

**BOARD OF PUBLIC WORKS AND SAFETY AND STORM WATER BOARD  
MEETING HELD JUNE 6, 2016 GOSHEN, INDIANA**

The Board of Public Works and Safety and Storm Water Board of the City of Goshen met in the Council Chambers, 111 East Jefferson Street on June 6, 2016, at 2:00 P.M. for their weekly Board meeting. Mayor Stutsman was the presiding officer with members of the Board present or absent as follows:

PRESENT: Mayor Stutsman, Board Member Day, Board Member Landis

ABSENT:

OTHERS: Clerk-Treasurer Office Assistants, City Attorney, Assistant City Planner, Fire Chief, Police Chief, Building Inspector Grise, Building Inspector Bice, Assistant Street Commissioner, Legal Contracts and Claims Manager, Legal Compliance Administrator, Legal Administrative Assistant, Mayor's Administrative Assistant Lung, Park & Recreation Coordinator, Superintendent of Waste Water, Wastewater Maintenance Technician, Superintendent of Water and Sewer, Utilities 1<sup>st</sup> Deputy, Administrative City Engineer, Central Garage Fleet Manager.

Minutes of the meeting of April 25<sup>th</sup>, 2016 were presented. On motion of Board Member Day and second by Board Member Landis, the minutes were approved as presented.

**LIFE SAVING AWARD TO RECOGNIZE POLICE LIEUTENANT JEREMY WELKER**  
Police Captain David Miller presented a Life Saving Award to Lieutenant Jeremy Welker for his response on May 3<sup>rd</sup>, 2016 where his fast actions and decisive intervention saved the life of a female victim who was unconscious and not breathing.

**REQUEST TO APPROVE PROMOTION OF WILLIAM R. PHILLIPS  
TO FIRE LIEUTENANT**

Fire Chief Danny Sink requested Board approval for the Promotion of William R. Phillips to the rank of Fire Lieutenant for the Goshen Fire Department. William Phillips has passed all of the required tests and standards for promotion to his new rank which is effective June 16<sup>th</sup>, 2016.

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

Mayor Stutsman swore in William R. Phillips to the rank of Fire Lieutenant.

**REQUEST TO APPROVE PROMOTION OF PATRICK B. LINN TO FIRE SERGEANT**  
Fire Chief Danny Sink requested Board approval for the Promotion of Patrick B. Linn to the rank of Fire Sergeant for the Goshen Fire Department. Patrick Linn has passed all of the required tests and standards for promotion to his new rank which is effective June 16<sup>th</sup>, 2016.

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

Mayor Stutsman swore in Patrick B. Linn to the rank of Fire Sergeant.

**REQUEST TO APPROVE RETIREMENT OF ASSISTANT FIRE CHIEF JAMES  
RAMER FROM THE GOSHEN FIRE DEPARTMENT**

Fire Chief Danny Sink requested Board approval for the Retirement of Assistant Fire Chief James Ramer from the Goshen Fire Department. After 32 years of dedicated service to the community, Assistant Fire Chief James Ramer submitted his letter of intention and the Board approved that it be effective June 17<sup>th</sup>, 2016.

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

**REQUEST TO CONDUCT EVENT ON CITY LOT: IGNITION MUSIC GARAGE**  
Steve Martin, Owner of Ignition Music Garage located at 120 East Washington Street, requested Board approval to host events at 315 West Washington Street, the City parking lot adjacent to the Goshen Brewing Co. on June 17<sup>th</sup> and September 16<sup>th</sup>, 2016. One of their goals is for a growing entertainment scene in Goshen and they appreciate the support of the City in helping Goshen attract audiences from outside of Goshen as it will benefit the whole community.

Goshen Brewing Co. is responsible for the required permits, grounds and security for the event. Ignition Music Garage is responsible for the stage, sound and musical portion of these events and they have also reviewed the City noise ordinance and will comply with the ordinance. Goshen Brewing Co. has purchased a subpanel including cables for the electricity needs and this will need to be connected to service. Mr. Martin stated that there aren't any residential neighbors impacted by these events and they will also notify Interra Credit Union and ensure that their parking is not disrupted. There will be a temporary beer and wine permit for the events and they are also working out the final rules with the State Excise officials for permanent fencing and an outdoor beer garden area. This initial event on June 17<sup>th</sup> will also involve their first food trucks as well, and hopefully in subsequent summers they will have more events like these.

Mayor Stutsman stated he wants to make sure the food trucks follow through not do any type of cleaning on the parking lot itself or in the City's bio swales and not to have large trucks or buses coming on to the parking lot because of the weight. Mr. Martin stated they would take pictures before and after the event and get them to the Mayor's office for distribution to the City departments for review and told the Board that he had a conversation with Mayor Stutsman about even drawing up some sort of standard contract. Mayor Stutsman asked City Attorney Larry Barkes if a contract had been drawn up as of yet. City Attorney Larry Barkes stated that it will hopefully be done soon after this first event. Attorney Barkes asked when Mr. Martin will need the space in question as he will need time for setting up. Mr. Martin was thinking the night before for them to pull the trailers in and set the fence for the 21 and over area and the gate. That would leave more than half of the parking lot available for parking during the day on Friday. The Board discussed the parking lot and when to close. Building Inspector Steve Bice asked to find out more about the electric service as the Building Department hasn't been notified about it. Mr. Martin stated he will get with the Building Department. Board Member Day questioned if they should make a motion on just the June 17<sup>th</sup> date since a contract was being drawn up. Mayor Stutsman confirmed they will just vote on the June 17<sup>th</sup> date. Board Members and City Attorney Larry Barkes discussed what would be involved in the contract. Attorney Barkes stated they will have a better idea after they have the first event as to what will need to be included in the contract for future events that may happen in the parking area.

Board Member Day moved to approve the request for the use of the City owned parking lot adjacent from the Goshen Brewing Co. and Interra Credit Union on June 17<sup>th</sup>, 2016 for the event hosted by Goshen Brewing Co. and promoted by Ignition Music Garage. Second by Board Member Landis and motion passed unanimously.

#### **REQUEST TO APPROVE ELECTRICAL LICENSE FOR M. SWALLEY**

Building Inspector Myron Grise requested Board approval to issue an Electrical License for Michael R. Swalley of Patriot Construction Services, located at 3410 North County Road 950 East, Brownsburg, Indiana, 46112. Mr. Swalley has met the requirements for a City of Goshen Electrical License. He achieved a score of 75.4% on the Master Electrical exam taken on October 14, 1977 in Indianapolis, Indiana.

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

#### **REQUEST TO APPROVE SUMMER SEWER BREAK**

Utilities 1<sup>st</sup> Deputy Sandy Null requested Board approval for the annual Summer Sewer Break on behalf of Brookside Manor, Roxbury Park, Twin Pines and Creekside Estates. The Water and Sewer Department has received a request from the above listed communities and each request clearly states they will pass the savings on to the residents.

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

#### **REQUEST TO APPROVE AGREEMENT FOR SPRINKLER SYSTEM INSPECTION WITH CONSOLIDATED FIRE PROTECTION CO.**

Legal Contracts and Claims Manager Keitha Windsor requested Boards approval of the Agreement for Sprinkler System Inspection with Alphastar Corp. d/b/a Consolidated Fire Protection Co. An annual and a five year fire sprinkler system inspection are required by National Fire Protection Act (NFPA) at the City's Police and Courts Building and the Wastewater Treatment Plant. The City solicited quotes from Consolidated Fire Protection Co.; VPF Fire Systems; Koorsen Fire Protection; SimplexGrinnell; and Ryan Fireprotection Inc. The following quotes were received:

	<u>VPF Fire Systems</u>	<u>Consolidated Fire Protection Co.</u>
5 year	\$1,682.00	\$1,630.00
Annual x 4	<u>\$2,330.00</u>	<u>\$ 980.00</u>
Total	\$3,982.00	\$2,610.00

The City wishes to enter into a five year contract with Consolidated Fire Protection Co. to provide a single five year sprinkler system inspection plus four annual sprinkler system inspections for the total contract amount of \$2,610.00.

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

**REQUEST TO APPROVE AGREEMENT AMENDMENT  
WITH KEIFER CONSULTING**

Legal Contracts and Claims Manager Keitha Windsor requested Board approval for the Agreement Amendment with Keifer Consulting for soil sampling, analysis and reporting on the permitted acreage receiving biosolid applications from the City’s WWTP for the City’s 2015 requirements. The agreement permits the contract may be renewed for up to 2 additional 1 year terms under the same terms and conditions for an amount not to exceed \$9,511.00. The City wishes to renew the Agreement with Keifer Consulting for another year.

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

**REQUEST TO APPROVE CONDITIONAL BUILDING PERMIT FOR  
1715 EAST MONROE STREET**

City Attorney Larry Barkes requested Board approval to enter into a Conditional Building Permit with Levi D. Borntrager and Lorraine M. Borntrager for 1715 East Monroe Street. A conditional building permit will be issued to D.J. Construction and the owners agree that no work will commence on the real estate until the FEMA or DNR has issued an approval for construction within the floodway, revised construction and/or site plans have been submitted to and approved by the Goshen Engineering Department and the Goshen Planning Department, and a zoning clearance has been issued by those departments.

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

**REQUEST TO APPROVE RESOLUTION 2016-H: APPROVING AND  
AUTHORIZING THE EXECUTION OF THE INTERLOCAL AGREEMENT  
WITH GOSHEN COMMUNITY SCHOOLS FOR THE PLYMOUTH AVENUE  
BICYCLE/PEDESTRIAN PATH MODIFICATIONS**

Legal Compliance Administrator Shannon Marks requested Board approval of Resolution 2016-H, Approving and Authorizing the Execution of the Interlocal Agreement with Goshen Community Schools for the Plymouth Avenue Bicycle/Pedestrian Path Modifications. The City and School wish to modify the Plymouth Avenue bicycle/pedestrian path to improve the safety of the crossing near Goshen Middle School. Pursuant to Indiana Code 36-1-7 et. seq. a power that may be exercised by one governmental entity may be exercised by on entity on behalf of another governmental entity if the entities enter into a written agreement under Indiana Code 36-1-7-3. Therefore, be it resolved that the Goshen Board and Public Works and Safety approve the terms and conditions of the Interlocal Agreement with Goshen Community Schools for the Plymouth Avenue Bicycle/Pedestrian Path Modifications with funding that the School shall provide 50% of the cost up to a maximum of \$200,000.00 and the City shall provide 50% of the cost up to a maximum of \$200,000.00, and any project costs that exceed \$200,000.00.

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

**REQUEST TO APPROVE RESOLUTION 2016-I: APPROVING AND  
AUTHORIZING THE EXECUTION OF A WATER AND SEWER AGREEMENT WITH  
JEFFERY D. BURT AND CYNTHIA K. BURT**

Legal Compliance Administrator Shannon Marks requested Board approval of Resolution 2016-I: Approving and Authorizing the Execution of a Water and Sewer Agreement with Jeffery D. Burt and Cynthia K. Burt. Jeffery and Cynthia Burt are the property owners of 65880 County

Road 27, Goshen, and the owners wish to obtain City water and sewer services for the real estate; however the real estate is located outside the corporate limits of the City of Goshen. It is requested to extend the water and sewer utilities to the real estate at 65880 County Road 27.

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

**REQUEST TO APPROVE AGREEMENT AMENDMENT FOR THE ABONMARCHE CONSULTANTS FOR LOGAN STREET, MONROE STREET AND COLLEGE AVENUE WATER MAIN REPLACEMENT – JN: 2014-0072**

Administrative City Engineer Mary Cripe requested Board approval of an Agreement Amendment for the Abonmarche Consultants for Logan Street, Monroe Street and College Avenue Water Main Replacement project. The amendment is necessary to cover additional work for the completion of the required bid documents. Work that Abonmarche has undertaken or will be undertaking includes:

1. Additional field survey work to determine the location and elevation of railroad tracks added at Logan Street and Cottage Avenue, to locate fiber hand holes added by a local fiber optics company, to verify utilities discovered during design and to verify structure inverts.
2. Rule 12 boundary survey of the Toy Barn property for to define the parcels lines and acreage.
3. Right-of-way legal descriptions and plats for land acquisition at the Toy Barn property.
4. Blanket easement preparation for multiple properties the City must enter to complete the reconstruction of the water main.

The additional work is budgeted to cost \$12,618.75 for a total amended project cost of \$22,618.75. All work is to be completed by June 10<sup>th</sup>, 2016.

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

**REQUEST TO APPROVE CHANGE ORDER #1 FOR THE EISENHOWER DRIVE NORTH WATER MAIN EXTENSION EAST OF CR 27 – PHASE II – PROJECT NO. 2005-0009**

Administrative City Engineer Mary Cripe requested Board approval of Change Order #1 with Work Change Directive #2 for the Eisenhower Drive North Water Main Extension East of CR 27 Phase II project. The Work Change Directive #2 addresses an existing condition at 2019 Eisenhower Drive. The existing concrete approach extended into the roadway causing a jog in the roadway edge when removed. The City of Goshen Street Department installed a 2' wide section of asphalt to extend the existing roadway edge to the north. The new concrete approach will not extend into the roadway as before but match to the existing edge of roadway along Eisenhower Drive. The new asphalt must be saw cut to provide a vertical face to pour the new concrete approach against.

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

**REQUEST TO APPROVE ROAD CLOSURE FOR PARKWEST 8<sup>TH</sup> – JN: 2015-2046**

Administrative City Engineer Mary Cripe requested Board approval of a road closure of Park West Drive from Pringle Drive to Janewood Court starting June 8<sup>th</sup> until June 15<sup>th</sup>, 2016 for construction of sanitary sewer laterals and water main services.

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

**PUBLIC HEARING ON ORDER OF THE BUILDING COMMISSIONER:  
507 EAST JEFFERSON STREET**

Mayor Stutsman opened the public hearing:

Owner Roger Cripe is not present for the hearing. The following are the Violations to the Neighborhood Preservation Ordinance:

Unit 1

1. Repair or replace all weathered and deteriorated siding (Violation of Section 6.3.1.1.(2))
2. Repair all areas of chipped and peeling paint (Violation of Section 6.3.1.1.(7))

Building Inspector Travis Eash stated to Board Members that on the initial inspection, May of 2015, the siding was deteriorated and the owner had requested more time and he believed he came back in April of this year and asked for another continuance and was given another 60 days, which brings us to today. The owner has purchased all the siding but only 25% of the work has been completed. The owner stated to him that he only has the weekends to work on the property and has been doing it by himself for the most part; a friend comes to help when he's able. The Board discussed the processes with City Attorney Larry Barkes.

Board Member Landis finds the property at 507 East Jefferson Street not in compliance with the Neighborhood Preservation Ordinance because the siding is unfinished and the chipping and peeling paint has not been repaired. Second by Board Member Day and motion passed unanimously.

**PUBLIC HEARING ON ORDER OF THE BUILDING COMMISSIONER:**  
**503 SOUTH 3<sup>RD</sup> STREET**

Mayor Stutsman opened the public hearing:

Owner Ronald Davidhizar is not present for the hearing. City Attorney Larry Barkes stated that Mr. Davidhizar was present at the last hearing when the date was set and on May 10<sup>th</sup>, 2016 was also sent notification of the hearing set for today. Building Inspector Steve Bice stated that he was out to inspect the property on June 3<sup>rd</sup>, 2016; he could not get inside and found that only 3 out of the 8 items listed on the order of the Building Commissioner had compliance. Following are the Violations to the Neighborhood Preservation Ordinance:

1. Stone-type foundation wall is caving in on the south side of the structure (Violation of Section 6.3.1.1.(2))
2. Several windows have broken glass; one window on west side has been boarded due to broken glass and the bedroom egress windows have been removed and boarded over (Violation of Section 6.3.1.1.(4))
3. Side porch steps are not secured to the structure (Violation of Section 6.3.1.1.(5))
4. Second floor guard rail has been removed (Violation of Section 6.3.1.1.(6))
5. All painted surfaces (interior and exterior) have cracked and peeling paint (Violation of Section 6.3.1.1.(7))
6. There is a temporary post on the north side that supports the roof and the north side porch has rotted and fallen away from its intended position (Violation of Section 6.3.1.1.(14))
7. Exposed interior wall lath and studs in areas through the house (Violation of Section 6.3.1.1.(22))
8. Repair patches to the ceiling on the first floor done with plywood underlayment that does not meet flame and smoke ratings required (Violation of Section 6.3.1.1.(16))

The following violations from the list have been satisfied:

1. The window glass has been replaced.
2. The side porch steps secured.
3. The temporary post repaired.

Building Inspector Steve Bice stated that Mr. Davidhizar had been given 30 days to make repairs and there are 5 items that still remain to be completed. Board Members went over pictures of the property. Building Inspector Steve Bice stated that the inside pictures were older as he did not have access inside but had pictures of the outside when he went to the property on June 3<sup>rd</sup>. City Attorney Larry Barkes asked what would make this house unsafe from the outside inspection. Building Inspector Steve Bice stated that the cracked and peeling paint as it may contain lead as it was an old paint.

A representative from LaCasa asked what the Neighborhood Preservation Ordinance means for this property, if this goes to the Legal Department for review or what will happen now. City

Attorney Larry Barkes stated that they haven't gotten that far yet. What he was referring to was stage 2 but right now is that they are determining what is wrong with the property, and then the next step is determining what to do about it.

The Board discussed what is making it unsafe, and about the possibility of a receivership among other options were discussed with City Attorney Larry Barkes.

Jose ? stated he feels that they will be seeing these issues with Mr. Davidhizar over and over again and it isn't good on the tax payers. He would like to see the house condemned.

Building Inspector Myron Grise stated to the Board that when the Board was talking about the receivership, the receiver company allowed Mr. Davidhizar and his people to go in and finish the jobs on the property, and most of it was hideous and was not up to code. Mr. Davidhizar and his workers went around with a power washer and power washed all the lead paint all over the ground everywhere with that being illegal to do. He had tried to rent that same house about a month ago and the furnace had a hole about the size of his fist in the heat exchanger and so far hasn't been able to rent it out. If the receivership is allowed, Mr. Grise requested that Mr. Davidhizar and his workers stay away from the property and make the receiver company finish the work that needs to be done on the property. Board Members discussed with City Attorney Larry Barkes about what Mr. Grise stated. City Attorney Larry Barkes explained about the Court proceedings and how the court may or may not state to the receiver that they must do the work and not Mr. Davidhizar or his workers.

Mayor Stutsman finds the property at 503 South 3<sup>rd</sup> Street unsafe and is in violation of the Neighborhood Preservation Ordinance for Violation Numbers 1, 4, 5, 7 and 8. Second by Board Member Landis and motion passed unanimously.

Board Member Landis moved to approve the receivership for the repairs to be made at 503 South 3<sup>rd</sup> Street. Second by Board Member Day and motion passed unanimously.

There being no further business Mayor 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 STORM WATER BOARD:**

**MAYOR JEREMY STUTSMAN** \_\_\_\_\_

**BOARD MEMBER MITCHELL DAY** \_\_\_\_\_

**BOARD MEMBER MICHAEL A. LANDIS** \_\_\_\_\_

**ATTEST** \_\_\_\_\_  
**CLERK-TREASURER TINA M. BONTRAGER**