

**BOARD OF PUBLIC WORKS AND SAFETY AND STORMWATER BOARD MEETING  
HELD, FEBRUARY 25, 2019, GOSHEN, INDIANA**

The Board of Public Works and Safety and Stormwater Board of the City of Goshen met in the Council Chambers, 111 E. Jefferson St., on February 25, 2019, at 2 p.m. for their weekly Board meeting. Mayor Jeremy Stutsman was the presiding officer with members of the Board present or absent as follows:

**PRESENT:** Mayor Jeremy Stutsman, Board Member Mitch Day, Board Member Mike Landis

~~**ABSENT:**~~

**OTHERS:** Clerk-Treasurer Administrative Assistants, Assistant Brownfield Coordinator, Central Fleet Maintenance Manager, Fire Chief, Street Commissioner, Director of Public Works, Wastewater Superintendent, Mayor's Administrative Assistant, Police Chief, Utilities Office Manager, Water & Sewer Superintendent, City Attorney, Civil Traffic Engineer, Brownfield Coordinator, Assistant Building Commissioner, Assistant City Planner, Legal Compliance Administrator, Communications Coordinator, Assistant Police Chief, Parks Superintendent

Minutes of the meeting of February 18, 2019, were presented. On motion of Board Member Day and second by Board Member Landis, the minutes were approved as presented.

**REQUEST TO APPROVE SEWER RELIEF—301 WINCHESTER TRAIL**

Anna Carpenter, resident at 301 Winchester Trails, requested sewer relief in the amount of \$718.45 due to a leak from a leak in the shut-off valve. Water and Sewer Superintendent Kent Holdren, inspected the site and recommended relief be given as the water did not enter the sewer.

Board Member Landis moved to approve the request. Second by Board Member Day and motion passed unanimously.

**REQUEST TO APPROVE MECHANICAL LICENSE—BARRY G. ADAMS**

Assistant Building Commissioner Myron Grise requested Board approval for a mechanical license for Barry G. Adams of Adams & Sons Inc. Heating and Cooling, 7060 Hillendale Road, Sodus, MI 49126. He obtained a State of Michigan Mechanical Contractors License which requires a passing score of at least 70%. The State of Michigan license expires August 31, 2019.

Board Member Landis moved to approve the request. Second by Board Member Day and motion passed unanimously.

**REQUEST TO APPROVE CONDITIONAL OFFER OF EMPLOYMENT**

Legal Compliance Administrator Shannon Marks requested Board approval on behalf of the Police Department to extend a conditional offer of employment to Warren Calvin O'Neal III and execute the Conditional Offer of Employment Agreement which sets forth the prerequisites to beginning employment as a probationary patrol officer. Mr. O'Neal must first complete and pass the baseline

statewide physical and mental examinations. The Board will be requested to confirm the offer of employment when a position opening becomes available in the Police Department.

Board Member Landis moved to approve the request. Second by Board Member Day and motion passed unanimously.

**REQUEST TO APPROVE OCCUPANCY PERMIT—912 DEERSTONE DRIVE**

Legal Compliance Administrator Shannon Marks requested Board approval and authorization for the Mayor to execute an Occupancy Permit Agreement with Timothy C. Miller, Kathy L. Sears and Brad Neeley Construction for the new residence constructed at 912 Deerstone Drive. The construction project is now substantially complete except for certain exterior work that cannot be completed due to weather conditions. The owner agrees to complete all remaining work as soon as conditions permit, but no later than June 15, 2019. In addition, the agreement also permits the temporary gravel driveway that has been installed for the site until such time as the concrete driveway can be installed.

With the exception of the work to be completed under the agreement, once all Building Code requirements have been met, the agreement has been executed by all parties, and a surety in the amount of Six Thousand Seven Hundred Twenty Dollars (\$6720) is provided to the City to insure the timely completion of the remaining work, the City will issue a certificate of occupancy for the location.

Board Member Landis moved to approve the request. Second by Board Member Day and motion passed unanimously.

**REQUEST TO APPROVE QUITCLAIM DEED TO J & K REALTY LLC AND GRANT OF EASEMENT TO DAIRY FARMERS OF AMERICA, INC.**

Legal Compliance Administrator Shannon Marks requested Board approval for the Quitclaim deed to J & K Realty LLC and to approve a grant of easement to Dairy Farmers of America, Inc.

In 2007, the City acquired the north 10 feet of real estate from a lot owned by J & K Realty LLC at 1405 South Tenth Street to construct a sidewalk along the south side of New York Street. J & K Realty LLC is now planning to transfer the real estate at 1405 South Tenth Street. However, after a survey was completed, it was discovered that the sidewalk was constructed within the existing right of way of New York Street, and a portion of the existing building at this location encroaches within the New York Street right of way.

It is recommended that the City release and quitclaim to J & K Realty, LLC the north ten feet of the real estate that is part of Out Lot Number One as designated in the Plat of First Industrial Addition, and authorize Mayor Stutsman to execute all documents related to the transfer. It is also recommended that the City grant Dairy Farmers of America, Inc. (the entity acquiring the real estate from J & K Realty, LLC) an easement for the building encroachment into the right of way of New York Street, and authorize Mayor Stutsman to execute that Grant of Easement. The easement will not be executed until after the Quitclaim Deed is recorded and the closing between J & K Realty LLC and Dairy Farmers of American, Inc. takes place.

Board Member Day moved to approve the request. Second by Board Member Landis and motion passed unanimously.

**REQUEST TO APPROVE PAVEMENT EXCEPTION FOR RIGHT WAY AUTOMOTIVE CREDIT**

Civil Traffic Engineer Leslie Biek requested Board approval for the denial of the requested pavement exception by Right Way Automotive Credit located at 2600 Elkhart Road. Discussion with owner of Right Way Credit ensued. Owner would be adding to previous area for overflow parking. The previous area – done by the previous owner - was not permitted. Rossa Deegan said things need to go through tech review since previous gravel was not approved. Leslie Biek confirmed that going through Board of Works was part of the Tech Review. A motion was put forward to table this item until staff brings back more information.

Mayor Jeremy Stutsman moved to approve the request to table the agenda item. Second by Board Member Landis and motion passed unanimously.

**REQUEST TO APPROVE VARIANCE FOR DYKSTRA PARK PAVILION AND PARKING PROJECT.**

Director of Public Works Dustin Sailor requested Board approval for variance request for the above project. A new asphalt parking area will be created along the east side of South 21<sup>st</sup> Street to serve the new pavilion. The new parking area will be 86 feet wide providing seven parking spaces within the existing 45' wide right of way of South 21<sup>st</sup> Street. The existing gravel parking area located near East Lincoln Avenue will be eliminated. The existing parking area is 106.5 feet wide and within the existing right of way.

A variance is being requested for the new asphalt parking area, which will be within the existing right of way and exceeds the maximum width allowed for access through a City right of way.

Board Member Landis moved to approve the request. Second by Board Member Day and motion passed unanimously.

**REQUEST TO POSTPONE OPPOSITION STANCE ON STORMWATER LEGISLATION 2019, HOUSE BILL 1266**

Stormwater Coordinator Jason Kauffman requested Board approval for a request to postpone hearing Stormwater Legislation 2019, House Bill 1266 pending further review.

Mayor Jeremy Stutsman moved to approve the request to postpone the agenda item until 3/4/2019. Second by Board Member Landis and motion passed unanimously.

**REQUEST TO APPROVE RESOLUTION 2019-04**

Legal Compliance Administrator Shannon Marks requested Board approval for Resolution 2019-04 entitled, "DISCIPLINARY ACTION AGAINST BRODY L. BROWN."

WHEREAS a Notice of Disciplinary Action and Hearing before the Board of Public Works and Safety was issued to Brody L. Brown on December 17, 2018 and February 6, 2019 concerning

certain acts of conduct occurring December 14, 2018 subjecting Brody L. Brown to disciplinary action. Brody L. Brown waived his right to a hearing before the Board of Public Works and Safety and agrees to the disciplinary action recommended by Police Chief Jose Miller.

NOW, THEREFORE, BE IT RESOLVED that the following disciplinary action is imposed against Brody L. Brown:

Brody L. Brown shall be suspended from duty without pay for fifty (50) works days or four hundred fifty (450) work hours.

Brody L. Brown's driver's license must be reinstated before he returns to work.

Brody L. Brown shall attend an alcohol education program offered by the Center for Problem Resolution in Elkhart. Brody will be responsible for scheduling and payment of the cost to attend the classes. Brody must complete all class hours and provide proof of completion to the Police Chief by August 15, 2019.

Board Member Landis moved to approve the request. Second by Board Member Day and motion passed unanimously.

#### **REQUEST TO APPROVE RESOLUTION 2019-05**

Legal Compliance Administrator Shannon Marks requested Board approval for Resolution 2019-05 entitled, "ACCEPT RESIGNATION OF KYLE KALB."

WHEREAS a Notice of Disciplinary Action and Hearing before the Board of Public Works and Safety was issued to Kyle Kalb on February 12, 2019 concerning certain acts of conduct occurring December 14, 2018 subjecting Kyle Kalb to disciplinary action. Kyle Kalb waived his right to a hearing before the Board of Public Works and Safety and tendered his resignation from the Goshen Police Department effective May 8, 2019.

NOW, THEREFORE, BE IT RESOLVED that the Goshen Board of Public Works and Safety accepts Kyle Kalb's resignation from the Goshen Police Department effective May 8, 2019.

Kyle Kalb is relieved of police duties effective immediately. The required pay outs he accrued will be paid through May 8, 2019 which will show as last day of employment.

Board Member Landis moved to approve the request. Second by Board Member Day and motion passed unanimously.

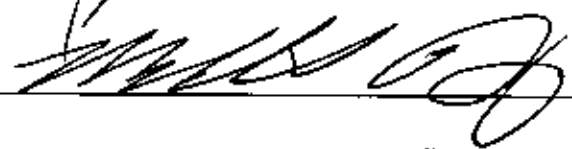
There being no further business Mayor Jeremy Stutsman moved to process claims and then to adjourn. Second by Board Member Landis and motion passed unanimously.

**BOARD OF PUBLIC WORKS AND SAFETY AND STORMWATER BOARD:**

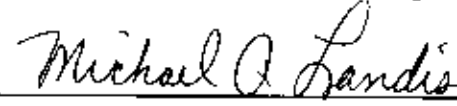
**MAYOR JEREMY STUTSMAN**



**BOARD MEMBER MITCHELL DAY**



**BOARD MEMBER MICHAEL A. LANDIS**



**ATTEST**



**CLERK-TREASURER ANGIE MCKEE**