



**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD
MINUTES OF THE SEPTEMBER 11, 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, Orv Myers, Mary Nichols and Barb Swartley

Absent:

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

Mayor Leichty announced that today she had appointed **Orv Myers**, who was present, to the Board of Works & Safety. She introduced and briefly described Myers' background and experience and welcomed him to the Board. The audience responded with applause.

REVIEW/APPROVE MINUTES: Mayor Leichty presented the minutes of the Aug. 14, 2023 Regular Meeting. **Board Member Barb Swartley** moved to accept the minutes as presented and the motion was seconded by **Board Member Mary Nichols**. Motion passed 5-0.

REVIEW/APPROVE AGENDA: Mayor Leichty presented the meeting agenda with the requested deletion of original agenda #12, *Legal Department request: Approve agreement for the Completion of Construction Project with Greenwood Rentals, LLC relative to the construction of the Indiana Avenue Apartments*, because it wasn't yet ready to be reviewed/approved by the Board. **Board member Swartley** moved to approve the agenda as amended. **Board member Nichols** seconded the motion. Motion passed 5-0.

1) Police Department request: Approval to reduce the rank of Keith Miller from Captain to Patrol Officer, retroactive to Sept. 8, 2023

Goshen Police Chief José Miller asked the Board to approve the request from **Capt. Keith Miller** for a reduction of rank, retroactive to Friday, Sept. 8, 2023, to Patrol Officer.

Chief Miller said Capt. Miller resigned from the position of Investigations Division Chief earlier this summer and voluntarily moved to his previous rank of Captain. Just recently, the position of Division Chief was filled by Capt. Ryan Adams, which opened up a vacancy as Captain in patrol. According to the agreement between the City of Goshen and the Elkhart F.O.P. Lodge 52, Inc., Capt. Miller would have been required to take the vacancy as Captain or voluntarily reduce his rank to Patrol Officer.

Chief Miller said on Aug. 31, 2023, Capt. Miller informed the chief, and provided an email, stating that he wished to decline the position of Captain and understood his rank would be reduced to Patrol Officer.

Chief Miller added, "Even though Capt. Miller would enjoy being a mentor for younger officers, he felt it would be best for the department to have a younger officer fill that position because of his upcoming retirement. I would like to thank Capt. Miller for his continuous dedication to the Goshen Police Department in the various roles and ranks he has held and look forward to his experience in our evidence department."

Mayor Leichty thanked the Chief and Capt. Miller.

Swartley/Nichols moved to approve the request from **Capt. Keith Miller** for a reduction of rank, retroactive to Sept. 8, 2023, to Patrol Officer. Motion passed 5-0.



2) Police/Legal request: Approve conditional offer of employment to Guadalupe Mendoza-Rivera

Shannon Marks, the Legal Compliance Administrator for the City Legal Department, recommended that the Board extend a conditional offer of employment to **Guadalupe Mendoza-Rivera** and approve a 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 Mendoza-Rivera must meet prior to beginning employment with the Police Department as a probationary patrol officer, which includes being approved by the board of the Indiana Public Retirement System for membership to the 1977 Police Officers' and Firefighters' Pension and Disability Fund. Once employed, she 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 to confirm an offer of employment when a position opening becomes available in the Police Department.

Swartley/Nichols moved to extend a conditional offer of employment to Guadalupe Mendoza-Rivera as a probationary patrol officer and approve the Conditional Offer of Employment Agreement with Mendoza-Rivera and authorize the Mayor to execute the agreement. Motion passed 5-0.

3) Police/Legal request: Approve Conditional Offer of Employment to Austin Ray Whitford

Shannon Marks, the Legal Compliance Administrator for the City Legal Department, recommended that the Board extend a conditional offer of employment to **Austin Ray Whitford** and approve a 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 Whitford must meet prior to beginning employment with the Police Department as a probationary patrol officer, which includes being approved by the board of the Indiana Public Retirement System for membership to the 1977 Police Officers' and Firefighters' Pension and Disability Fund. Once employed, he 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 the Board to confirm an offer of employment when a position opening becomes available in the Police Department.

Swartley/Nichols moved to extend a conditional offer of employment to Austin Ray Whitford as a probationary patrol officer and approve the Conditional Offer of Employment Agreement with Whitford and authorize the Mayor to execute the agreement. Motion passed 5-0.

4) Fire/Legal request: Approve and authorize the Mayor to execute an agreement with St. Vincent Health, Wellness & Prevention Care Institute, Inc., for Goshen Fire Department 2023-2025 physicals for \$120,514

Brandy Toms, a paralegal with the City Legal Department, recommended that the Board approve and authorize Mayor Leichty to execute an agreement with St. Vincent Health, Wellness & Prevention Care Institute, Inc., doing business as Ascension St. Vincent Public Safety Medical (PSM) for the Goshen Fire Department's 2023-2025 physicals. Payment for these services will be as follows: 2023, \$38,988; 2024, \$40,160; and 2025, \$41,366. Total cost: \$120,514.

In response to a question from **Board member Landis,** **Goshen Fire Chief Dan Sink** said all 66 Fire Department employees will be covered by this agreement.



Swartley/Nichols moved to approve and authorize Mayor Leichty to execute the agreement with St. Vincent Health, Wellness & Prevention Care Institute, Inc., dba Ascension St. Vincent Public Safety Medical (PSM) for Goshen Fire Department 2023-2025 physicals at a total cost of \$120,514 over the course of three years. Motion passed 5-0.

5) Wholesome Tortilla request: Approval of a Big Dipper W-350-IS mechanical grease interceptor for the property at 132 North Main Street, Goshen

Rafael Chavez and Magali Vergara, the owners of the Wholesome Tortilla, asked the Board for approval of a Big Dipper mechanical grease interceptor at their restaurant at 132 North Main Street. Due to the location of the property, no adjacent land was available for a grease intercept.

Mick Reese, Environmental Compliance Administrator for the City Wastewater Treatment Plant, said City staff approved of the use of the requested Big Dipper and the property qualifies for its usage.

Swartley/Nichols moved to approve the use of a Big Dipper mechanical grease interceptor at the Wholesome Tortilla restaurant, 132 North Main Street. Motion passed 5-0.

6) Janus Motorcycles request: Approval to close the parking lot north of its building for its annual owners rally, starting at 5 p.m. on Friday, Sept. 15 through Sunday, Sept. 17 at noon

Richard Worsham, CEO and founder of Janus Motorcycles of Goshen, asked the Board to close the parking lot north of its building for Janus' annual owners rally. He requested the closure the same as last year, starting at 5 p.m. on Friday, Sept. 15 through Sunday, Sept. 17, at noon. The parking lot would be closed to the general public and used for Janus' attendees; motorcycles only. All businesses that use this parking lot have been notified.

In its written request, Janus staff indicated that on the night of Sept. 16, there will be a free community party open to the public where people will be able to walk around in the parking lot to see all of the Janus Motorcycles in one spot. Janus conceded that that the City Utility Office's section of the parking lot (4 marked spaces along with disabled person's parking spots) will need to stay open to be helpful for residents until the close of business (5 p.m.).

Afterward, Janus has requested that the full parking lot to be barricaded off until Sunday Sept. 17. The parking lot would be gated off, but the alley would not be blocked in any way. Janus requested the use of 12 cones with 12 "no parking" signs delivered on or before Sept. 13. Janus also requested the use of 10 City of Goshen barricades delivered on or before Sept. 14.

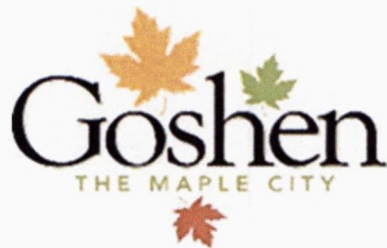
Mayor Leichty asked if Janus had spoken with the Street Department. Worsham said he was unsure, but Street Commissioner David Gibbs said he was OK with the requests.

Swartley/Nichols moved to approve the closure of the parking north of its building for its annual owners rally, from 5 p.m. on Sept. 15 until noon on Sunday, Sept. 17, 2023. Motion passed 5-0.

7) Planning & Zoning Department request: Approval and authorization for the Mayor to sign the CBDO and CDBG agreements for Planning, Public Service and Housing activities for Program Year 2023

Theresa Cummings, Community Development Specialist, asked the Board to approve and authorize the Mayor to sign the following CDBG agreements and CBDO (Community Based Development Organization) agreement for Program Year 2023:

Planning Grant (for neighborhood outreach):



Lacasa, Inc., \$7,000

Public Service Grants:

Boys and Girls Clubs of Elkhart County – Goshen Club, \$6,855

Council on Aging of Elkhart County, \$5,140

Elkhart County Clubhouse, \$4,160

Goshen Interfaith Hospitality Network, \$11,750

Maple City Health Care Center, Inc., \$5,385

Walnut Hill Early Childhood Center, \$13,710

Housing Grants:

Owner Occupied Rehab - Lacasa, Inc., \$58,010

Energy Conservation Multi Family Rehab – Lacasa, Inc. (CBDO), \$190,000

Planning, Public Service, and Housing Grants total: \$302,010

Cummings said the planning grant will be used for neighborhood outreach. The public service grants will be used to fund access to early childhood education, daily nutrition programs, mental health support, senior transportation, and primary healthcare. She said the housing grants will be used to fund the ongoing owner-occupied housing rehab program and a CBDO project for energy conservation for 38 affordable multi-family housing units.

Swartley/Nichols moved to approve and authorize the Mayor to sign the CBDO and CDBG agreements for Planning, Public Services and Housing activities for Program Year 2023. Motion passed 5-0.

8) 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, Community Development Specialist, told the Board that the Program Year 2022 Homeownership Assistance Agreement for the Community Development Block Grant has been amended and needs approval. She said the amendment adds an additional method to provide payment for the grant assistance. The sections being amended are as follows:

2. Scope of Services.

(e) Claims will be limited to the sum of Sixty Thousand Dollars (\$60,000.00) for the homeownership assistance project. The maximum CDBG contribution per household/property shall generally not exceed Fifteen Thousand Dollars (\$15,000.00). Payment will be made by one of the following methods. The Sub-Recipient will either be reimbursed by the City after closing for the direct homeownership assistance funding provided by Sub-Recipient on behalf of the homebuyer household only or funds will be paid directly by the City at closing on behalf of the homebuyer household.

3. Release of Funds. The City agrees to release funds from the CDBG program for direct homeownership assistance costs, to either be provided to the title company at closing on behalf of the homebuyer household, as outlined in the HUD-1 form provided by the Sub-Recipient, or to be reimbursed to the Sub-Recipient after closing, in accordance with City claim procedures as outlined in Exhibit C

Cummings attached to the Board agenda packet a copy of the amended agreement with the specified changes.

Swartley/Nichols moved to approve and authorize Mayor Leichty to sign the amended Homeownership Assistance Agreement with Lacasa for Program Year 2022. Motion passed 5-0.



9) Legal Department request: Approve and authorize the Mayor to execute the Leaf Storage Agreement with Ozinga Ready Mix Concrete, Inc.

Brandy Toms, a paralegal with the City Legal Department, asked the Board to approve and authorize the Mayor to execute the Leaf Storage Agreement with Ozinga Ready Mix Concrete, Inc.

According to the agreement, the City will lease space from Ozinga Ready Mix Concrete, Inc. at 1700 Egbert Avenue to store leaves for the 2023 leaf pick-up season. The rental is \$10.00 per month.

Mayor Leichty noted that the price was very reasonable.

Swartley/Nichols moved to approve and authorize the Mayor to execute the Leaf Storage Agreement with Ozinga Ready Mix Concrete, Inc. Motion passed 5-0.

10) Legal Department request: Approve/authorize Mayor Leichty to sign the agreement with Peterson Consulting Services Inc. to assist the City with its financial reporting related to its capital assets for the fixed fee of \$5,725, plus reimbursable expenses not to exceed \$250

Brandy Toms, a paralegal with the City Legal Department, asked the Board to approve an agreement with Peterson Consulting Services Inc. to assist the City with its financial reporting related to its capital assets as required by Government Accounting Standards Board (GASB) Statement No. 34 for the fixed fee of \$5,725, plus reimbursable expenses not to exceed \$250.

Peterson Consulting Services, Inc., which is based in LaGrange, Illinois, specializes in professional accounting services for the reporting of capital assets to the State of Indiana. The company will provide assistance to ensure the City meets the retroactive financial reporting standards related to capital assets and general infrastructure for the fiscal year ending Dec. 31, 2023 as delineated in GASB Statement No. 34.

The company's work will include assisting in the preparation of the capital asset worksheets for the fiscal year ending Dec. 31, 2023 for the following asset accounts and functional classifications: Land and rights-of-way; Buildings and land improvements; Equipment and vehicles; Computer software; and General infrastructure – streets, alleys, bridges, sidewalks, traffic signals and storm sewers.

In response to a question from **Board member Landis**, **Toms** confirmed the agreement is for work in 2023.

Swartley/Nichols moved to approve an agreement with Peterson Consulting Services Inc. to assist the City with its financial reporting related to its capital assets as required by Government Accounting Standards Board Statement No. 34 for the fixed fee of \$5,725, plus reimbursable expenses not to exceed \$250. The motion passed 5-0.

11) Legal Department request: Approve settlement and release agreement, including participation agreements, with Central States, Southeast and Southwest Areas Health and Welfare Fund concerning employee health insurance coverage for certain City employees

Shannon Marks, the Legal Compliance Administrator for the City Legal Department, recommended that the Board approve and ratify Mayor Leichty's execution of a Settlement and Release Agreement, including the Participation Agreements, with Central States, Southeast and Southwest Areas Health and Welfare Fund ("Central States") concerning employee health insurance coverage for certain City employees.

In a memorandum to the Board, **Marks** wrote that as a result of a 2019 audit, it was revealed that the City did not pay weekly contributions to Central States for four part-time employees.



To settle this matter, the City paid Central States \$1,604.52 in October 2021, and the City has agreed to pay Central States an additional \$221.26 for delinquent interest. In addition, the City agrees to indemnify and hold Central States harmless for any damages awarded against or expenses incurred by Central States in connection with any claim asserted by the four part-time employees at issue, along with any other non-bargaining unit employee employed as a part-time, seasonal, casual, or temporary employee that asserted the employee was entitled to, but excluded from, health insurance coverage between Oct. 22, 2012 and Jan. 1, 2022. Central States agrees to release the City from any claim for contributions for the year 2019 and for any claim for contributions on any individuals excluded from coverage from Oct. 22, 2012 through Jan. 1, 2022.

As part of the agreement, the City will execute new Participation Agreements in which the City agrees to pay Central States a weekly contribution rate as set forth below for each eligible employee effective retroactive to Jan. 2, 2022. There are separate agreements for each group of employees represented by each of the three unions, and an agreement for those employees that are not represented by a union that are employed on a full-time basis and reasonably expected to have on average 30 or more hours of compensation each week.

- Effective Jan. 2, 2022, \$453.86 per week
- Effective Jan. 1, 2023, \$473.86 per week
- Effective Dec. 31, 2023, \$507.08 per week
- Effective Dec. 29, 2024, \$532.40 per week
- Effective Jan. 4, 2026, not to exceed \$564.30 per week

Swartley/Nichols moved to approve and ratify Mayor Leichthy's execution of a Settlement and Release Agreement, including the Participation Agreements, with Central States, Southeast and Southwest Areas Health and Welfare Fund concerning employee health insurance coverage for certain City employees. The motion passed 5-0.

12) Legal Department request: Dedicate for public right-of-way purposes the real estate upon which Waterford Mills Parkway is constructed between Regent Street and Dierdorff Road

Shannon Marks, the Legal Compliance Administrator for the City Legal Department, recommended that the Board dedicate for public right-of-way purposes the real estate upon which Waterford Mills Parkway is constructed, between Regent Street and Dierdorff Road, and authorize Mayor Leichthy to execute the attached Deed of Dedication. **Swartley/Nichols moved to dedicate for public right-of-way purposes the real estate upon which Waterford Mills Parkway is constructed between Regent Street and Dierdorff Road, and authorize Mayor Leichthy to execute the attached Deed of Dedication. Motion passed 5-0.**

13) Legal Department request: Resolution 2023-25 - Interlocal Memorandum of Understanding for 2023 Edward Byrne Memorial Justice Grant Formula Program Award

Shannon Marks, the Legal Compliance Administrator for the City Legal Department, told the Board that Elkhart County, the City of Elkhart, and City of Goshen have submitted a joint application for funding under the Edward Byrne Memorial Justice Assistance Grant Formula Program. The County and Goshen would each receive \$33,960 for fiscal year 2023 to be used for criminal justice purposes. Elkhart City has declined participation in the 2023 JAG program.



Attached to the Board's packet was a draft resolution to approve the terms and condition of the Interlocal Memorandum of Understanding and ratify Mayor Leichty's execution of the Interlocal Memorandum of Understanding on behalf of the Board of Public Works and Safety and the City.

Swartley/Nichols moved to adopt Resolution 2023-25, Interlocal Memorandum of Understanding for 2023 Edward Byrne Memorial Justice Assistance Grant Formula Program Award. Motion passed 5-0.

14) Legal Department request: Resolution 2023-26 – Interlocal Agreement with the County of Elkhart for East College Avenue/C.R. 36 Reconstruction from the Fairgrounds to C.R. 31

Shannon Marks, the Legal Compliance Administrator for the City Legal Department, told the Board that attached to the Board's meeting packet was a draft resolution is to approve the terms and condition and authorize execution of the Interlocal Agreement with the County of Elkhart for East College Avenue/County Road 36 Reconstruction from the Fairgrounds to County Road 31.

Under this agreement, as part of the City's existing contract with Niblock Excavating, the City and County will share in the cost for Niblock to pulverize and pave East College Avenue/County Road 36 between the back entrance to the Elkhart County 4-H Fairgrounds and County Road 31. The County will pay \$78,819 of the cost of the work.

Swartley/Nichols moved to adopt Resolution 2023-26, Interlocal Agreement with the County of Elkhart for East College Avenue/C.R. 36 Reconstruction from the Fairgrounds to C.R. 31. Motion passed 5-0.

15) Legal Department request: Resolution 2023-27 – Approving the Termination of the Goshen Dam Pond Interlocal Agreement

Shannon Marks, the Legal Compliance Administrator for the City Legal Department, told the Board that the City of Goshen, Elkhart County, and the Goshen Dam Pond Economic Improvement District entered into an Interlocal Agreement in December 2015 to coordinate activities to pursue maintenance dredging of sediment from the Dam Pond. No dredging was done and the parties determined that the Interlocal Agreement should be terminated.

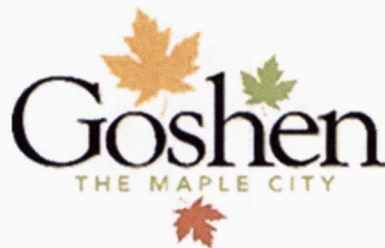
Attached to the Board's agenda packet was a draft resolution is to approve the terms and conditions of the Termination of the Goshen Dam Pond Interlocal Agreement and authorize Mayor Leichty to execute the Termination on behalf of the Board of Public Works and Safety and Stormwater Board and the City.

Swartley/Nichols moved to adopt Resolution 2023-27, Approving the Termination of the Goshen Dam Bond Interlocal Agreement. Motion passed 5-0.

16) Legal Department request: Resolution 2023-28 - Exchange of Real Property

Shannon Marks, the Legal Compliance Administrator for the City Legal Department, told the Board that attached to the Board's agenda packet was a joint resolution with the Goshen Redevelopment Commission to approve the exchange of certain real estate with the Elkhart County Board of Commissioners. The Redevelopment Commission was scheduled to consider this joint resolution at its Sept. 12 meeting and the Board of Commissioners has considered or will also be considering a substantially identical resolution.

Marks said the City-owned real estate to be transferred includes five parcels located south of the railroad tracks on the west side of the 300 block of North Main Street.



Title to this real estate is currently vested in the City of Goshen for the Use and Benefit of its Department of Redevelopment.

The County-owned real estate to be transferred to the City of Goshen includes a buffer strip between Westmoor Parkway and U.S. 33. In addition, there are four parcels of real estate generally located south of Pike Street, north of Clinton Street, west of New Street, and east of the Elkhart River to be transferred to the City of Goshen for the Use and Benefit of its Department of Redevelopment.

In addition to the adoption of this Resolution, Marks asked the Board to authorize Mayor Leichty to execute any and all documents on behalf of the City to effectuate the exchange of the real estate contemplated by this resolution.

Board member Landis asked if the County had a planned use of the property. **Marks** said she didn't know.

Swartley/Nichols moved to adopt Resolution 2023-28, Exchange of Real Property, and to authorize Mayor Leichty to execute any and all documents on behalf of the City of Goshen to effectuate the exchange of the real estate contemplated by Resolution 2023-28. Motion passed 5-0.

17) Legal Department request: Resolution 2023-29 – Declaring Surplus and Authorizing the Disposal of Vehicles and Equipment

Shannon Marks, the Legal Compliance Administrator for the City Legal Department, told the Board that the City wished to dispose of personal property that is no longer needed or is unfit for the purpose for which it was intended. Resolution 2023-29, which was attached to the agenda packet, would declare the property as surplus and authorize its disposal in accordance with the provisions of Indiana Code § 5-22-22-4 by engaging an auctioneer to advertise the sale of the property and conduct a public auction. In addition, the City will give notice of the sale by publication of the time, place and terms of the sale at least 15 days before the date of the sale (Oct. 27, 2023).

According to the Resolution 2023-29, the following would be declared surplus property:

1. 2013 Chevy Impala, VIN/Serial Number 2G1WD5E35D1250948 (Police Department Asset #120)
2. 2013 Tahoe 2WD, VIN/Serial Number 1GNLC2E03DR305509 (Police Department Asset #130)
3. 2009 Impala (K-9), VIN/Serial Number 2G1WS57M391303200 (Police Department Asset #134)
4. 2007 Audi Q7, VIN/Serial Number WA1BY74L27D072331 (Police Department Asset #1111)
5. 2010 Chevy Impala, VIN/Serial Number 2G1WD5EM7A1257212 (Police Department Asset #PD1113)
6. 2010 Chevy Impala, VIN/Serial Number 2G1WD5EM4A1260228 (Police Department Asset #PD1115)
7. 2010 Ford Transit, VIN/Serial Number NM0KS9BN3AT013029 (Police Department Asset #PPD1128)
8. 2009 Chevy Impala, VIN/Serial Number 2G1WS57M991303542 (Police Department Asset #1132)
9. 1993 Chevy Van, VIN/Serial Number 1GCEG25K7PF329504 (Police Department Asset #1139)
10. 2009 Pontiac Montana Van, VIN/Serial Number 1GMDU03119D100300 (Police Department Asset #1140)
11. 2005 Ford Freestar Van, VIN/Serial Number 2FMZA58235BA10188 (Police Department Asset #1144)
12. 2008 Ford F150 2WD, VIN/Serial Number 1FTRF12228KB30212 (Parks Department Asset #205)
13. 2005 Ford F250 4x4, VIN/Serial Number 1FTNF21595EC97662, with 2005 Boss straight blade, VIN/Serial Number 6904 (Parks Department Asset #213 and Asset #213A)
14. 2005 Ford F250 4x4, VIN/Serial Number 1FTNF21575EC97661, with Boss V Plow, VIN/Serial Number 92946 (Parks Department Asset #PK214 and Asset #PK214A)



15. 1998 Cozy Cove Trailer, VIN/Serial Number 4Y0MP1118W1000274, with 1996 Jet Ski, VIN/Serial Number ZZND7478K596 (Parks Department Asset #2251 and Asset #2250)
16. Stihl String Trimmer, VIN/Serial Number 511595971 (Parks Department Asset #PK2257)
17. Stihl String Trimmer, VIN/Serial Number 509487899 (Parks Department Asset #PK2259)
18. 1995 International Single Axle Dump, VIN/Serial Number 1HTSDAAR9SH643082 (Street Department Asset #306)
19. 2008 Ford F550 4WD Dump, VIN/Serial Number 1FD5F57R98EB43612 (Street Department Asset #308)
20. Truck Bed from 2011 F350, VIN/Serial Number unknown (Street Department Asset #trk bed)
21. 2017 Stepp Crack Sealer, VIN/Serial Number 4S9BF3001HS127063 (Street Department Asset #366)
22. 1998 Ford Single Axle Dump, VIN/Serial Number 1FDYS80E8WVA33522, with 1998 Slide-in Salt Spreader, VIN/Serial Number unknown (Street Department Asset #381 and Asset #381A)
23. 2010 Huskee LT4200 Mower, VIN/Serial Number 1D270B50126 (Street Department Asset #389)
24. Massey Ferguson Mower, VIN/Serial Number 1034 (Cemetery Department Asset #766)
25. 1987 Ford F350 Dump Bed, VIN/Serial Number 1FDJF37L9HNA99464 (Cemetery Department Asset #773)
26. 1995 K2500 4WD, VIN/Serial Number 1GCFK24H7SZ198719, with 1993 Western Plow 7'6", VIN/Serial Number 60381/3700071 (Cemetery Department Asset #794 and Asset #794A)
27. 2004 Buick Lesabre, VIN/Serial Number 1G4HP52K94U108816 (Central Garage Asset #711)
28. 2002 Chevrolet Venture Van, VIN/Serial Number 1GNDX03EX2D311314 (Central Garage Asset #720)
29. Miller Walk Behind Saw, VIN/Serial Number unknown (Water/Sewer Department Asset #6601)
30. 2006 Sullair Air Compressor, VIN/Serial Number 200608220109 (Water/Sewer Department Asset #6630)
31. Ex-Cell 5000w Generator, VIN/Serial Number 9912120159 (Wastewater Department Asset #964)
32. 10 HP Generator, VIN/Serial Number 190722Y0 (Wastewater Department Asset #966)

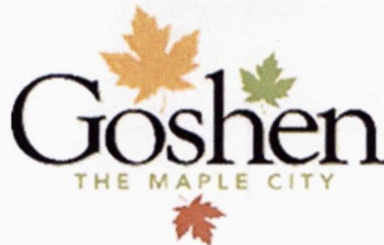
Swartley/Nichols moved to pass and adopt Resolution 2023-29 - Declaring Surplus and Authorizing the Disposal of Vehicles and Equipment. Motion passed 5-0.

18) Legal Department request: Approve Consignment Agreement with Bright Star Realty and Auctions, LLC to sell the City's surplus property at Bright Star's consignment auction

Shannon Marks, the Legal Compliance Administrator for the City Legal Department, told the Board that Board Resolution 2023-29, which was just approved, authorized the disposal of surplus property by engaging an auctioneer to advertise the sale of the property and conduct a public auction. Marks said the City Central Garage would like to consign the City's surplus property with Bright Star Realty and Auctions, LLC to be sold at Bright Star's upcoming consignment auction to be held on Oct. 27, 2023 at 11751 County Road 12, in Middlebury.

Attached to the Board's agenda packet for approval and authorization for Mayor Leichity to execute was a Consignment Agreement and Addendum with Bright Star Realty and Auctions, LLC to sell the City's surplus property at Bright Star's Oct. 27, 2023 consignment auction. Under the agreement, Bright Star's commission to sell the surplus property is \$25 per lot plus 5% of the gross proceeds from the sale of the surplus property.

Swartley/Nichols moved to approve and authorize the Mayor to execute the Consignment Agreement and Addendum with Bright Star Realty and Auctions, LLC to sell the City's surplus property at Bright Star's consignment auction. Motion passed 5-0.



19) Water & Sewer Office request: Move \$7,608.79 in uncollected finalized accounts from active to collection, sewer liens and write offs

Kelly Saenz, Manager of the Goshen City Utilities Office, said that the original amount of unpaid final Water/Sewer accounts for this period, through May 31, 2023, was \$9,787.64. Collection letters were sent out and payments of \$2,178.85 were collected. The uncollected amount was \$7,608.79. So, Saenz asked the Board to move the office's uncollected final accounts from active to Collection, Sewer Liens and Write offs.

Swartley/Nichols made a motion to move the Goshen Water and Sewer Office's uncollected finalized accounts from active to Collection, Sewer Liens and Write offs. Motion passed 5-0.

20) Water Utility request: Approve the recommended 2023 allocation of the monthly sewer and water bill repair fee to 0 cents to the Water Maintenance Fund and \$1.10 cents to the Sewer Maintenance Fund for the remainder of the year

Kent Holdren, Superintendent of the City Water Treatment and Sewer Department, told the Board that due to an unforeseen large number of claims to the Sewer Maintenance Fund, the Goshen Water and Sewer Department is requesting permission to adjust the 2023 allotted amount of \$0.70 cents for Sewer Maintenance Fund and \$0.40 cents to the Water Maintenance Fund. He requested the allocation of \$1.10 to the Sewer Maintenance Fund for the remaining 2023 calendar year. He also provided the following summary:

Sewer:

Collected \$45,345.76

Claims Paid \$66,293.47

Beginning Balance \$ 19,262.29

Current Balance: -\$16,897.95

Water:

Collected: \$26,037.85

Claims Paid: \$37,822.10

Beginning Balance: \$38,644.52

Current Balance: \$26,859.87

Holdren said he would ask for another adjustment in January.

Board member Landis asked if there was a pattern of the costs. **Holdren** said there wasn't, but sewer repair costs are always higher.

Swartley/Nichols moved to allocate \$1.10 to the Sewer Maintenance Fund for the remaining 2023 calendar year. Motion passed 5-0.

21) Engineering Department request: Approve the lane restriction on College Avenue for two days, the week of Sept. 11, 2023, for the Goshen College Westlawn remodel project

City Director of Public Works & Utilities Dustin Sailor told the Board that for the Goshen College Westlawn remodel project, C&E Excavating has requested a lane restriction on College Avenue, between Main Street and South 9th Street, for two days during the week of Sept. 11, 2023.

The traffic control plan was attached to the Board's agenda packet. When the Engineering Department has more information regarding exact dates, the information will be posted via social media.



Swartley/Nichols moved to approve the lane restriction on College Avenue for two days the week of Sept. 11, 2023 Motion passed 5-0.

22) Engineering Department request: Approve the extended closure of Wilden Avenue, until Nov. 10, 2023, to address unexpected conflicts and issues requiring project work outside the original scope

City Director of Public Works & Utilities Dustin Sailor told the Board that Rieth-Riley has provided an updated schedule for the Wilden Avenue Road Reconstruction project.

Sailor said it is anticipated that new utility installation will be complete by the end of September, but Wilden Avenue is expected to remain closed at 1st Street to Main Street until Friday, Nov. 10, 2023. Unexpected underground conflicts and issues requiring project work outside the original scope have both contributed to delays.

He said through traffic should still follow the detour via Indiana Avenue/County Road 21 to County Road 26 to Main Street/State Road 15.

Swartley/Nichols moved to approve the extended closure of Wilden Avenue, until Nov. 10, 2023, to address unexpected conflicts and issues requiring project work outside the original scope Motion passed 5-0.

23) Engineering Department request: Authorize Mayor Leichty to sign the agreement amendment with American StructurePoint for an environmental evaluation of the property at 2703 College Avenue for an additional fee of \$29,526.32

City Director of Public Works & Utilities Dustin Sailor told the Board that Agreement Amendment No. 1 is requested with American StructurePoint for the College Avenue Phase I project.

Sailor said per the Indiana Department of Transportation (INDOT) project review, INDOT is requiring an environmental evaluation of Lippert's property at 2703 College Avenue. The environmental evaluation will screen for potential environmental hazards that could impact the project during construction.

Sailor said StructurePoint will perform a Phase II environmental evaluation to address INDOT's comments for an additional fee of \$29,526.32.

Board member Landis asked if this location was Lippert's property. **Sailor** said it is, but that eventually it will be the City's property as part of its right-of-way purchase.

Swartley/Nichols moved to authorize Mayor Leichty to sign the agreement amendment with American StructurePoint for an environmental evaluation of the property at 2703 College Avenue for an additional fee of \$29,526.32. Motion passed 5-0.

24) Engineering Department request: Approve Change Order No. 3 for the Geo-grid to bridge the poor soils for an increase of \$21,168 and add 19 additional days to the 2023 Paving Project schedule making the final completion date Sept. 29, 2023

City Director of Public Works & Utilities Dustin Sailor told the Board that after removal of asphalt pavement, Homeacre Drive was found to have subgrade issues. The Engineering Department hired a soil technician from Weaver Consultants to assess the site. Weaver Consultants Group recommended placing geo-grid and stone to bridge the poor soils below.



Sailor said Niblock Excavating requested 19 more days to the project schedule for the additional Geo-grid work and six rain delay days on Homeacre Drive. Attached to the Board's agenda packet was Change Order No.3 for the 2023 Paving Project, for the cost of the geo-grid and the additional 19 days to complete the project.

Swartley/Nichols moved to approve Change Order No. 3 for the Geo-grid to bridge the poor soils for an increase of \$21,168 and add 19 additional days to the 2023 Paving Project schedule making the final completion date Sept. 29, 2023. Motion passed 5-0.

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

Mayor Leichty opened Privilege of the Floor at 2:42 p.m. There was no comments from the public.

At 2:42 p.m., **Mayor Leichty** temporarily closed the Board of Works & Safety meeting and convened the City of Goshen Stormwater Board to consider one agenda item.

CITY OF GOSHEN STORMWATER BOARD MINUTES OF THE Sept. 11, 2023 REGULAR MEETING

Convened at 2:42 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

25) Accept the post-construction stormwater management plan for Dollar General Parke North as it has been found to meet the requirements of City Ordinance 4329

City Director of Public Works & Utilities Dustin Sailor told the Board that the developer of the Dollar General Parke North project, affecting one or more acres of land and located at 811 East Kercher Road, 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 the Dollar General Parke North project as it meets the requirements of City Ordinance 4329. Motion passed 3-0.

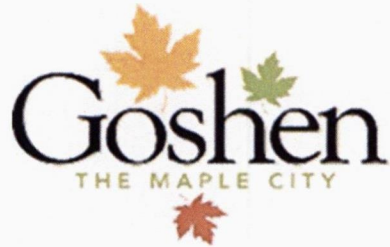
Mayor Leichty adjourned the City of Goshen Stormwater Board and reconvened the Board of Works & Public Safety meeting at 2:43 p.m.

Approval of Civil City and Utility Claims

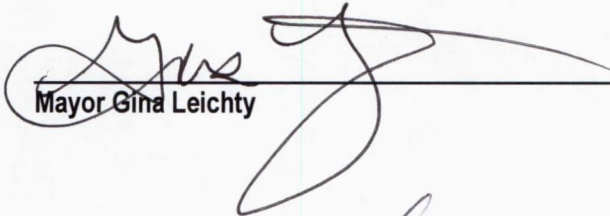
As all matters before the Board of Public Works & Safety were concluded, **Mayor Leichty/Board member Nichols** moved to approve Civil City and Utility claims and adjourn the meeting. Motion passed 5-0.

Adjournment

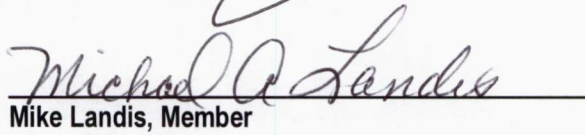
Mayor Leichty adjourned the Board of Works meeting at 2:43 p.m.



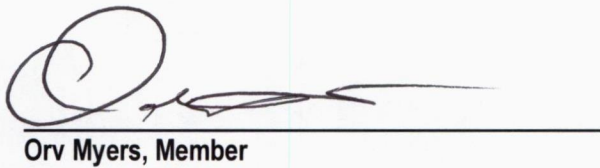
APPROVED:



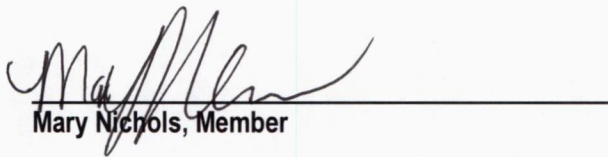
Mayor Gina Leichty



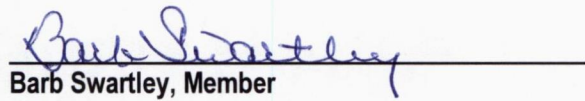
Mike Landis, Member



Orv Myers, Member

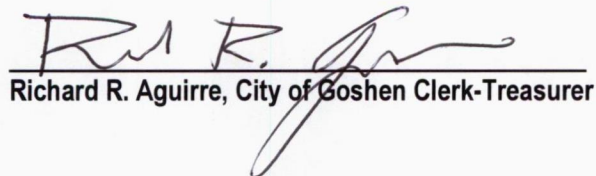


Mary Nichols, Member



Barb Swartley, Member

ATTEST:



Richard R. Aguirre, City of Goshen Clerk-Treasurer