



**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD
MINUTES OF THE SEPTEMBER 18, 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 2:00 p.m.

REVIEW/APPROVE MINUTES: Mayor Leichty presented the minutes of the Sept. 11, 2023 Regular Meeting. Board Member Mary Nichols moved to accept the minutes as presented and the motion was seconded by Board Member Barb Swartley. Motion passed 5-0.

REVIEW/APPROVE AGENDA: Mayor Leichty presented the meeting agenda with the addition of the consideration of a Uniform Conflict of Interest Disclosure Statement from the Mayor. Board member Nichols moved to approve the agenda as amended. Board member Swartley seconded the motion. Motion passed 5-0.

1) Legal Department request: Approve Resolution 2023-19, Approving Revisions to City of Goshen Vacation Leave; Beginning Wages; and Credit Card Use Policies

City Attorney Bodie Stegelmann said that on Jan. 24, 2022, the Board of Public Works and Safety approved certain City-wide policies, in the form of a Policy Manual, identified in Resolution 2022-05.

Stegelmann said City staff has determined that certain revisions to the City's Vacation Leave, Beginning Wages, and Credit Card Use policies would be appropriate. The City Attorney provided red-line versions of the three policies for which revisions are suggested, to show the revisions

Stegelmann said the credit card use changes are meant to better conform to the policies and procedures of the Clerk-Treasurer's Office.

Mayor Leichty asked who served on the committee that revised the City's policies and procedures. Stegelmann said the committee consisted of Mayor Stutsman, Deputy Mayor Mark Brinson, Director of Public Works & Utilities Dustin Sailor, City Fleet Manager Carl Gaines, the Clerk-Treasurer and a few others – 10-12 in all who completed a comprehensive review and revision of the policies, which were approved by the Board in January 2022. Mayor Leichty said today's proposed policy changes were presented to the City's Department heads and they had a chance to review the proposed changes and inform their employees about the changes. The Mayor said she wanted to make Board members aware of the review process.

Board member Landis asked if policy revisions would be a routine occurrence or if something in particular triggered these revisions. Stegelmann said there were specific discussions that led to the proposed changes and it was always anticipated there would be revisions. He said there was an ambiguity in the vacation policy, specifically carrying over vacation time from one year to the next. There also were changes in the language having to do with days vs. hours taken and there was a clarification of part-time status.

Nichols/Swartley moved to approve Resolution 2023-19, *Approving Revisions to City of Goshen Vacation Leave; Beginning Wages; and Credit Card Use Policies*. Motion passed 5-0.



2) Legal Department request: Approve Resolution 2023-30, Declaring Surplus and Authorizing the Disposal of IT Equipment

Shannon Marks, the Legal Compliance Administrator for the City Legal Department, said the City Information Technology Department wishes to dispose various items of IT equipment that is no longer needed or are unfit for the purpose for which it was intended because it is broken or obsolete.

In a memorandum to the Board, **Marks** wrote that the equipment includes one power supply, one battery backup, 38 ram sticks, 21 towers, 1 camera, one keyboard and one wireless mouse.

Marks said Resolution 2023-30 would declare the property as surplus and authorize its disposal in accordance with the provisions of Indiana Code § 5-22-22-8 by demolishing or junking property that is worthless or of no market value, including recycling components where possible

Mayor Leichty said she was personally excited this resolution was moving forward "because the basement of our office (at City Hall) has become an IT graveyard and it will be nice to clean up some space down there."

Nichols/Swartley moved to pass Resolution 2023-30, *Declaring Surplus and Authorizing the Disposal of IT Equipment*. Motion passed 5-0.

3) Legal Department request: Adopt Resolution 2023-31, Concerning the purchase of a wheel loader

Brandy Toms, a paralegal with the City Legal Department, told the Board that the City solicited sealed bids for the purchase of a wheel loader and received five (5) bids. Of those five bids, she said the only responsive and responsible bidder is a unit manufactured in Austria and not in the United States.

According to Resolution 2023-31:

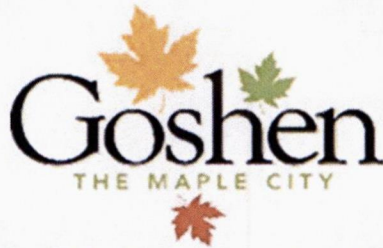
- Indiana Code 5-22-15-21 and Ordinance 3828, as amended by Ordinance 5077, provide that the City shall promote the purchase of supplies manufactured in the United States unless the Board of Public Works & Safety, as purchasing agency, makes a determination otherwise.
- The City is interested in acquiring a wheel loader.
- The City solicited sealed bids for the purchase of a wheel loader and five bids were received.
- The wheel loader offered by the only responsive and responsible bidder is manufactured in Austria.
- Therefore, the Goshen Board of Public Works and Safety resolves that the City shall not be limited to purchasing a wheel loader manufactured in the United States because the City believes that the quality of the components used in the manufacturing and assembly process in Austria will be acceptable.

Board member Landis asked if there were obvious reasons the other bids were not responsive and responsible.

Toms said four out of the five bids had too many exceptions or an exception that the City Street Department didn't want. She said two of the five units also were too small. She said only one unit was acceptable.

Board member Swartley asked for a clarification of the requested Board action. **Toms** said the City is supposed to purchase products manufactured in the United States, but none of the equipment covered in the bids was manufactured in the United States. All were from overseas manufacturers, leading to Resolution 2023-31.

Nichols/Swartley moved to adopt Resolution 2023-31, *Concerning the purchase of a wheel loader*. Motion passed 5-0.



4) Legal Department request: Award the bid for the purchase of a wheel loader to West Side Tractor Sales as the only responsive and responsible bidder and approve and authorize Mayor Leichty to execute the purchase agreement at a cost to the City of \$154,608.28 which includes the trade allowance of \$20,000 for the 2001 New Holland

Brandy Toms, a paralegal with the City Legal Department, informed the Board that the City solicited sealed bids for the purchase of wheel loader for the Street Department. The bids were opened by this Board on Aug. 14, 2023. The following is a summary of the bids received:

1. Hardings, Inc. - \$170,303.00
2. West Side Tractor Sales - \$174,608.28
3. Weaver Ag & Lawn Equipment, LLC - \$174,299.00
4. Weaver Ag & Lawn Equipment, LLC – 149,942.67
5. Weaver Ag & Lawn Equipment, LLC - \$183,764.00

Toms said that the wheel loader offered by West Side Tractor Sales of South Bend is they only responsive and responsible bidder. The bid also included an option for a trade in allowance for a 2001 New Holland, Model #LW1710 the City current owns. The trade allowance offered by West Side Tractor Sales is \$20,000, reducing the cost of the purchase of the wheel loader to \$154,608.28.

Toms recommended that West Side Tractor Sales be awarded the bid and have Mayor Leichty execute the purchase agreement.

Nichols/Swartley moved to award the bid for the purchase of a wheel loader to West Side Tractor Sales as the only responsive and responsible bidder and approve and authorize Mayor Leichty to execute the purchase agreement regarding the same at a cost to the City of \$154,608.28, which includes the trade allowance of \$20,000 for the 2001 New Holland. Motion passed 5-0.

5) Legal Department request: Approve and authorize the Mayor to execute the agreement with Abonmarche Consultants for Phase 1 of Goshen Violet Cemetery's Development Project at a cost of \$31,900 plus any requested duties or reimbursable expenses

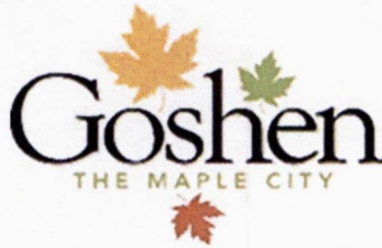
Brandy Toms, a paralegal with the City Legal Department, recommended that the Board approve and authorize Mayor Leichty to execute the attached agreement with Abonmarche Consultants for the Goshen Violet Cemetery Development Project.

She said the following services will be performed under this agreement:

Task	Description	Cost
1	Survey Services: Boundary Retracement Survey (undeveloped land)	\$6,500
	Topographic Survey (Master Plan)	\$3,500
2	Subdivision Plat Process (Phase 1)	\$9,500
3	Construction Stormwater General Permit (CSGP)	\$7,400
	Stormwater Management Design (Master Plan)	\$2,500
	SWPPP/ Permit Applications (Phase 1)	\$2,500
4	Set Control Points (4 Sections)	\$2,500
TOTAL		\$31,900

Toms said the total expenses are subject to additional tasks that Abonmarche may perform as requested. These include the following: Construction staking estimated to cost approximately \$6,000 and any reimbursable expenses.

Nichols/Swartley moved to approve and authorize Mayor Leichty to execute the agreement with Abonmarche Consultants for Phase 1 of Goshen Violet Cemetery's Development Project at a cost of \$31,900 plus any requested duties or reimbursable expenses under the scope of work in this agreement. Motion passed 5-0.



6) Legal Department request: Approve and authorize the Mayor to execute the agreement with Signtech Sign Services for the maintenance, installation, and uninstallation of Downtown Goshen's Christmas décor for the 2023-2024 season at a cost not to exceed \$20,000, plus the cost of a lift rental should one be necessary

Brandy Toms, a paralegal with the City Legal Department, recommended that the Board approve and authorize Mayor Leichty to execute the agreement with Signtech Sign Services for the maintenance, installation, and uninstallation of Downtown Goshen's Christmas décor for the 2023-2023 season at a cost to the City not to exceed \$20,000 plus the cost of a lift rental should one be necessary.

Mayor Leichty said she was gratified to not be decorating the downtown Christmas tree.

Board member Landis asked if this was the first year the City would be contracting for this service with Signtech.

Mayor Leichty said this has been done in the past. **City Attorney Bodie Stegelmann** said the City is clearing up some processes and the Downtown Economic Improvement District Board may have been involved in the past.

Nichols/Swartley moved to approve and authorize Mayor Leichty to execute the agreement with Signtech Sign Services for the maintenance, installation, and uninstallation of Downtown Goshen's Christmas décor for the 2023-2024 season at a cost to the City not to exceed \$20,000, plus the cost of a lift rental should one be necessary. Motion passed 5-0.

7) Engineering Department request: Approve the lane restriction on College Avenue for two days starting Wednesday, Sept. 20, 2023

City Director of Public Works & Utilities Dustin Sailor told the Board that in regards to the Goshen College Westlawn Nursing Renovation project, C&E Excavating is requesting a lane restriction on College Avenue between Main Street and South 9th Street starting Wednesday, Sept. 20 through Thursday, Sept. 21, 2023.

Sailor said a traffic control plan was attached to the Board agenda packet. Due to delays in receiving the required documents, **Sailor** said the permit could not be issued in time for work to be completed last week.

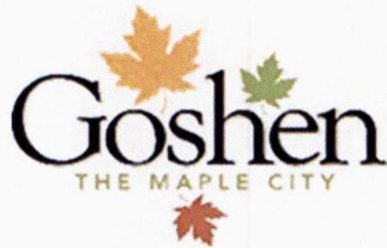
Nichols/Swartley moved to approve the lane restriction on College Avenue for two days starting Wednesday, Sept. 20, 2023. Motion passed 5-0.

8) Engineering Department request: Approve granting permission for Mayor Leichty to sign the right-of-entry agreements for 1824 and 1910 Lighthouse Lane, allowing the City access to these two properties to provide topsoil to correct an existing drainage issue

City Stormwater Coordinator Jason Kauffman told the Board that during the construction of the houses along the south side of Lighthouse Lane in The Crossing Subdivision, soil was placed within an existing drainage swale to build up the lots. This resulted in a low area being created between 1910 and 1824 Lighthouse Lane where stormwater collects until it can soak into the ground or evaporate.

Kauffman said the homeowners approached the Goshen Engineering and Stormwater Departments in 2022 to request help in addressing this problem during the Crossing Subdivision Drainage Improvements project, but because this issue lies outside of the project area, it could not be fixed.

Kauffman said that due to the elevations of the newly constructed swale to the south of the homes and the height of the front yard between the homes installing a pipe to the south and north was deemed unfeasible and the only viable option is to raise the yard up. Thus, the City came to an agreement with the homeowners in which the City would provide topsoil and the homeowners would spread out the topsoil to eliminate the low spot.



Kauffman said to move forward with this arrangement, two right-of-entry agreements between the property owners and the City were prepared and the Stormwater Department is requesting the Board of Public Works and Safety's approval to allow Mayor Leichty to sign the agreements.

Board member Landis asked where the stormwater that has been collected between the homes will now drain. **Kauffman** said the intent is for the water to drain to the south as it does for the other houses. He clarified other issues for the project.

Nichols/Swartley moved to approve granting permission for Mayor Leichty to sign the right-of-entry agreements for 1824 and 1910 Lighthouse Lane allowing the City access to these two properties to provide topsoil to correct an existing drainage issue. Motion passed 5-0.

9) Mayor's request: Approve Uniform Conflict of Interest Disclosure Statement for the Mayor

Mayor Leichty submitted to the Board a Uniform Conflict of Interest Disclosure Statement regarding her 50% ownership of Eyedart Creative Studio with her husband, Ben Stutzman.

In the statement, the **Mayor** wrote: "Since 2015, the City of Goshen has maintained an annual sponsorship contract with Eyedart Creative Studio to produce the Good of Goshen. The Good of Goshen aims to promote the City, highlighting the people, places, and amenities that distinguish Goshen from other communities. The City has utilized the Good of Goshen as a marketing tool to build community awareness and pride in the City's resources as well as a talent attraction and retention tool for prospective employees and residents." **The Mayor** also wrote, "The continuation of the Good of Goshen program is included in the proposed 2024 budget."

Mayor Leichty explained the purpose of the form and that why it has been submitted and noted that she would not be voting on this matter.

City Attorney Bodie Stegelmann recommended that the Board accept the form on behalf of the City. He said that afterward, his office would be submitting the form to the State so there is a record of the disclosure.

For the sake of full disclosure, **Mayor Leichty** said that at times Eyedart Creative Studio has provided photography or videography services for the City. However, she said there are no plans for that at this time.

Nichols/Swartley moved to accept the Uniform Conflict of Interest Disclosure Statement from the Mayor regarding Eyedart Creative Studio. 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 2:23 p.m. There was no comments from the public.

Approval of Civil City and Utility Claims

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

Adjournment

Mayor Leichty adjourned the Board of Works meeting at 2:24 p.m.

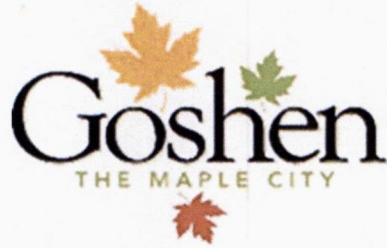
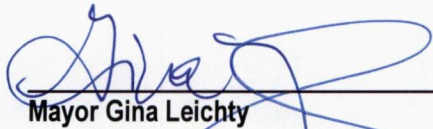



EXHIBIT #1: A Uniform Conflict of Interest Disclosure Statement filed by Mayor Gina Leichty. The statement was submitted for consideration of added agenda item #9.

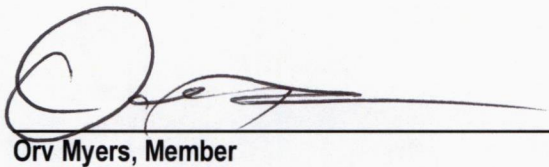
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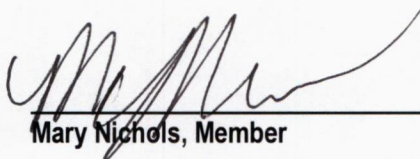
Mayor Gina Leichty



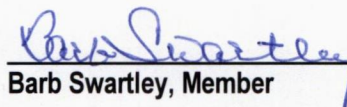
Mike Landis, Member



Orv Myers, Member

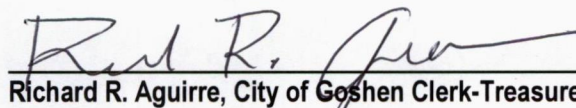


Mary Nichols, Member



Barb Swartley, Member

ATTEST:



Richard R. Aguirre, City of Goshen Clerk-Treasurer