

**BOARD OF PUBLIC WORKS AND SAFETY AND STORM WATER BOARD
MEETING HELD APRIL 20, 2015 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 April 20, 2015, at 2:00 P.M. for their weekly Board meeting. Mayor Kauffman was the presiding officer with members of the Board present or absent as follows:

PRESENT: Mayor Kauffman, Board Member Stegelmann, Board Member Landis

ABSENT:

OTHERS: Clerk-Treasurer Office Assistants, City Attorney, Assistant City Planner, Fire Chief, Police Chief, Building Inspectors Haney & Bice, Assistant Street Commissioner, Legal Contracts and Claims Manager, Legal Compliance Administrator, Administrative Legal Assistant, Mayor’s Administrative Assistant Lung, Park Superintendent, Superintendent of Waste Water, Superintendent of Water and Sewer, Utilities 3rd Deputy, Administrative City Engineer, Central Garage Fleet Manager, Councilwoman Robinson.

REQUEST TO APPROVE SEWER RELIEF AT 133 THE WILLOWS

Owner of 133 The Willows, Charles Fort was present for the approval of sewer relief. This request was previously tabled so that Mr. Fort could supply the Board statements for the leak that was in question. Mr. Fort presented a statement from G & B Services outlining the work done to repair the frozen water pipes under the manufactured home and also included copies of the checks paid when service was rendered. Superintendent of Water and Sewer Kent Holdren stated that the Utilities Department calculated the relief in the amount of \$123.87.

Board Member Stegelmann moved to approve the request for sewer relief in the amount of \$123.87 for 133 The Willows. Second by Board Member and motion passed unanimously.

**REQUEST TO AWARD THE NINTH STREET MODIFICATIONS
& WWTP PAVING PROJECT NO. 2015-0012**

Administrative City Engineer Mary Cripe requested Board approval to award the bid for the 9th Street Modifications and Wastewater Treatment Plant Paving project. On April 13th, 2015, bids were received for the project. Following are the results:

	<u>9th Street modifications</u>	<u>WWTP parking lot</u>	
Rieth – Riley	\$274,463.30	\$81,416.00	Total: \$355,879.30
Phend & Brown	\$336,269.00	\$105,536.00	Total: \$441,805.00
Walsh & Kelly	\$247,733.00	\$73,407.00	Total: \$321,140.00

The bid included installing two fire hydrants, but it was determined that it would be more cost effective to do this in house; therefore, line items 7, 8, and 9 have been removed from the Contract amount.

The Engineering Department is requesting the Board of Public Works and Safety award the contract to the lowest bid from Walsh & Kelly in the amount of \$298,740.00.

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

REQUEST TO AWARD WATER LEAK SURVEY

Legal Contracts and Claims Manager Keitha Windsor requested Board approval to re-award the bid for the Water Leak Survey. On April 6th, 2015, the Board awarded the contract for the Water Leak Survey to AQUA-LINE, Inc. who has withdrawn their offer. It is recommended that the Board of Public Works and Safety award the contract to Hydromax USA LLC as the next lowest responsible and responsive bidder for the lump sum of \$32,000.00

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

**REQUEST TO APPROVE AGREEMENT AMENDMENT WITH
VINYL BY DESIGN INC.**

Legal Contracts and Claims Manager Keitha Windsor requested Board approval to enter into an Agreement Amendment with Vinyl By Design, Inc. The City entered into an agreement with Vinyl By Design, Inc. dated April 9th, 2015 to provide and install new fencing at Goshen City Hall, 202 South 5th Street, for a cost of \$10,892.52. Additional time is requested due to the water for installing the concrete so that it can set properly. All work is now to be completed by May 29th, 2015.

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

**REQUEST TO APPROVE AMENDMENT RATIFICATION WITH LFA DESIGN FOR
WATER MAIN INSTALLATION ACROSS THE ELKHART RIVER**

Administrative City Engineer Mary Cripe requested Board approval of an Amendment Ratification with LFA Design for Water Main Installation across the Elkhart River. In the development of the design for the new Elkhart River water main crossing, LFA determined the alignment for the new water main needs to be placed on private property. Therefore, there is a need for the preparation of easements. To keep the project on schedule with work being contemplated by INDOT, Goshen Engineering directed LFA to proceed with the work. Pursuant to IC 36-1-4-16, the City may ratify this action by following the same procedure that would have been required for the action in advance of the work done. The additional cost to create property documents in support of the water main crossing was \$4,344.00. This brings the total design cost to \$61,407.00.

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

**REQUEST TO APPROVE WASTEWATER UTILITY LIFT STATION
CONTROLS UPGRADE – PHASE I (JN: 2015-0014)**

Administrative City Engineer Mary Cripe requested Board approval of the Wastewater Utility Lift Station Controls Upgrade Phase I. When the Wastewater Utility upfitted the wastewater treatment plant with SCADA, an upfit of utility's 28 lift stations was also considered. Because of the cost considerations, the lift station upgrades were placed on hold. Five years later, the Wastewater Utility has determined it is time to begin upgrading the lift stations in groups over the next several years. The first group of 10 lift stations identified for upgrade is:

1. Showalter Lift Station
2. Starcraft Lift Station
3. Parmley Lift Station
4. Carter Road Lift Station
5. Kercher Road Lift Station
6. Clinton Lift Station
7. Berkey Lift Station
8. Brookside Lift Station
9. CR 28 Lift Station
10. Maplecrest Lift Station

The upgrades will include new control panels, new telemetry and program logic controllers, which will allow for open source programming of hardware.

Donohue and Associates is the Utilities original SCADA design firm, and as such a fee to design the hardware upgrades and programming was solicited. Donohue and Associates has offered a not to exceed fee of \$137,900.00 to complete the initial design and bidding within 14 weeks of a notice to proceed. Another 29 weeks is then estimated for completion of the work, which will be bid.

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

**REQUEST TO APPROVE CHANGE ORDER #4 FOR THE RIVER RACE
DRIVE CONSTRUCTION – JN: 2011-0036**

Administrative City Engineer Mary Cripe requested Board approval of Change Order #4 for the River Race Drive Construction. This change order is for the addition of compost wattles for erosion control, replacement of standard ductile iron water main gaskets with Fluoroelastomer (FKM) gaskets (due to the soil contamination located along Jefferson Street), and a temporary construction entrance at the Hawks building, all of which are line items not included in the original bid. This change order increases the total contract by \$6,904.08 for a total increase with all change orders to the original contract price by \$103,868.56 (5.61%) for a total cost of \$1,953,816.55.

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

REQUEST TO APPROVE POST-CONSTRUCTION PLAN: FOREST RIVER BUILDING ADDITION – 2016 CENTURY DRIVE (JN: 2014-2026)

Administrative City Engineer Mary Cripe requested Board approval of a Post-Construction plan for 2016 Century Drive. The developer of Forest River Building Addition at 2016 Century Drive, affecting 1 or more acres of land, has submitted a sufficient post-construction plan that is compliant with Ordinance 4329, “Uniform Requirements for Post-Construction Stormwater Management.”

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

REQUEST TO APPROVE RESOLUTION 2015-H: APPROVING AND AUTHORIZING THE EXECUTION OF THE GRANT AGREEMENT WITH INDIANA DEPARTMENT OF TRANSPORTATION FOR RAILROAD CROSSING PAVEMENT MARKINGS

Legal Compliance Administrator Shannon Marks requested Board approval of Resolution 2015-H. The City of Goshen will receive a grant award from the State of Indiana’s fiscal year 2015 Grade Crossing Fund in the amount of \$12,008.22 for pavement markings to be installed at 13 railroad crossings. Be it resolved by the Goshen Board of Public Works and Safety that:

1. The terms and conditions of the Grant Agreement between Indiana Department of Transportation and City of Goshen attached to and made a part of this resolution for the award of a grant for the railroad crossing pavement markings are approved.
2. Mayor Allan Kauffman is authorized to execute the Grant Agreement on behalf of the Board of Public Works and Safety and the City of Goshen.

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

REQUEST TO APPROVE RESOLUTION 2015-I: APPROVING AND AUTHORIZING THE EXECUTION OF THE PRELIMINARY ENGINEERING AGREEMENT WITH STATE OF INDIANA FOR REIMBURSEMENT FOR CERTAIN PRELIMINARY ENGINEERING COSTS TO RELOCATE WATER AND SEWER UTILITIES

Legal Compliance Administrator Shannon Marks requested Board approval of Resolution 2015-I. The Indiana Department of Transportation has determined that the City of Goshen is eligible for reimbursement of up to \$73,200.00 for certain preliminary engineering costs incurred or to be incurred by the City under a separate contract with DLZ Indiana, LLC for engineering services related to the City’s need to relocate water mains and sanitary sewer mains conflicting with INDOTs US Hwy. 33 realignment project. Be it resolved by the Goshen Board of Public Works and Safety that:

1. The terms and conditions of the Preliminary Engineering Agreement between the State of Indiana and the City of Goshen attached to and made a part of this resolution

for reimbursement of certain preliminary engineering costs related to the relocation of water mains and sanitary sewer mains are approved.

2. Mayor Allan Kauffman is authorized to execute the Preliminary Engineering Agreement on behalf of the Board of Public Works and Safety and the City of Goshen.

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

REQUEST TO APPROVE RESOLUTION 2015-J: APPROVING AND AUTHORIZING THE EXECUTION OF THE HIGHWAY UTILITY AGREEMENT WITH STATE OF INDIANA FOR REIMBURSEMENT OF COSTS TO RELOCATE WATER UTILITIES

Legal Compliance Administrator Shannon Marks requested Board approval of Resolution 2015-J. The Indiana Department of Transportation has determined that the City of Goshen is eligible for reimbursement of \$87,000.00 of the City's costs to relocate a water main along 5th Street near Pike Street that is conflicting with INDOT's US Hwy 33 realignment project. Be it resolved by the Goshen Board of Public Works and Safety that:

1. The terms and conditions of the Highway Utility Agreement between the State of Indiana and the City of Goshen attached to and made a part of this resolution for reimbursement of the City's costs to relocate a water main along 5th Street near Pike Street are approved.
2. Mayor Allan Kauffman is authorized to execute the Highway Utility Agreement on behalf of the Board of Public Works and Safety and the City of Goshen.

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

REQUEST TO CLOSE NORTH SEVENTH STREET FOR SEWER LATERAL REPLACEMENT

Superintendent of Water and Sewer Kent Holdren requested Board approval for the closure of North 7th Street. The City of Goshen Water and Sewer Department will be replacing a sewer lateral at 324 Middlebury Street and is requesting permission to close North 7th Street from Middlebury Street to Summit Street from Wednesday morning, April 22nd thru to Friday, April 24th, 2015

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

REQUEST TO APPROVE AGREEMENT WITH MICHAEL S. MASBAUM

Legal Compliance Administrator Shannon Marks requested Board approval to approve an agreement with Michael S. Masbaum. On April 6th, 2015, the Board of Public Works and Safety authorized the extension of a conditional offer of employment with the Goshen Fire Department to Michael Masbaum. Attached for the Board's approval and execution is an agreement with Michael Stephen Marion Masbaum. This agreement sets forth the terms and conditions of his employment, including Mr. Masbaum's successful completion of paramedic training and agreeing to serve as a paramedic for the fire department a minimum of six full years.

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

PUBLIC HEARING ON ORDER OF THE BOARD OF PUBLIC WORKS AND SAFETY:
518 NORTH 5TH STREET

Mayor Kauffman opened the public hearing:

Owner Ronald Davidhizar is present for the hearing. City Attorney Larry Barkes stated this is one of the properties that they identified in 2011 as having been vacant for a period of three years at that particular time. Over the last few years the City has been scheduling the properties to come into compliance with the Neighborhood Preservation Ordinance. The Building Department did an inspection and found that the property at 518 North 5th Street has not been brought into compliance, and Mr. Davidhizar is here to speak in front of the Board about this. Building Inspector Steve Bice stated he went to the property this morning to inspect it and there has been no progress with compliance on the property. The amended order dated December 2, 2013 stated the property was to be in compliance or demolished by October 31, 2014. The following are the violations of the Neighborhood Preservation Ordinance that still exist and make the premises unsafe:

1. Violation of Section 6.3.1.1.(14) The rear section of the house addition is pulling away from the main structure; there is a large hole (4-5 feet wide) at the rear of the house.
2. Violation of Section 6.3.1.1.(2) The foundation is caving in at the rear of the house to the extent that there is a reasonable risk of collapse.
3. Violation of Section 6.3.1.6(b)1 House is being used for storage creating a fire hazard.

In addition, the following repairs are needed to bring the premises into compliance with the Neighborhood Preservation Ordinance.

1. Violation of Section 6.3.1.2(4) Bathroom has no tub or shower
2. Violation of Section 6.3.1.4(4) Gas, electric and water meters need to be reinstalled.

Owner Ronald Davidhizar stated that in the last few months they have been working on other houses that the City has concerns about. He further stated that he has brought into compliance 12 or 13 houses already and this is one that they still need to work on. The house is sturdily built and they have continued to maintain it but they have not done the major things it needs to come into total compliance. Mr. Davidhizar stated that the roof is about 5 years old and that the brick is total brick and not brick veneer. He further spoke about a frame addition being built on later and that has a rubber roof and the foundation has given way. The addition was built over a cistern and that has collapsed into itself. The frame section has pulled away because of the foundation where the cistern is. He would like to support the frame addition and put up a cement block wall to help support it. He also wants to put in underground electrical wiring to run to the house and to fully rewire the house.

Mayor Kauffman stated that this was part of an agreed order in 2011 and it had been vacant for at least 3 years before 2011. Mayor Kauffman asked Mr. Davidhizar when the last time this house was occupied. Mr. Davidhizar stated that he didn't know when the last time someone had

lived at the residence. Mayor Kauffman and Mr. Davidhizar talked about the property and had asked Mr. Davidhizar why he wanted to own non-performing assets. Mr. Davidhizar stated that it was available and he owned the property all around it so he bought it. He stated that he maintains the lawn and bushes and stated it looked attractive in the summer. Mayor Kauffman and Mr. Davidhizar further discussed the property in question. Mayor Kauffman asked Mr. Davidhizar if he agreed with the violations of the Neighborhood Preservation Ordinance. Mr. Davidhizar stated that he agreed.

Building Inspector Steve Bice stated that the house is still unsecure which would make it unsafe.

Board Member Stegelmann moved to find the property at 518 North 5th Street in violation of the Neighborhood Preservation Ordinance. Second by Board Member Landis and motion passed unanimously.

Board Member Landis moved to find the property at 518 North 5th Street unsafe in its current condition as there are no utilities and the back part of the house is falling off. Second by Board Member Stegelmann and motion passed unanimously.

Board Member Landis moved to pursue legal action against the property at 518 North 5th Street. Second by Board Member Stegelmann and motion passed unanimously.

PUBLIC HEARING ON ORDER OF THE BOARD OF PUBLIC WORKS AND SAFETY:
216 SOUTH 27TH STREET

Mayor Kauffman opened the public hearing:

Owner Ronald Davidhizar is present for the hearing. City Attorney Larry Barks stated this is at the same stage as the previous one. It was also the part of the November 7th, 2011 identification of 45 houses and was also part of the December 2nd, 2013 amendment and had to come into compliance by November 30, 2014. Building Inspector Steve Bice stated that both the houses today were done by a previous inspector so long ago and a lot of deterioration has happened since then. The kitchen ceiling has started to cave in, the roof itself is not structured properly and since the ceiling has come down you can see the structural members. There is structural bow in the header above the window area in the kitchen due mainly to the humidity in the house which isn't secured as all the windows are broken out. Following are the violations of the Neighborhood Preservation Ordinance that still exist and make the premises unsafe:

1. Violation of Section 6.3.1.1(22) Electrical wires have been removed from the ceiling and basement walls creating a fire hazard.
2. Violation of Section 6.3.1.1(1) Light fixtures have been removed and some are hanging loose creating a fire hazard.
3. Violation of Ordinance 4721 (Passed 1/2/13) the house is unsecured; rear slider doors are open creating a fire hazard.

In addition, the following repairs are needed to bring the premises into compliance with the Neighborhood Preservation Ordinance:

1. Violation of Section 6.3.1.1(2) Wood lap siding is rotted.
2. Violation of Section 6.3.1.1(4) Windows and doors are broken.
3. Violation of Section 6.3.1.1(9) Soffit and fascia need to be repaired; entire overhang needs to be painted.

Owner Ronald Davidhizar stated that the roof is nearly new and it does not leak and the windows had been broken out by vandals, he stated that the ceilings are not collapsing but taken down by the vandals to get to the wiring. He stated that his crew has been out the last couple of weeks cleaning up trash inside and outside the house. He also had a permit to turn the gas and lights back on. He further stated that the house is in east Goshen and sits on two lots. Mr. Davidhizar stated he had contacted LaCasa about buying the house but he stated they don't have anything worked out at this point but if they buy it, it will be demolished or refurbished. Mayor Kauffman asked Mr. Davidhizar if he disputed any of the violations. Mr. Davidhizar stated he did not agree with number 1 of the first violation and he did not agree with the fire hazard in number 2 of the first violations. Mr. Davidhizar stated he agreed with the others. Board Members discussed with Building Inspector Bice about the violations.

Board Member Stegelmann moved to find 216 South 27th Street in violation of the Neighborhood Preservation Ordinance numbers 1 and 3 in the first set and 2 and 3 in the second set of violations. Second by Board Member Landis and motion passed unanimously.

Board Member Landis moved to still find the property unsafe. Second by Board Member Stegelmann and motion passed unanimously.

Board Member Landis moved to pursue legal action against the property at 216 South 27th Street. Second by Board Member Stegelmann and motion passed unanimously.

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

BOARD OF PUBLIC WORKS AND SAFETY AND STORM WATER BOARD:

MAYOR ALLAN KAUFFMAN _____

BOARD MEMBER RUDY STEGELMANN _____

BOARD MEMBER MICHAEL A. LANDIS _____

ATTEST _____
CLERK-TREASURER TINA M. BONTRAGER