

## BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD

### MINUTES OF THE JULY 31, 2023 REGULAR MEETING

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

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

**Absent:** none

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

**REVIEW/APPROVE MINUTES:** Mayor Leichthy presented the minutes of the July 24, 2023 Regular Meeting. Board Member Mike Landis moved to accept the July 24, 2023 minutes as presented and the motion was seconded by Board Member Mary Nichols. Motion passed 4-0.

**REVIEW/APPROVE AGENDA:** Mayor Leichthy presented the meeting agenda with the addition of agenda item #11, *Engineering Department request: Designate Dustin Sailor as the federal Employee of Responsible Charge for five City projects.* Board member Landis moved to approve the agenda as amended. Board member Nichols seconded the motion. Motion passed 4-0.

**1) Police Department request: Approve the resignation of Officer Jade E. Murphy, effective July 28, 2023**  
Goshen Police Chief José Miller asked the Board to approve the resignation of Officer Jade E. Murphy, #202, whose last day was July 27, 2023.

Chief Miller said that during the afternoon hours of July 27, he received a resignation letter from Officer Murphy. As a result of an injury and recent surgery to her wrist, Chief Miller said she has permanently lost most of the flexibility and range of motion in her wrist. Because of this loss, Officer Murphy said it was difficult to carry out her duties. In her letter of resignation to Chief Miller, which was included in the Board's agenda packet, Officer Murphy wrote, "I am incredibly grateful for the opportunities that I have been given in the last few years. I would also like to thank you in advance for being supportive of my decision."

Chief Miller added, "I would like to thank Officer Murphy for the time and dedication to our department and our community. Officer Murphy's kindness and compassion for the kids in the elementary schools will be missed. I wish her only the best in her future."

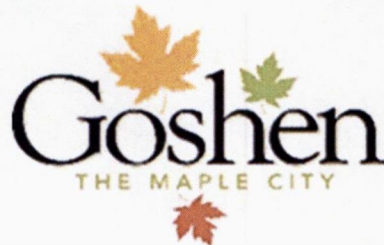
Mayor Leichthy said she was sorry to learn about this.

Landis/Nichols moved to approve the resignation of Officer Jade E. Murphy from the Goshen Police Department, effective July 28, 2023. Motion passed 4-0.

**2) Police/Legal departments request: Approve the conditional offer of employment to Nicholas R. Perry as a probationary patrol officer**

On behalf of the Goshen Police Department, Shannon Marks, Legal Compliance Administrator for the City Legal Department, recommended that the Board extend a conditional offer of employment to Nicholas R. Perry, as well as approve the Conditional Offer of Employment Agreement and authorize the Mayor to execute the agreement on behalf of the City and the Board.





In a memorandum to the Board, **Marks** wrote that the agreement sets forth the conditions that Officer Perry must meet prior to beginning employment with the Police Department as a probationary patrol officer 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. Once employed, Officer Perry will be required to successfully complete all training requirements, including complete the Tier I basic training requirements and obtain certification with the Indiana Law Enforcement Training Board. The Police Department will request that the Board confirm the offer of employment when a position opening becomes available in the Police Department.

**Landis/Nichols moved to extend a conditional offer of employment to Nicholas R. Perry as a probationary patrol officer, approve the Conditional Offer of Employment Agreement with Officer Perry and authorize the Mayor to execute the agreement. Motion passed 4-0.**

**3) Fire/Legal departments request: Approve the conditional offer of employment to John Z. Bacigal as a probationary firefighter**

On behalf of the Goshen Fire Department, **Shannon Marks, Legal Compliance Administrator for the City Legal Department**, recommended that the Board extend a conditional offer of employment to **John Z. Bacigal**, as well as approve the 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 Firefighter Bacigal 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** also wrote that once employed, Firefighter Bacigal will be required to successfully complete a Basic EMT training program and obtain Basic EMT certification. He will then be required to successfully complete a paramedic training program and obtain an Indiana paramedic license, and serve as an active paramedic with the Department a minimum of three years. The Fire Department will request that the Board confirm the offer of employment to Firefighter Bacigal when a position opening becomes available in the Fire Department.

**Landis/Nichols moved to extend a conditional offer of employment to John Z. Bacigal as a probationary firefighter, approve the Conditional Offer of Employment Agreement with Bacigal, and authorize the Mayor to execute the agreement. Motion passed 4-0.**

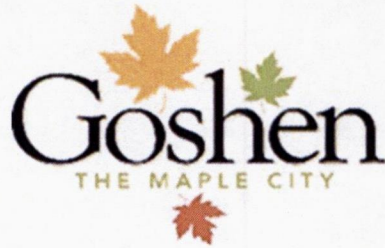
**4) Blue Knights IN VIII Law Enforcement Motorcycle Club request: Street closures and related requests for the 25th annual Riding to Remember Fallen Police, Firefighter and Veteran charity motorcycle ride on Sunday, Sept. 10, 2023**

**Goshen Police Officer James Ballard, president of the Blue Knights IN VIII Law Enforcement Motorcycle Club**, asked that the Board to approve the 25th Annual Riding to Remember Fallen Police, Firefighter, and Veteran charity motorcycle ride, which will be held Sunday, Sept. 10, 2023. He said the club raises money from this event for public safety and firefighter children's charities throughout Elkhart County.

Attached to Officer Ballard's written request was the route of the motorcycle ride and estimated time of arrival into Goshen, where a short memorial service will be held.

In a written request, **Officer Ballard** wrote that he would be asking **Mayor Gina Leichty** to speak along with other dignitaries during the memorial. He said a representative of Riding to Remember (Adam Johnson/Jeff Shrock) would be reaching out to the Mayor's office in the coming weeks regarding details of the memorial.





**Officer Ballard** requested the following street closures for the Memorial service:

- 5th Street from Lincoln Ave South to Madison Street
- Overflow closure: 5th Street South of Madison Street to Monroe Street
- Jefferson Street from Main Street to 6th Street

**Officer Ballard** also requested coordination between the Police and Fire Departments as well as Ballard to provide traffic control along the route at the intersections listed in the attached documentation.

**Board member Landis** asked if the route would be the same as in past years. **Officer Ballard** said it would be.

**Board member Landis** asked if there were any issues caused by the event that the Board would like to discuss.

**Goshen Police Chief José Miller** said there were not.

**Landis/Nichols** moved to approve the requested street closures and coordination for the 25th Annual Riding to Remember Fallen Police, Firefighter, and Veteran charity motorcycle ride that will be held Sunday, Sept. 10, 2023. The motion passed 4-0.

**5) Environmental Resilience Department request: Approval to block off two rows of parking in the lot south of City Hall on Friday, August 4, for the annual EV Auto Display and Demonstration**

**Aaron Sawatsky Kingsley**, Director of the City Department of Environmental Resilience, asked that the Board to close and reserve portions of City Hall Parking Lot D, South 5th Street, for several hours prior and during the annual EV Auto Display and Demonstration on Friday, Aug. 4, 2023. He asked that spaces be blocked by the City with traffic cones or temporary barriers the evening before the event as well as 2 p.m. to 8 p.m. on Aug. 4.

**Kingsley** said Environmental Resilience was suggesting blocking off two rows of parking. This will displace several police cars, but this has been accommodated in the past. This will allow the front side of the event to be toward City Hall and up against the charging stations that will be needed for out-of-town EV guests.

The event, which is being sponsored by the Michiana Area Council of Governments (MACOG) and the City Department of Environmental Resilience, is part of National Drive Electric Week and is intended to educate the public about the benefits of electric vehicles and provide an opportunity for people to talk to local electric vehicle drivers, experience a variety of plug-in hybrid and all-electric vehicles.

The event will also be staffed by Drive Clean Indiana, a Department of Energy Clean Cities program whose goal is to reduce dependence on petroleum in the transportation sector. The other event sponsors will listed on the flyer as national sponsors for the National Drive Electric Week (Plug In America, Electric Vehicle Association, Sierra Club, EV Hybridnoire).

**Board member Landis** asked if the work on the adjacent church was completed. **Kingsley** said he wasn't sure. He also clarified the parking spaces to be closed and the hours of the closure. He also told Board member Landis that mostly City employees would be displaced by the closure of parking spaces.

**Landis/Nichols** moved to close the requested parking spaces in City Hall Parking Lot D, on South 5th Street, the evening prior to and during the annual EV Auto Display and Demonstration on Friday, Aug. 4, 2023. The motion passed 4-0.

**6) Dyksen & Sons Builders request: Approve the partial closure of Clinton Street and parking spaces on Aug. 4, 2023 for work at the Spohn Building, 109 East Clinton St.**





**Bruce Dyksen, president and owner of Dyksen & Sons Builders of Goshen**, asked for the closure of a portion of East Clinton Street on Aug 4, 2023, so his company can install a new awning over the entrance to the Spohn Building, 109 East Clinton St.

In a letter to the Board, **Dyksen** wrote that the awning weighs about 1,000 pounds, so a small crane is needed to lift it up. He indicated that his company plans to complete the prep work before Aug. 4 and will only use the crane for a short period. The crane will be set up at 7 a.m. and work will be completed by 8:30 a.m. He also wrote that his company will only need to close a few parking spaces and the north side of Clinton Street.

In response to a question from **Mayor Leichty**, **Dyksen** said there were no weddings happening at this time.

In response to questions from **Board member Landis**, **Dyksen** clarified the extent and duration of the sidewalk and street closures. **Board member Landis** advised indicating the closure site for motorists.

**Landis/Nichols moved to approve the partial closure of the parking spaces and the north side of Clinton Street on Aug. 4, 2023, from 7 a.m. to 8:30 a.m., for the installation of a new awning at the Spohn Building. Motion passed 4-0.**

**7) Legal Department request: Pass and adopt Resolution 2023-22 Authorizing the special purchase of a 2021 Tri Axle dump truck from Truck Centers Inc. at a cost of \$256,800**

**Brandy Toms, a paralegal with the City Legal Department**, said attached for the Board's agenda packet for approval was Resolution 2023-22, *Authorizing the Special Purchase of a 2021 Tri-Axle Dump Truck*. She said the City Wastewater and Water-Sewer Departments are in need of a tri-axle dump truck.

**Toms** said **City Fleet Manager Carl Gaines** located a 2021 Western Star Tri-Axle dump truck from Truck Centers, Inc. with low miles that the City can purchase at a cost of \$256,800 and is available immediately. A new model of this type would cost in excess of \$300,000 and would not be available for delivery for 24-36 months.

**Toms** said Indiana Code 5-22-10-5 allows the City to make a special purchase when an opportunity to make that purchase can be done so at a substantial savings to the City. Therefore, she recommended that the Board of Public Works and Safety pass and adopt Resolution 2023-22 and authorize Mayor Leichty to execute the same.

**Landis/Nichols moved to pass and adopt Resolution 2023-22, Authorizing the Special Purchase of a 2021 Tri-Axle Dump Truck from Truck Centers Inc. at a cost of \$256,800. Motion passed 4-0.**

**Note:** Before the vote, **Clerk-Treasurer Aguirre** said this was the second time in recent months that **City Fleet Manager Carl Gaines** was able to secure a needed vehicle for the City at substantial savings. Aguirre said Gaines deserved some acknowledgement for doing such an excellent thing for the City.

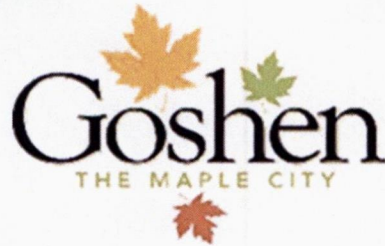
**Mayor Leichty** thanked **Aguirre** for the comment and **Gaines** for his work.

**8) Legal Department request: Approve and authorize Mayor to execute the subscription agreement with LexisNexis, a division of RELX, Inc. for the license to access and use Lexis+**

**Shannon Marks, Legal Compliance Administrator for the City Legal Department**, said the City Legal Department recommends that the Board approve and authorize the Mayor to execute a subscription agreement with LexisNexis, a division of RELX, Inc. She said this multi-year agreement, through 2026, is a license for Legal Department employees to access Lexis+, which is an online legal research database.

**Landis/Nichols moved to approve and authorize the Mayor to execute the subscription agreement with LexisNexis, a division of RELX, Inc. for the license to access and use Lexis+. Motion passed 4-0.**





**9) Engineering Department request: Approve and authorize the Mayor to sign Change Order No. 6, increasing the contract amount by \$131,810.09, for a revised contract amount of \$7,275,318.92 and 9 additional days**

**City Director of Public Works & Utilities Dustin Sailor** discussed the rationale for Change Order No. 6 for the contract with Rieth-Riley for the Wilden Avenue Reconstruction project.

In his memo to the Board, **Sailor** wrote that the Phase 1 and Phase 2 water main layout was revised to improve constructability and future functionality, and because water main connections between pressure zones varied from the plans. Different storm pipe material and additional manhole coatings were also required, due to limited separation to the adjusted water main. This change order includes costs for construction and field layout related to these plan revisions, removal of a conflict storm structure, and a mailbox bank requested by the Post Office.

**Sailor** indicated the original contract amount, plus additions from Change Order No. 1 through Change Order No. 5, was \$7,143,508.83. He said Change Order No. 6 increases the contract price by \$131,810.09 (1.89% of the original contract amount) making the current contract amount \$7,275,318.92 and adds 9 days to the intermediate completion date for Phase 1 & Phase 2 to accommodate the additional work.

**Summary of change orders:**

Original contract amount	\$6,965,019.56
Change Order No. 1	\$ 1,221.51
Change Order No. 2	\$ 12,289.76
Change Order No. 4	\$ 134,090.00
Change Order No. 5	\$ 30,888.00
Change Order No. 6	\$ 131,810.09
Revised contract amount	\$7,275,318.92

**Landis/Nichols** moved to approve and authorize the Mayor to sign Change Order No. 6, increasing the contract amount by \$131,810.09, for a revised contract amount of \$7,275,318.92 and 9 additional days for the Wilden Avenue reconstruction. Motion passed 4-0.

**10) Engineering Department request: Approve and authorize the mayor to sign Change Order No. 7, which replaces Change Order No. 5 and designates local-only funding for an amount of \$30,888**

**City Director of Public Works & Utilities Dustin Sailor** discussed Change Order No. 7 for the contract with Rieth-Riley for the Wilden Avenue Reconstruction project.

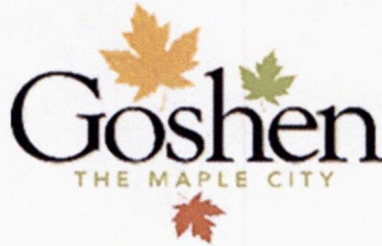
**Sailor** indicated that this change order supersedes and replaces Change Order No. 5, which included costs related to the addition of water service taps to the project. According to the original project specifications, the City was responsible for making all water service taps to the new water main. The cost for these taps was originally submitted as a participating line item. However, as the project specifications required taps by the City of Goshen, the cost of adding taps to the project is non-participating. Change Order No. 7 does not change the contract price or duration, but only designates 100% local funding.

**Sailor** said the original contract amount plus additions from Change Order No. 1 through Change Order No. 6 is \$7,275,318.92. Change Order No. 7 replaces Change Order No. 5.

**Summary of change orders:**

Original contract amount	\$6,965,019.56
Change Order No. 1	\$ 1,221.51





Change Order No. 2	\$ 12,289.76
Change Order No. 4	\$ 134,090.00
<del>Change Order No. 5</del>	<del>\$ 30,888.00</del>
Change Order No. 6	\$ 131,810.09
Revised contract amount	\$7,275,318.92

**Landis/Nichols moved to approve and authorize the Mayor to sign Change Order No. 7, which replaces Change Order No. 5 and designates local-only funding for an amount of \$30,888.00. Motion passed 4-0.**

**11) Engineering Department request: Designate Dustin Sailor as the federal Employee of Responsible Charge for five City projects**

**City Director of Public Works & Utilities Dustin Sailor** told the Board that for the City of Goshen to receive federal funding for a project, an employee must be designated as the Employee of Responsible Charge (ERC). In order to be an ERC, INDOT requires the designated City representative to go through a certification process.

**Sailor** said at this time, the Engineering Department is requesting the Board of Public Works to designate Dustin Sailor, P.E. as the ERC for the following projects:

- Wilden Avenue Reconstruction, City project #2014-0035
- College Avenue Reconstruction, City project #2019-0022
- College Avenue Reconstruction Phase II, City project #2021-0017
- College Avenue Reconstruction Phase III, City project #2023-0025
- Blackport Drive Reconstruction, City project #2022-0016

**Landis/Nichols moved to designate Dustin Sailor as the federal Employee of Responsible Charge for five City projects. Motion passed 4-0.**

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

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

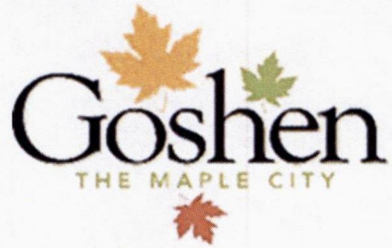
**Approval of Civil City and Utility Claims**

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

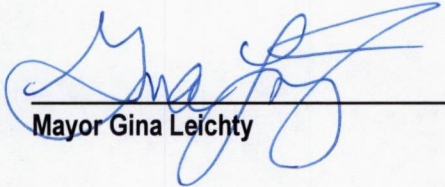
**Adjournment**


**Mayor Leichty adjourned the Board of Works meeting at 2:20 p.m.**

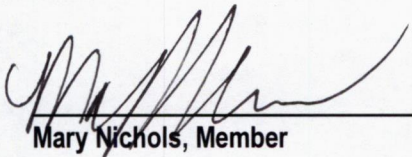
**EXHIBIT #1: Memorandum for the Board of Works, dated July 31, 2023, by Goshen Engineering in support of added agenda item #11, Engineering Department request: Designate Dustin Sailor as the federal Employee of Responsible Charge for five City projects**



APPROVED:

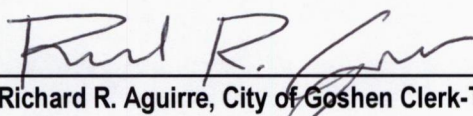
  
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Mayor Gina Leichty

  
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Mike Landis, Member

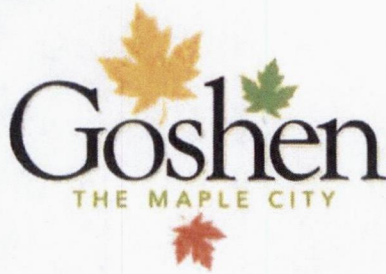
  
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Mary Nichols, Member

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Barb Swartley, Member

ATTEST:

  
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Richard R. Aguirre, City of Goshen Clerk-Treasurer





**Engineering Department  
CITY OF GOSHEN**

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engineering@goshencity.com • www.goshenindiana.org

## MEMORANDUM

TO: Goshen Board of Public Works & Safety

FROM: Goshen Engineering

RE: **DESIGNATION OF EMPLOYEE OF RESPONSIBLE CHARGE (ERC)**

DATE: July 31, 2023

For the City to receive Federal funding for a project, an employee must be designated as the Employee of Responsible Charge (ERC). In order to be an ERC, INDOT requires the designated City representative to go through a certification process.

At this time, the Engineering Department is requesting the Board of Public Works to designate Dustin Sailor, P.E. as the ERC for the following projects:

<b><i>Project Name</i></b>	<b><i>Des. No.</i></b>	<b><i>City Project No.</i></b>
Wilden Avenue Reconstruction	1400715	2014-0035
College Avenue Reconstruction	1900739	2019-0022
College Avenue Reconstruction Phase II	2100021	2021-0017
College Avenue Reconstruction Phase III	2201239	2023-0025
Blackport Drive Reconstruction	2100020	2022-0016

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Gina Leichty, Mayor

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Barb Swartley, Member

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Mary Nichols, Member

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Michael Landis, Member