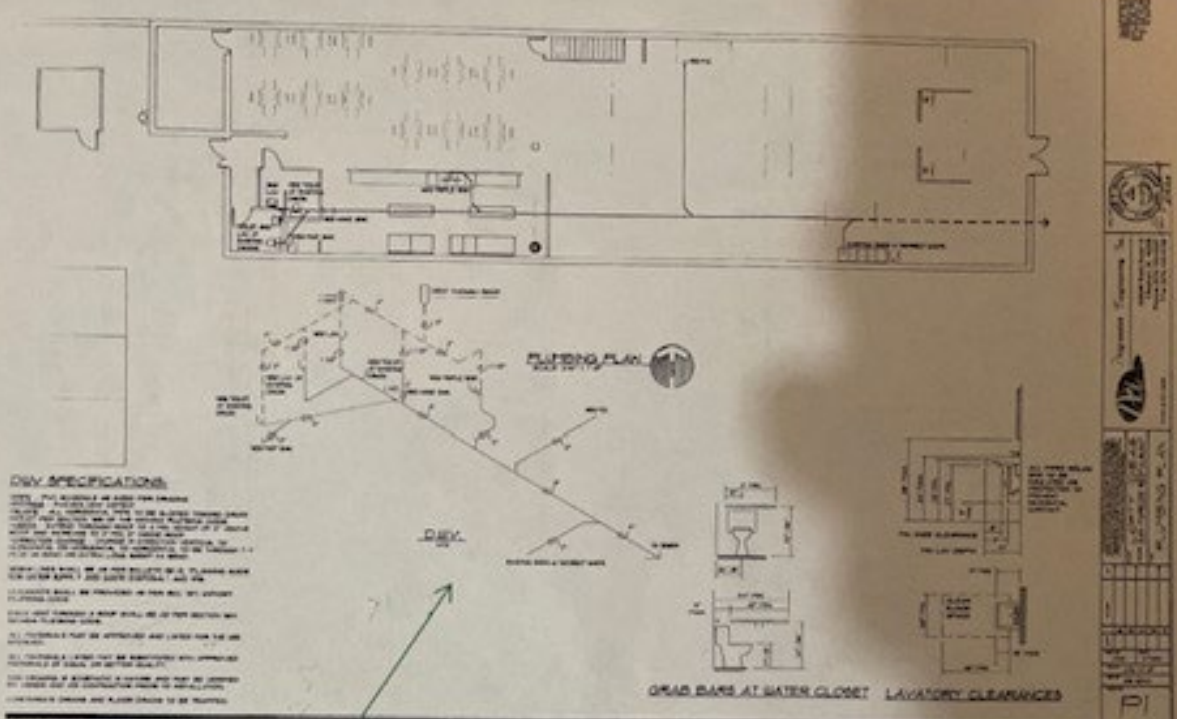
REVIEW DATE: 07/22/2023

REVIEW STATUS: INSUFFICIENT



Note: This area will not be used

What formula was used to figure the occupant load? I am coming up with 124 occupants. That's using the square footage you provided for the seating area.



EL IMPERIAL

BOTANERO/BAR

(Floor plan)

Interior Plan, Plumbing - This plan was provided in 2009 for this property. Although not all the plumbing features that should be connected to the grease interceptor are correctly shown, this plan demonstrates a minimum of what should be provided for the City's plumbing review.

REVIEWED BY: Rossa K. Deegan
REVIEW DATE: 09/16/2022
REVIEW STATUS: Sufficient

Revisions to "Changes to El Imperial"

CITY OF GOSHEN REVIEW
Fire Department
REVIEWED BY: Erik A. Thomas
REVIEW DATE: 09/23/2022
REVIEW STATUS: INSUFFICIENT

City of Goshen Review on behalf of Building Department

"1. No floor plan of the changed seating is available for life safety review. Please provide."
-Floor plans will be provided in a different attachment.

"2. Occupant load needs to be calculated. Please provide."
-Occupant load is 81 and it is shown on the floor plan.

"3. Increased seating may require additional restroom fixtures. Please provide calculations."
-Occupant load only 81; no increased seating.

"Building does not appear to be sprinkled. Increased occupant load may require sprinkler system if occupant load is 100 or greater."
-Occupant load only 81. Occupant load will not exceed 100 or greater.

"Permit description states portable shelves were added to create storage room. Please provide photographs or drawings of the space created."

-The floor plan that will be provided in a separate attachment will show the drawing/dimensions of these portable shelves. Here are some pictures of the portable shelves added.



City of Goshen Review Planning

"The artificial greenery strips are not compatible with the textures and materials of the pre-1910s buildings in the Downtown District. These will either need to be removed as part of this approval or a developmental variance approved by the Board of Zoning Appeals will be required to keep the strips. The BZA packet is attached to the Supplemental Materials section of your application."

-The artificial greenery strips will be removed. Instead, we will be adding wood panels (for exterior) only on the area where the greenery was added. Pictures and descriptions of the wood panels shown below.



This greenery will be removed and replaced with wood panels only in the areas where the greenery is located.

This is where the wood panels will be placed instead of the greenery. Same thing on the left side of the sign.

15/32-in x 2-ft Pine Sanded Plywood

15/32-in x 2-ft Pine Sanded Plywood

Overview Specifications Compare Reviews Q&A Product Features

OVERVIEW

- Sanded panel for use in interior and exterior projects when properly finished
- Most popular panel due to smooth, sanded face and attractive appearance when painted
- Easy to handle pre-cut panels
- Simple to cut and fasten
- Versatility for multiple applications
- Made from wood sourced through a system that is third-party certified to the Sustainable Forestry Initiative® (SFI®) low staining standard

\$12.68 [Return to Top](#)

Overview Specifications Compare Reviews Q&A Product Features

For Use with Nails	Y	Waterproof/Resistant	Not Rated
Wood Species	Pine	Water Grade	W1
Environmental Certification	SFI	For Use with Cabinet/Bookcase	Y
Finish	Unfinished	Common Thickness Measurement	15/32-in
For Use with Planks	N	Performance Category	W1000-LP
Series Name	W1	Water Grade	W
Shank or Groove	W1	UPSIDE	UPSIDE
Actual Width (Feet)	1.00	CA Resistant - Prop 65 Warnings	Prop 65 Warnings
Type	Standard Plywood	Water Resistant	Y
Actual Thickness (Inches)	0.469	Edge Profile	Square
Common Width Measurement	2-ft	Common Length Measurement	2-ft
Common Measurement (W x L)	2-ft x 2-ft	Pressure Treatment Type	W1
Actual Length (Feet)	1.00	Pressure Treated	Y
Weather Exposure	Exterior	Moisture	None

I have added pictures of the wood panels we would be using to replace the greenery. The overview and description are shown on these pictures. Since the panel is bigger than the size of the area where it will be placed, we will be cutting the wood to the size of the area.

This will be the stain used on the wood panels for exterior. Item and description shown below.



Cabot® Australian Timber Oil® Jarrah Brown Exterior Wood Stain - 1 gal.
Model Number: 140.0003460.007 | Menards® SKU: 6533004



Description & Documents

Cabot® Australian Timber Oil is a unique blend of oils originally formulated to protect dense Australian tallowood, cambau and merbau from extreme exposures. This proven, translucent-oil treatment is specially formulated for decks, siding, railings and outdoor furniture. Australian Timber Oil penetrates deep into wood to accentuate natural wood depth and patina. It contains a precise blend of super-grade linseed oil for maximum penetration, long-oil alkyds for durability and pure tung oil for color depth and water repellency. This three-way oil protection, along with complex translucent iron-oxide pigments, ensures a protected, beautiful finish rich with color and dimension.

Features

- Premium blend of oils maximize penetration, color depth and water repellency
- Provides translucent, rich color and dimension
- Best for enhancing natural wood character
- Available in 5 natural, wood-toned hues
- This item is not for sale to these states: IL, IN, OH



[Safety Data Sheets \(SDS\)](#)

[Technical Specifications](#)
[Color Chart](#)

Brand Name: **Cabot**



City of Goshen Review Fire Department

"The building occupant load will need to be figured. Please provide accurate square footage of the dining areas."

-The occupant load is 81. The square footage of the dining area is: 1,858 sq. ft.

This information is also shown on the floor plans that will be provided on a separate attachment.

"Interior finishes shall meet NFPA 286 and ASTM E 84 for flame spread rating. Please provide product description."

-The material of lettering we used on this wall is MDF. Pictures, description/information shown below.



Juvale Wooden Alphabet Letters for DIY Crafts, Home Wall Decor (4 in, 2 of Each Letter, 52 Pieces)

Visit the Juvale Store

★★★★★ - 688 ratings

21"

Learn More

View Details

Material

Wood

Brand

Juvale

Shape

Letter

Number of Pieces

52

About this item

- Alphabet letters for wall decor: This small wood alphabet letters set has a total of 52 pieces, with 2 pieces of each letter in the alphabet in a natural wooden color.
- Arts and Crafts: Add these medium-density fiberboard alphabet letters for wall decor to your arts and crafts supplies to create seasonal designs, party decor, or holiday signs.
- Multi-Purpose: Use the portable 4 inch wooden letters to spell a certain word or phrase for happy birthday, Congratulations and Welcome during an upcoming wedding, baby shower, or celebration.
- Get Creative: Put these decorative wooden letters for crafts together to spell whatever you want to decorate with and share your imagination to the only limit.
- The Perfect Size: The portable wooden letters for wall decor measure from 4.2 x 2.2 inches to 4.2 x 4.2 inches with 0.1 inches in thickness.

Product Description

Add this versatile wood letter set to your arts and crafts supplies for embellishing projects, making signs, or even fun home decor pieces. This alphabet letter set contains a total of 52 pieces, with 2 pieces of each alphabet letter in a natural wooden color. Also excellent for craft projects, as party decorations, weddings, baby showers, and so on. Place these letters together to spell whatever you want or use them as decals for cohesive lettering. Each alphabet letter measures between 4.2 x 2.2 inches and 4.2 x 4.2 inches.

Product Information

Package Dimensions	13.39 x 7.83 x 6.42 inches
Item Weight	5.82 pounds
Manufacturer	Juvale
ASIN	B07C48C4P2
Customer Reviews	★★★★★ - 688 ratings 4.8 out of 5 stars
Best Sellers Rank	#11,790 in Arts, Crafts & Sewing (See Top 100 in Arts, Crafts & Sewing) #170 in Unfinished Wood
Is Discontinued by Manufacturer	No
Number of Pieces	52
Batteries Required?	No

Warranty & Support

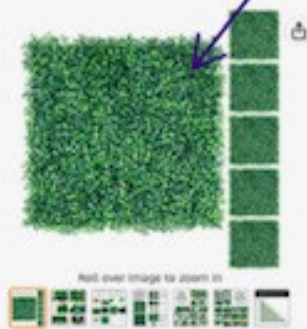
Product Warranty: For warranty information about this product, please [click here](#).

Feedback

Would you like to tell us about a lower price?

Based on plan details above, this artificial greenery material will not be used on the facade; the zoning clearance will note this.

"Artificial decorative vegetation shall meet the standards of NFPA 701. Please provide documentation from the manufacturer."



Brand	Yahotach
Plant or Animal	Boxwood
Product Type	
Color	Green
Material	Polyethylene
Specific Uses For Product	Home, Office, Patio, Garden, Wedding Decor

About this item

- SGS-certified material: This boxwood panel set is made of harmless SGS-certified polyethylene, UV-proof material ensures excellent durability even used outdoors.
- High-density boxwood panel: This artificial boxwood hedge features 400 three-layered leaves per panel to provide you with privacy and authenticity of lush greenery.
- Design it yourself!: Twenty-four 20x20"/50x50cm boxwood panels can cover 66 sq ft area in total. On the back of each boxwood panel is a cuttable plastic grid, which can be easily trimmed into any shape you want with scissors.
- Easy to use: The boxwood panels can be interlocked by snap lock and easily fastened to any wood frame, chain link fence, brick wall, etc. with zip ties or glue.
- Charming decoration: Our life-like artificial boxwood panels help you built a vibrant, delightful and private relaxing space in your garden, patio, yard, and also a lively addition to home/office decoration.

Note: For extra safety and precaution we sprayed the greenery and letters with this item shown below.



This product is not listed by a third party listing agency such as UL. It appears this company only claims it meets the mentioned standards, but we cannot take their word for it. It has to be tested and certified by a third party

- DRI-ONE is recognized by Fire Marshals and Building Officials in major metropolitan areas throughout the United States and many other countries. The Original Flame Retardant Spray, Family Owned & Operated Since 1958! Proudly Made in the USA! The Highest Quality Flame Retardant that is Environmentally Safe, Non-Toxic, NO PBO's, Ready to Use Flame Retardant on Wood, Fabric, Paper & More. DRI-ONE meets the NFPA 701 and the California Administrative Code, Title 19 for fabric.
- #1 HOME DEFENSE: A Tested & Proven Product Since 1958. DRI-ONE is formulated to Protect, Penetrate, & Bond to the cellular structure of absorbent materials such as foam, fabric, wood, and more. The treated item can be painted or stained after the DRI-ONE has dried when treating wood products. Packaged in Quarts, Gallons, 5 Gallon Pails and 55 Gallon Drums. Free Shipping! Not recommended for use on live plants or greenery.
- WHAT IS FIRE RETARDANT SPRAY BY DRI-ONE? DRI-ONE is an A1 IN ONE Class "A" Flame Retardant for Fabric, Wood, and More. A clear, water based, ready to use flame retardant that is Eco-Safe - Non-Toxic - Non-Hazardous. Maybe applied to any Bare Wood or Natural Textile Product to provide Flame Spread Control and Suppress Smoke Generation in the Event of a FIRE.
- Ready to Use, Requires No Dilution or Mixing and Dries Clear. DRI-ONE Retards fire by limiting flame spread and toxic smoke. Easy to use, spray, brush, roll, and/or submerge. DRI-ONE is not effective when applied to wood which has been previously sealed or painted with water repellents, stains, paints and other finishes. Must be applied after treatment with DRI-ONE when material has dried. Once treated & dried, apply final finishes such as sealers, stains, undercoats, primers & paint.
- Over 60 YEARS DRI-ONE Flame Retardant has been used in Government properties, Commercial, Private Business, and Personal Environments. Use in Construction, Libraries, Housing, Restaurants, Government Facilities, Nuclear Power Plants, Hospitals, Nursing Homes, Schools, Daycare Centers, Existing Structures, Roofs, Rafters, Wallboard's, Paneling, Draperies, Curtains, Carpets, Mats, Upholstery, Bedding, Decorative Items, Items to Treat Raw Wood / Lumber, Thatch Reeds, Natural Fabrics

Desert Research Institute, Inc. has been in business since 1958 manufacturing our product DRI-ONE Flame Retardant.

DRI-ONE is a Safe, Non-Toxic, Non-Hazardous formula for the treatment of Fabric, Wood, and Plant Based Products for the prevention of combustion and flame spread in case of fire. This product has been used in both the business and personal environments for over 60 years.

- Retards Fire By Limiting Flame Spread
- A Clear, Water Based Flame Retardant
- Dries Clear, No Odor, Non-Sticky Formula
- Ready to Use, Requires No Dilution or Mixing
- Easy to Use - Brush, Roll, Spray, and/or Submerge
- The treated item can be painted or stained after DRI-ONE has dried.
- Packaged in Quarts, Gallons, 5 Gallon Pails and 55 Gallon Drums

DRI-ONE is formulated to Protect, Penetrate, and Bond to the cellular structure of absorbent materials such as Foam, Fabric, Wood and Plant Based Products.



Easy Application

- Ready to Use, No mixing Required
- Easy to Use, Non-toxic
- Dries Clear, No Odor, Non-Sticky Formula
- Retards Fire by Limiting Flame Spread and Heat Release

DRI-ONE is formulated to Protect, Penetrate, and Bond to the cellular structure of absorbent materials such as Foam, Fabric, Wood and Plant Based Products.

**MULTI-PROTECTION
DRI-ONE APPLICATIONS
Class "A" Flame Retardant**

DRI-ONE Agency Approval

DRI-ONE meets the NFPA 261 and California Administrative Code, Title 19 for Class One Rating on Fabric and wood. DRI-ONE meets A.S.T.M. E-84 Flame Spread Test Class "A" for wood, also known as the Steiner Tunnel Test. This method is similar to ANSI 2.5, NFPA No. 225, UBC No. 43-1 and UL No. 723. The tests are recognized by Fire Marshals and building officials in major metropolitan areas throughout the United States and many other countries.

DRI-ONE is recognized by Fire Marshals & Building Officials in major metropolitan areas throughout the United States & many other countries.

Manufactured by
Desert Research Institute, Inc.

City of Goshen Review
 on behalf of Building Department
 REVIEWED BY: Kevin Troy
 REVIEWED DATE: 07/14/2022
 REVIEW STATUS: Insufficient

CITY OF GOSHEN REVIEW
 Planning
 REVIEWED BY: Anna K. Deppa
 REVIEW DATE: 07/14/2022
 REVIEW STATUS: INSUFFICIENT

CITY OF GOSHEN REVIEW
 Fire Department
 REVIEWED BY: Steve A. Thomas
 REVIEW DATE: 07/14/2022
 REVIEW STATUS: INSUFFICIENT

Changes to El Imperial

1. Painted ceiling
2. Replaced light on every existing outlet
3. Replaced ceiling fans
4. Replaced 3 bay sink/hand sink (already existed in that location)
5. Added movable table for staff use
6. Mounted tv's
7. Mounted speakers
8. Added booths, tables, and chairs
9. Painted exterior and added greenery (picture of greenery material shown down below)
10. Painted existing outside sign and added stainless steel letters

1. No floor plan of the changed seating is available for life safety review. Please provide.
 2. Occupant load needs to be calculated. Please provide.
 3. Increased seating may require additional restroom fixtures. Please provide calculations.

The building occupant load will need to be figured. Please provide accurate square footage of the dining areas



Building does not appear to be sprinkled. Increased occupant load may require sprinkler system if occupant load is 100 or greater.

Interior finishes shall meet NFPA 286 and ASTM E 84 for flame spread rating. Please provide product



Artificial decorative vegetation shall meet the standards of NFPA 701. Please provide documentation from the manufacturer .

Permit description states portable shelves were added to create storage room. Please provide photographs or drawings of the space created.

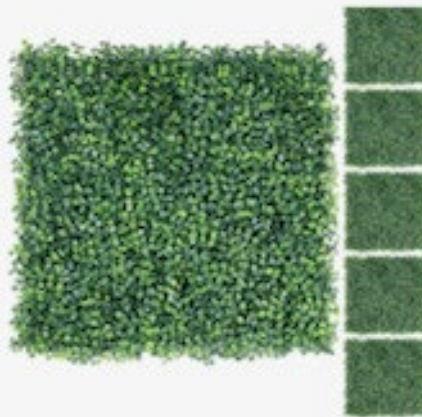


The artificial greenery strips are not compatible with the textures and materials of the pre-1910s buildings in the Downtown District. These will either need to be removed as part of this approval or a developmental variance approved by the Board of Zoning Appeals will be required to keep the strips. The BZA packet is attached to the Supplemental Materials section of your application.

The changes to the face of the sign require zoning clearance approval. The changes will be noted on the zoning clearance you submitted.

BEFORE

AFTER



Yosemite Office Artificial
Recessed lighting with remote
Controlled Topper's Range Plant
Privacy Window Screen UV
Protection for
Garden, Home, Porch, Backyard
and Office...

This is the greenery that was used for the exterior

Note: Nothing electrical or plumbing was added to the space. Nothing on the other side of the restaurant (kitchen, and bathrooms) has been changed. Remodeling was done just on the open space.

Revisions to “El imperial Floor Plan”

- What formula was used to figure the occupant load? I am coming up with 124 occupants. That’s using the square footage you provided for the seating area.
-Answer was submitted on 7/17 by email. When revised by the fire department we were told if we didn’t want a sprinkler system, we need to keep occupant load under 100. Therefore, we will keep occupant load under 100 even though it fits more people.
- Interior Plan, Floor Drains – Are there any floor drains in the food preparation areas? If yes, these need to be connected to the trap.
-There aren’t any floor drains in the food preparation areas.
- Interior Plan – Two (3) 3-bay sinks are shown, but the record plumbing drawing only shows one (1) 3-bay sink connected to the mechanical grease trap.
-There are two (3) 3-bay sinks; a new plumbing plan will be attached with that shown.
- Interior Plan, Mop Sink - The plumbing plan identifies a mop sink, but one is not shown on the interior plan.
-The new plumbing plan attached shows the mop sink.
- Interior Plan, Plumbing – This plan was provided in 2009 for this property. Although not all the plumbing features that should be connected to the grease interceptor are correctly shown, this plan demonstrates a minimum of what should be provided for the City’s plumbing review.
-A new plumbing plan has been provided by the company.



CITY OF GOSHEN LEGAL DEPARTMENT

City Annex
204 East Jefferson Street, Suite 2
Goshen, Indiana 46528-3405

Phone (574) 537-3820 • Fax (574) 533-8626 • TDD (574) 534-3185
www.goshenindiana.org

August 14, 2023

To: Goshen Board of Public Works and Safety

From: Shannon Marks

Subject: Acceptance of Easement from Villas Venecia 420, LLC

It is recommended that the Board accept the attached Easement from Villas Venecia 420, LLC. This easement is for Goshen City utility purposes at 420 Johnston Street.

Suggested Motion:

Move to accept the Easement for Goshen City utility purposes from Villas Venecia 420, LLC, and authorize the Mayor to execute the Acceptance.

EASEMENT

Villas Venecia 420, LLC, an Indiana limited liability company (“Grantor”), grants and conveys to **City of Goshen, Indiana**, a municipal corporation and political subdivision of the State of Indiana (“City”), whose mailing address is 202 South Fifth Street, Goshen, Indiana 46528, for good and valuable consideration, the receipt whereof is hereby acknowledged, an easement over, across, and through real estate situated in Elkhart County, State of Indiana, as more particularly described in the legal description attached as Exhibit A and depicted upon the drawing attached as Exhibit B. The area so described and depicted is hereinafter referred to as “Easement.”

The Easement is part of the real estate more commonly known as 420 Johnston Street, Goshen, Indiana, and part of Parcel Number 20-11-04-327-024.000-015. Grantor obtained title to the real estate by Quitclaim Deed dated April 11, 2017 and recorded April 12, 2017 in the Office of the Recorder of Elkhart County, as Instrument No. 2017-07269.

The Easement is granted and conveyed to City for Goshen City utility purposes. Grantor grants City access to the Easement for the purposes of accessing, installing, operating and maintaining Goshen City utility facilities, including any appurtenances as may be required.

City shall restore the surface of the Easement after any entry by City to as good as or better condition than it was prior to the entry. City shall promptly pay for or otherwise rectify any damage caused by City to Grantor’s adjoining real estate.

City is not obligated to replace any improvements extending over or into the Easement that may be damaged or removed during any subsequent entry.

Grantor may use, occupy and possess the Easement in a manner that is consistent with and does not interfere with City’s rights contained in this Easement.

The terms of this Easement shall run with the land and shall be binding upon and inure to the benefit of the heirs, assigns and successors in interest of the parties.

The undersigned represents and certifies that such person is a duly authorized representative of Grantor and has been fully empowered to execute this Easement on behalf of

Grantor; that the Grantor has full capacity to grant the Easement described; and that all necessary action for granting this Easement has been taken.

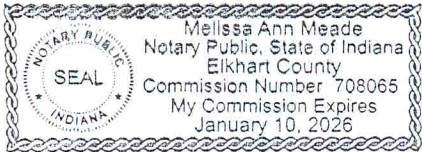
IN WITNESS WHEREOF, the undersigned has executed this Easement on August 4, 2023.

Villas Venecia 420, LLC, an Indiana limited liability company

By: Jose de Jesus Delgado
Printed: JOSE DE JESUS DELGADO
Title: Owner

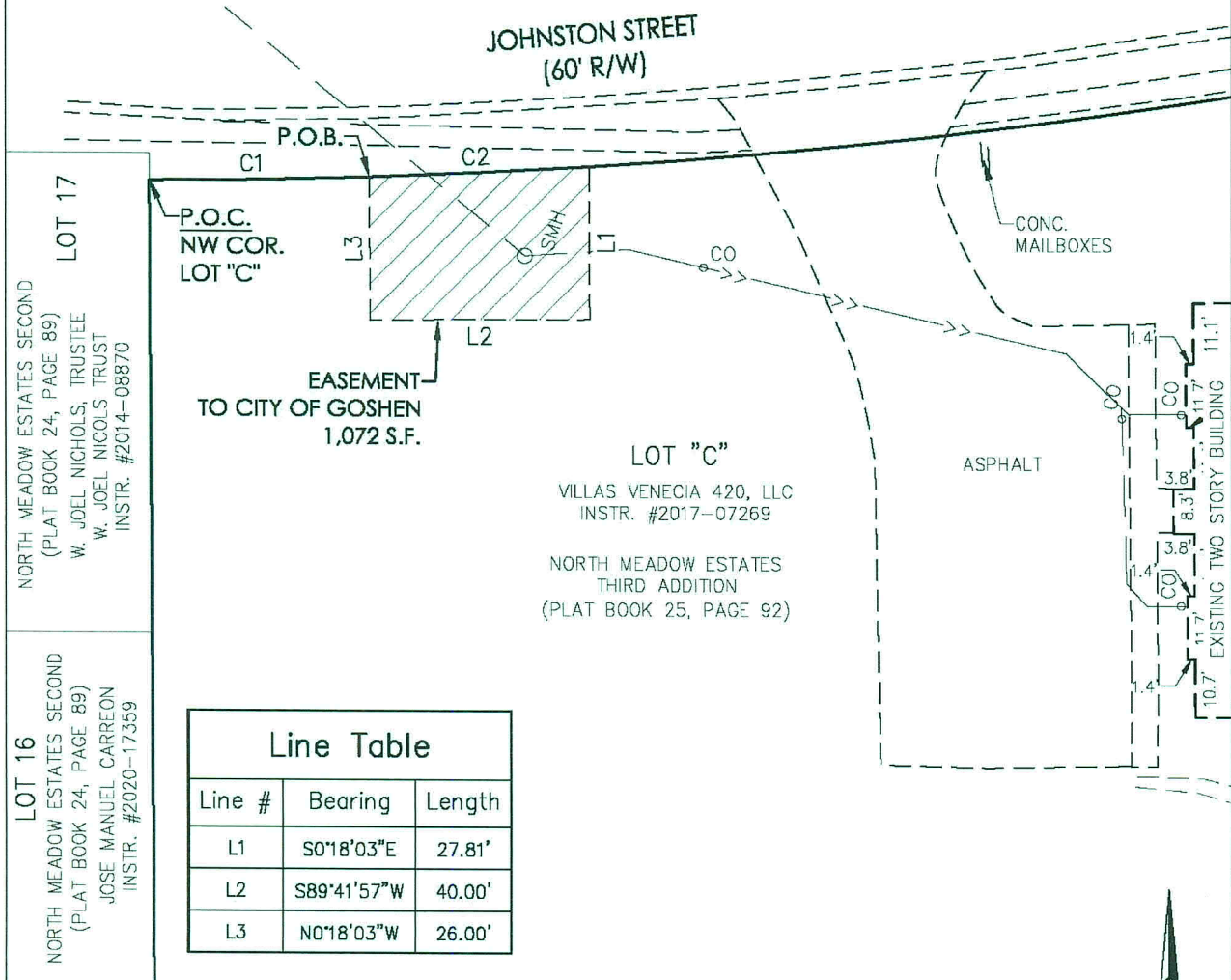
STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me, the undersigned Notary Public, on August 4, 2023, personally appeared Jose de Jesus Delgado as owner of Villas Venecia 420, LLC, an Indiana limited liability company, and acknowledged the execution of the foregoing instrument.



Melissa Ann Meade
Notary Public
Printed: Melissa Ann Meade
County of residence: Elkhart
Commission number: 708065
My commission expires: January 10, 2026

EXHIBIT A
A PART OF LOT "C" IN NORTH MEADOW ESTATES THIRD
ADDITION TO THE CITY OF GOSHEN; SAID PLAT BEING
RECORDED IN PLAT BOOK 25, PAGE 92, IN THE OFFICE OF THE
RECORDER OF ELKHART COUNTY, INDIANA & BEING A PART
OF SECTION 4, TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART
TOWNSHIP, CITY OF GOSHEN, ELKHART COUNTY, INDIANA

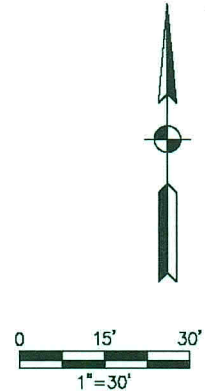


LOT 17
 NORTH MEADOW ESTATES SECOND
 (PLAT BOOK 24, PAGE 89)
 W. JOEL NICHOLS, TRUSTEE
 W. JOEL NICOLS TRUST
 INSTR. #2014-08870

LOT 16
 NORTH MEADOW ESTATES SECOND
 (PLAT BOOK 24, PAGE 89)
 JOSE MANUEL CARREON
 INSTR. #2020-17359

Line Table		
Line #	Bearing	Length
L1	S0°18'03"E	27.81'
L2	S89°41'57"W	40.00'
L3	N0°18'03"W	26.00'

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord
C1	40.00'	1305.00'	1°45'22"	N88°51'41"E	40.00'
C2	40.04'	1305.00'	1°45'29"	N87°06'16"E	40.04'



303 River Race Drive, Unit 206
 Goshen, IN 46526
 T 574.533.9913
 F 574.533.9911
 abonmarche.com

Fort Wayne
 Benton Harbor
 Portage
 South Haven
 Grand Haven
 Goshen
 Hobart
 Lafayette
 South Bend
 Valparaiso
 Engineering · Architecture · Land Surveying

**LOT "C" NORTH MEADOW
 ESTATES THIRD**

SCALE: 1" = 30'
 JOB #: 23-0268
 SHEET 1 OF 2

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EXHIBIT B
A PART OF LOT "C" IN NORTH MEADOW ESTATES THIRD
ADDITION TO THE CITY OF GOSHEN; SAID PLAT BEING
RECORDED IN PLAT BOOK 25, PAGE 92, IN THE OFFICE OF THE
RECORDER OF ELKHART COUNTY, INDIANA & BEING A PART
OF SECTION 4, TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART
TOWNSHIP, CITY OF GOSHEN, ELKHART COUNTY, INDIANA

EASEMENT DESCRIPTION

A PART OF LOT "C" IN NORTH MEADOW ESTATES THIRD ADDITION TO THE CITY OF GOSHEN; SAID PLAT BEING RECORDED IN PLAT BOOK 25, PAGE 92, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA & BEING A PART OF SECTION 4, TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP, CITY OF GOSHEN, ELKHART COUNTY, INDIANA, SURVEYED BY CRAIG S. BATDORFF, REGISTRATION NUMBER 21200006, WITH ABONMARCHE CONSULTANTS, INC. AS SHOWN ON PROJECT NUMBER 23-0268, DATED MAY 12, 2023 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT "C"; THENCE ALONG THE NORTH LINE OF SAID LOT "C" AND A 1305.00 FOOT RADIUS CURVE TO THE LEFT, A DISTANCE OF 40.00 FEET (CHORD BEARING NORTH 88° 51'41" EAST, CHORD DISTANCE 40.00 FEET) TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE OF LOT "C" AND ALONG SAID 1305.00 FOOT RADIUS CURVE, 40.04 FEET (CHORD BEARING NORTH 87° 06'16" EAST, CHORD DISTANCE 40.04 FEET); THENCE SOUTH 00° 18' 03" EAST, 27.81 FEET; THENCE SOUTH 89° 41'57" WEST, 40.00 FEET; THENCE NORTH 00° 18'03" WEST, 26.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1,072 SQUARE FEET, MORE OR LESS.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND PUBLIC RIGHTS OF WAY OF RECORD.



303 River Race Drive, Unit 206
 Goshen, IN 46526
 T 574.533.9913
 F 574.533.9911
 abonmarche.com

Fort Wayne
 Benton Harbor
 Portage
 South Haven
 Grand Haven

Goshen
 Hobart
 Lafayette
 South Bend
 Valparaiso

Engineering · Architecture · Land Surveying

**LOT "C" NORTH MEADOW
 ESTATES THIRD**

SCALE:

JOB #: **23-0268**

SHEET **2** OF **2**

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ACCEPTANCE

The City of Goshen, Indiana, by the Goshen Board of Public Works and Safety, acknowledges the receipt of this Easement from Villas Venecia 420, LLC, an Indiana limited liability company, and accepts the Easement on _____, 2023.

Gina M. Leichty, Mayor

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me, the undersigned Notary Public, on _____, 2023, personally appeared Gina M. Leichty, Mayor of the City of Goshen, Indiana on behalf of the Goshen Board of Public Works and Safety, and acknowledged the execution of the foregoing instrument.

Shannon Marks, Notary Public
Resident of Elkhart County, Indiana
Commission number NP0685467
My commission expires May 17, 2024

This instrument was prepared by Bodie J. Stegelmann, Attorney No. 18180-20, City of Goshen Legal Department, 204 East Jefferson Street, Suite 2, Goshen, Indiana 46528, (574) 537-3820.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law (Bodie J. Stegelmann).



CITY OF GOSHEN LEGAL DEPARTMENT

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Goshen, Indiana 46528-3405

Phone (574) 537-3820 • Fax (574) 537-3817 • TDD (574) 534-3185
www.goshenindiana.org

To: Board of Public Works and Safety
From: Bodie J. Stegelmann
Subject: Agreement for Placement of AmeriCorps Members
Date: August 14, 2023

Attached for the Board's approval and authorization for Mayor Leichthy to execute is an agreement with MACOG for the placement of 4 MSY (member service year) AmeriCorps Members for the 2023-24 Program year to work in the City of Goshen. The City will pay MACOG Eleven Thousand Dollars (\$11,000.00) per MSY for the AmeriCorps Members assigned to the City.

Suggested Motion:

Approve the AmeriCorps at MACOG Service Site Organization Agreement with MACOG providing 4 AmeriCorps Member Service Years for the 2023-2024 Service Year in the amount of Forty-Four Thousand Dollars (\$44,000.00) and authorize Mayor Leichthy to execute the Agreement.

AmeriCorps at MACOG

SERVICE SITE ORGANIZATION AGREEMENT

This agreement is entered into for the Program Year 2023 – 2024, between the Service Site Organization: _____ (hereafter referred to as “the Organization”) and the AmeriCorps at MACOG Program (hereafter referred to as “the Program”).

I. Terms of the Contract

- A. AmeriCorps members will begin service on or after September 1, 2023 and complete the required number of service and training hours no later than August 31, 2024 as shown in the chart below.

Member Type	MSY (Member Service Year)	Total Number of Hours	Minimum number of training hours (12%)	Maximum number of training hours (20%)	Maximum number of fundraising hours (10%)
Full-time	1.0	1700	204	340	170
Three Quarter Time	0.7	1200	144	240	120
Half-Time	0.5	900	108	180	90
Reduced Half-time	0.38	675	81	135	67.5
Quarter-Time	0.26	450	54	90	45
Minimum Time	0.21	300	36	60	30

II. Program Role and Responsibilities

MACOG will:

- A. Pay AmeriCorps members’ living allowances on a bi-weekly schedule.
- B. Serve as the primary provider of training and technical assistance for members throughout the program year. Such assistance includes:
1. Recruit AmeriCorps members for placement at the Service Site; Service Sites will share the cost of advertising in newspapers for applicants.
 2. Perform criminal background checks on all members.
 3. Develop and implement training sessions, member meetings, and community service projects, and coordinate with the Serve Indiana and Indiana AmeriCorps Director Association for statewide member events;
 4. Conduct Service Site visits with the Program Director at a minimum annually;
 5. Provide service gear for members; and

6. Provide other support and assistance as needed to Service Sites and members.
- C. Provide an AmeriCorps orientation for members and Service Site staff. Participants will receive information and training on:
 1. Instruction on time and activity reporting, and other documentation on AmeriCorps and Program personnel policies and grievance procedures;
 2. The AmeriCorps and the National Service movement and the Program operation, goals and objectives; and
 3. Supervision of members.
 - D. Develop and distribute forms for the effective evaluation and continuous improvement of the program, including time and activity reports, monthly, semi-annual and annual reports, member evaluations, and training session evaluations.
 - E. Maintain and update member service records including logs of hours served and training hours, and all enrollment, eligibility, member agreements, status changes and exit forms as required by the Corporation for National Service.
 - F. Provide accounting and fiscal management services.

III. Service Site Roles and Responsibilities

The Organization agrees to:

- A. Serve as a Service Site for one or more AmeriCorps members (4 M5Y will be assigned to Organization).
- B. Provide full and complete supervision for the AmeriCorps member(s) assigned in accordance with its own policies and procedures, the policies and procedures of the AmeriCorps at MACOG program and AmeriCorps (Head Quarters). Supervision includes developing a service plan at the beginning of the program year that clearly defines the number of hours of service to be assigned each week, and dates the Service Site will be closed because of holidays or vacations. If the hours to be served will vary because of different programming for the school year and for the summer, this should also be included in the work plan. Each member should receive a copy of the plan and a copy should also be submitted to the Program Director to include in member files.
If the Service Site is not able to provide enough hours for the member to complete the required AmeriCorps terms of service, the Program Director should be informed, and consulted about secondary sites where the member can serve to fulfill requirements.
- C. Participate in all planning, training, evaluation and reporting activities required by the program to meet the requirements as a grantee of the AmeriCorps Service Site Agreement.
- D. Complete mid-year and year end evaluations of the organization's assigned member(s), verifying the accuracy of member time and activity reports and monthly reports, and ensuring timely submission of these reports to the Program Director.
- E. Submit time sheets the week after the completion of each pay period and the monthly reports are due the week following the end of each month.

- F. Oversee and assist members in timely completion of pre- and post-tests and participant surveys, and to tabulate the results at the end of the program year. Results should then be forwarded to the Program Director.
Failure to meet obligations as a Service Site can lead to termination of service by AmeriCorps members to the organization.
- G. Allow members time off from their Service Site responsibilities to attend the required meetings and training sessions scheduled by the Program which meet the Member Development Performance Measures described in the grant.
- H. Allow members to participate in the Program's community service projects, to meet the environmental stewardship and economic resiliency objectives described in the grant, and allow members to attend the state wide member events.
- I. Pay MACOG those moneys necessary to meet the Program's Service Site Fee for agreed costs as they may apply to the member(s) serving the organization. The Service Site Fee for 2023-2024 is \$11,000 per MSY (Member Service Year). **Federal dollars cannot be used as the source for the cash match.**
- J. Provide insurance coverage necessary to protect the organization and the AmeriCorps member(s) serving it from liability claims and errors and omissions related to service to the organization. Workmen's Compensation coverage will be provided for members through the policies of the fiscal agent.
- K. Provide the first recourse to the member(s) assigned to it for resolution of disputes or grievances related to service with the organization. Cooperate with grievance procedures in Member Agreements between a member assigned to the Service Site and MACOG.

Whenever a problem develops related to a member's job performance, the Service Site supervisor should address performance concerns with the member. If the performance doesn't improve, the supervisor should provide the member and the AmeriCorps Program Director with a written statement specifying necessary areas of improvement. If performance doesn't improve, the Program Director should be consulted and meet with the supervisor and the member to resolve the issues. A written statement describing the areas of improvement needed and a setting a probationary period should be signed by all parties. The Service Site should also determine if staff can help the member to improve performance through additional training, instruction or support. At the end of the probationary period a meeting with the member should be set to evaluate performance and if there is no evidence of improvement a decision will be made whether to extend the probationary period, or to terminate the member's placement at that Service Site.

- L. Act at all times in accordance with all applicable state and federal laws and regulations pertaining to AmeriCorps (including the Drug Free Workplace Act) and agrees not to ask members to participate in activities prohibited for AmeriCorps members. Prohibited activities include:
 - 1. In general, performing or assisting in the organization's fund raising activities; however AmeriCorps members may receive direct service credit hours for activities related to fundraising, but only to the extent that those activities satisfy all five of the following:

- a) Provide immediate and direct support to a specific and direct service activity;
 - b) Fall within the program's approved direct service objectives;
 - c) Are not the primary activity of the program;
 - d) Do not involve financial campaigns, endowment drives, solicitation of gifts and bequests, or similar activities designed for the sole purpose of raising capital or obtaining financial contributions for the organization; and
 - e) Do not involve significant amounts of time for any member.
2. Performing or assisting in grant writing except as indicated in the Section V of this Agreement.
 3. Performing clerical or receptionist duties;
 4. Any effort to influence legislation;
 5. Organizing or participating in protests, petitions, boycotts or strikes;
 6. Assisting, promoting, or deterring union organizing; Impairing existing contracts for services or collective bargaining agreements;
 7. Engaging in partisan political activities, or other activities designed to influence the outcome of an election to any political office;
 8. Participating in or endorsing, events or activities which are likely to include advocacy for or against political platforms, political candidates, proposed legislation or elected officials;
 9. Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious education or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of religious proselytizing.
 10. Providing a direct benefit to (1) a business organized for profit, (2) a labor union, (3) a partisan political organization, (4) a non profit organization that fails to comply with the restrictions contained in Sec. 501(c) of the Internal Revenue Code of 1986, and (5) an organization engaged in the religious activities described above, unless Corporation assistance is not used to support those religious activities;
 11. Discriminating against any person because of age, race, religion, color, disability, sex, marital status, physical condition, arrest or conviction record, drug abuse, alcohol abuse or alcoholism, developmental disability as defined in s. 51.01(5), sexual orientation, ancestry, or national origin; and
 12. The manufacture, distribution, dispensation, possession, or use of a controlled substance.

M. Abide by the AmeriCorps Provisions 33 (c) regarding non-displacement as if the "Grantee" referred to therein were the Service Site. The prohibitions are as follows:

1. **Prohibition on displacing an employee or position.** The Grantee may not displace an employee or position, including partial displacement such as reduction in hours, wages or employment benefits, as a result of the use by such employer of a member in a Program or project.
2. **Prohibition on selecting an employee for participation.** The grantee may not select a member who is employed by the Grantee or who was employed by the Grantee in the previous six months, unless the Corporation waives this requirement upon sufficient demonstration of non-displacement.

3. **Prohibition on promotional infringement.** The grantee may not create a community service opportunity that will infringe in any manner on the promotional opportunity of an employed individual.
4. **Prohibition on displacing employee services, duties or activities.** A member in a Program or project may not perform any services or duties, or engage in activities that would otherwise be performed by an employee, as part of the assigned duties of such employee.
5. **Prohibition on supplanting, hiring or infringing on recall rights.** A member in a Program or project may not perform any services or duties or engage in activities, that:
 - a) Will supplant the hiring of employed workers; or
 - b) Are the services, duties or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures.
6. **Other prohibitions.** A member in a Program or project may not perform services or duties that have been performed by or were assigned to any:
 - a) Presently employed worker;
 - b) Employee who recently resigned or was discharged;
 - c) Employee who is subject to a reduction in force or who has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures;
 - d) Employee who is on leave (terminal, temporary, vacation, emergency or sick); or
 - e) Employee who is on strike or is being locked out.

- N. No fewer than 12% and no more than 20% of the aggregate of all AmeriCorps member service hours in a Program may be spent in education, training or other non-direct activities.

IV. Standards of Service

AmeriCorps members are expected to conduct themselves and their affairs in a manner that is honest, ethical, and which brings good credit to themselves, the organization they serve, and AmeriCorps. Their service can be terminated for cause, or suspended if they engage in activities in section E, above, or in activities that bring discredit to the AmeriCorps program or the organization they serve, if their performance does not meet acceptable standards of the organization being served, or if they fail to meet their obligations to support activities of the AmeriCorps at MACOG Program. The Service Site and the supervisor are expected to provide oversight concerning such matters for the member(s) assigned, and to be in immediate contact with the Program Director when there is any question concerning member performance or conduct.

V. Fund Raising

A. Approved Member Activities. Members may raise funds directly in support of service activities that meet local, environmental, educational, public safety, homeland security or other human needs. Examples of fund raising activities members may perform include, but are not limited to the following:

- Seeking donations of books from companies and individuals for a program in which volunteers tutor children to read.
- Writing a grant proposal to a foundation to secure resources to support the training of volunteers.

- Securing supplies and equipment from the community to enable volunteers to help build houses for low-income individuals.
- Securing financial resources from the community to assist a faith-based or community-based organization in launching or expanding a program that provides social services to the members of the community and is delivered, in whole or in part, through the members of the faith-based organization.
- Seeking a donation from alumni of the program for specific service projects being performed by current members.

B. Prohibited Member Activities. A member's service activities may not include the following:

- Raising funds for his or her living allowance.
- Raising funds for an organization's operating expenses or endowment.
- Writing grant applications for AmeriCorps funding or for any other funding provided by the Corporation for National and Community Service.
- Writing grant applications for funding provided by any other federal agencies.

Fundraising activities that are allowable under this Agreement may not exceed 10% of a member's service time.

VI. Grievance Procedure

Grievance procedures have been established by the AmeriCorps program to resolve disputes involving AmeriCorps Members, labor unions, and any other interested individual concerning the AmeriCorps program. If a grievance is filed regarding a proposed placement of a participant such placement must not be made unless the placement is consistent with the resolution of the grievance.

Pre-Complaint Process

In general, all aggrieved parties such as members, applicants, or any other interested parties should attempt to resolve any problems or disputes with the other party on a one-to-one basis.

In the event that informal efforts to resolve disputes are unsuccessful, the aggrieved party may request that the program provide an Alternative Dispute Resolution process (ADR) such as mediation or facilitation to resolve the dispute. ADR proceedings must be initiated within 45 calendar days of the alleged occurrence. At the initial session of the dispute resolution proceedings, the party must be advised in writing of his or her right to file a grievance and right to arbitration. If the matter is resolved, and a written agreement is reached, the party will agree to forgo filing a grievance on the matter under consideration.

If mediation, facilitation, or other ADR processes are selected, the process must be aided by a neutral party who may not compel a resolution. Proceedings before the neutral party must be informal, and the rules of evidence do not apply. Apart from a written and agreed-upon dispute resolution agreement, the proceedings must be confidential. If the matter is not resolved within 30 calendar days from the date the ADR began, the neutral party must inform the aggrieving party of the right to file a grievance. In the event an aggrieving party files a grievance, the neutral party may not participate in the formal complaint process, and no communications or proceedings from the ADR may be referred to or introduced into evidence at the grievance and arbitration hearing. Any decision by the neutral party is advisory and is not binding unless both parties agree.

Formal Complaint Process

The aggrieved party may request a grievance hearing without participating in ADR or if the ADR process fails to facilitate a mutually agreeable resolution. The aggrieved party should make a written request for a hearing to:

Amber Werner, AmeriCorps Program Director
Michiana Area Council of Governments

The address is:

227 W Jefferson Blvd, Suite 1120
South Bend, IN 46601
awerner@macog.com

In the event that the grievance is against the individual listed above, the aggrieved party should make a written request for a hearing to:

James Turnwald, Executive Director
Michiana Area Council of Governments
227 W Jefferson Blvd, Suite 1120
South Bend, IN 46601
jturnwald@macog.com

Except for a grievance that alleges fraud or criminal activity, a request for a grievance hearing must be made within one year after the date of the alleged occurrence. The hearing must be conducted no later than 30 calendar days after the filing of the grievance, and a written decision must be made no later than 60 calendar days after the filing. The person conducting the grievance hearing may not have participated in any previous decisions concerning the issue in dispute.

Arbitration

An aggrieved party may request binding arbitration if a grievance hearing decision is averse to the aggrieved party or if no decision has been reached within 60 days of the filing of the grievance. The arbitrator must be independent of the interested parties and the interested parties must jointly select the arbitrator. If the parties cannot agree on an arbitrator within 15 calendar days after receiving a request from one of the disputing parties, the AmeriCorps' Chief Executive Officer (CEO) will appoint an arbitrator from a list of qualified arbitrators. An arbitration proceeding must be held no later than 45 calendar days after the request for arbitration, or, if the arbitrator is appointed by the Chief Executive Officer, the proceeding must occur no later than 30 calendar days after the arbitrator's appointment. A decision must be made by the arbitrator no later than 30 calendar days after the date arbitration commences. The cost of the arbitration proceeding must be divided evenly between the parties to the arbitration. If, however, a participant, labor organization, or other interested individual prevails under a binding arbitration proceeding, the state or local applicant that is party to the grievance must pay the total cost of the proceeding and the attorney's fees of the prevailing party.

Suspension of placement

If a grievance is filed regarding a proposed placement of a participant in a program that receives assistance under this chapter, such placement must not be made unless the placement is consistent with the resolution of the grievance.

Remedies for a grievance filed under a procedure established by a recipient of Corporation assistance may include:

1. Prohibition of a placement of a participant

2. In grievance cases where there is a violation of non-duplication or non-displacement requirements and the employer of the displaced employee is the recipient of Corporation assistance—
3. Reinstatement of the employee to the position he or she held prior to the displacement;
4. Payment of lost wages and benefits;
5. Re-establishment of other relevant terms, conditions and privileges of employment;
6. Any other equitable relief that is necessary to correct any violation of the non-duplication or non-displacement requirements or to make the displaced employee whole.

The Corporation may suspend or terminate payments for assistance under this chapter. A suit to enforce arbitration awards may be brought in any Federal district court having jurisdiction over the parties without regard to the amount in controversy or the parties' citizenship.

VII. Authorization

The Service Site Organization and MACOG hereby acknowledge by their signatures that they have read, understood, and agreed to the terms of this document.

For the Service Site Organization:

Authorized Signature: _____ Date: _____

Printed Name: _____ Title: _____

For MACOG:

Authorized Signature: _____ Date: _____

Printed Name: _____ Title: _____



**Engineering Department
CITY OF GOSHEN**

204 East Jefferson Street, Suite 1 • Goshen, IN 46528-3405

Phone (574) 534-2201 • Fax (574) 533-8626 • TDD (574) 534-3185
engineering@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Board of Works Public and Safety

FROM: Engineering

RE: **(INDIANA AVENUE) ASPHALT PAVING RECONSTRUCTION
(JN: 2022-0002)**

DATE: August 14, 2023

Niblock Excavating will be performing work on two sections of Indiana Avenue. The first section is from Wilden Avenue, north to the City limits and will consist of full depth pavement replacement and some shoulder work. This work will start Monday, August 21 and go through Wednesday, August 30. This section of road will be open to local traffic only.

The second section of work is on Indiana Avenue from Wilden Avenue south to the railroad tracks for full depth reclamation of asphalt pavement starting Monday, September 9 and will be paved with surface on September 10. This section will be a hard closure at the tracks and open to local traffic coming off of Wilden Avenue. Niblock will maintain access to the residents, the Wastewater Treatment Plant and the Recycle Center.

Requested motion: Move to approve the Indiana Avenue closure of local traffic only for the full depth replacement and full depth reclamation pavement work from August 21 thru September 5, 2023.

**APPROVED:
BOARD OF PUBLIC WORKS & SAFETY
CITY OF GOSHEN, INDIANA**

Gina Leichty, Mayor

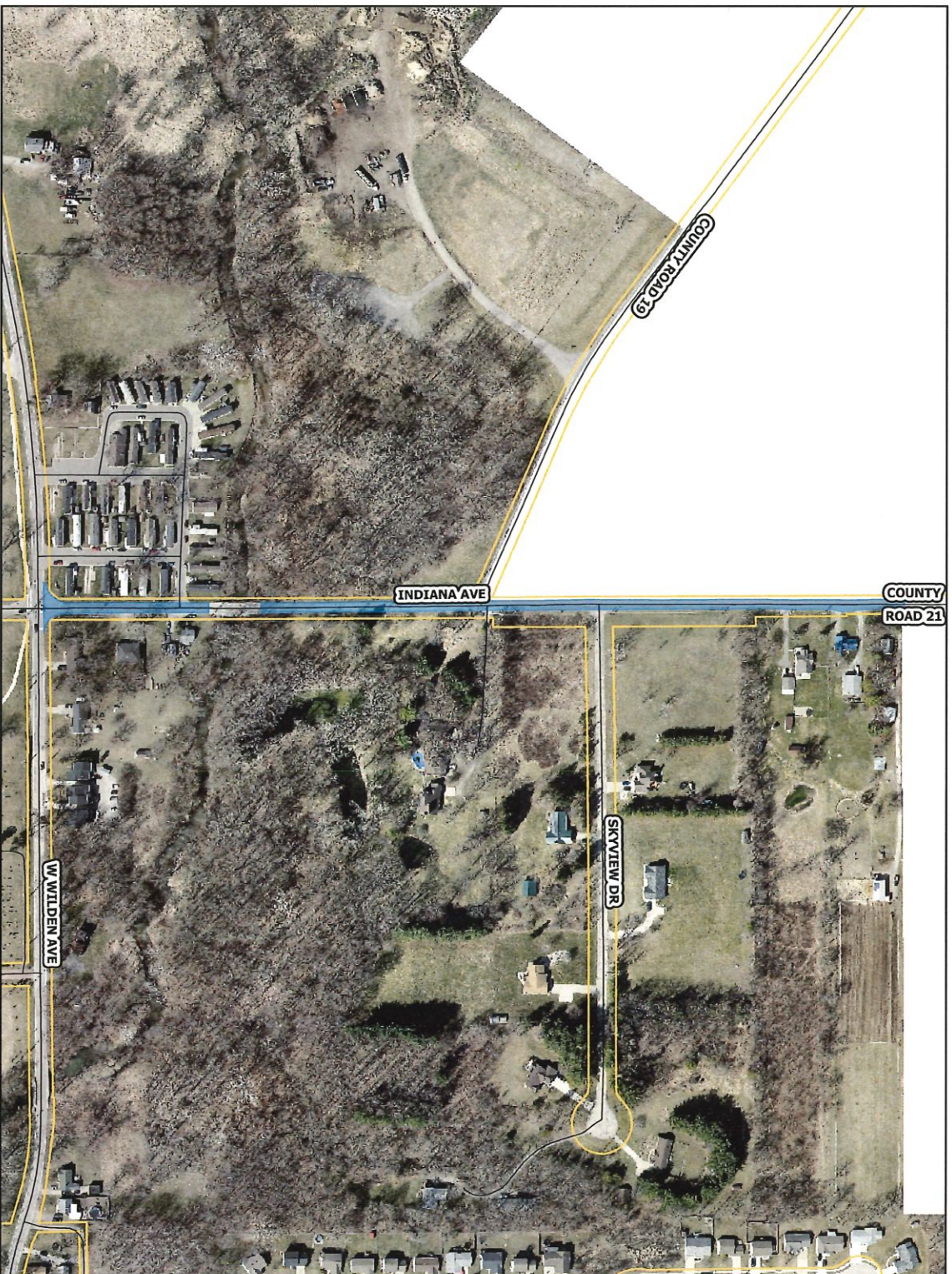
Barb Swartley, Member

Mary Nichols, Member

Michael Landis, Member

2023 City of Goshen Paving Package

Indiana Ave. from Wilden Ave. to City Limits



Street	From	To	Area	Activity
Indiana Ave.	Bridge	N. City Limits	3,323 sqYd	Full-Depth Replacement
Indiana Ave.	Wilden Ave.	Bridge	1,032 sqYd	Full-Depth Replacement

Full Depth Section
 1 1/2" HMA Surface
 2" HMA Binder
 4" HMA Base
 6" No. 53 Recycled Concrete

Note:
 -Cut down shoulders to allow roadway runoff into side swales
 -Place 1' aggregate shoulder



Legend

- Full-Depth Reclamation
- Full-Depth Replacement
- Mill and Pave
- Mill and Pave w/ Full-Depth Patching
- Overlay
- Overlay w/ Full-Depth Patching



2023 City of Goshen Paving Package

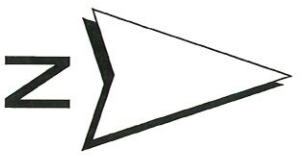
Indiana Ave. from RR Tracks to Wilden Ave.



Street	From	To	Area	Activity
Indiana Ave.	RR Tracks	Wilden Ave.	2,389 sqYd	Full-Depth Reclamation

Full Depth Section
1 1/2" HMA Surface
Full depth mill in place

Note:
Place 1' aggregate shoulder



Legend

- Full-Depth Reclamation
- Full-Depth Replacement
- Mill and Pave
- Mill and Pave w/ Full-Depth Patching
- Overlay
- Overlay w/ Full-Depth Patching

