

**BOARD OF PUBLIC WORKS AND SAFETY AND STORM WATER BOARD  
MEETING HELD MAY 9, 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 May 9, 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, Street Commissioner, Legal Contracts and Claims Manager, Legal Compliance Administrator, Mayor's Administrative Assistant Lung, Park Coordinator, Superintendent of Waste Water, Superintendent of Water and Sewer, Utilities 1<sup>st</sup> Deputy, Administrative Utilities Engineer, Administrative City Engineer, Central Garage Fleet Manager.

**DECISION TO ALLOW TO CLOSE, OR REMAIN OPEN, THE JEFFERSON STREET  
RAILROAD CROSSING – PROJECT NO. 2015-0018**

Administrative City Engineer Mary Cripe stated to Board Members that the City of Goshen Engineering Department has held public meetings and heard from the residents that it is their desire to allow the Jefferson Street Railroad Crossing to remain open, as long as the safety concerns are addressed with speeding through the East Lincoln Crossroads Neighborhood. The Engineering Department also attended a meeting with various Department Heads, and listened to their thoughts and ideas about this crossing. From the input, the Goshen Engineering Department recommends to the Board of Public Works that the Jefferson Street Railroad crossing remain open for the following reasons:

- Emergency vehicle access.
- Neighborhood connectivity and access by vehicular traffic.

Mayor Stutsman opened up the meeting to any public comments. No one spoke during the open session. Mayor Stutsman closed the public comment session.

Board Member Landis moved to approve the request to keep the Jefferson Street Railroad Crossing to remain open. Second by Board Member Day and motion passed unanimously.

**REQUEST TO APPROVE DUMPSTER AND SIGN PLACEMENT  
FOR HELP-A-HOUSE**

Brad Hunsberger on behalf of LaCasa, Inc. requested Board approval to place a temporary Help-A-House sign in the front yard of 408 East Lincoln within the right-of-way but outside of the prohibited safety triangle, with an attached drawing where the sign will be placed for Board Members approval. Mr. Hunsberger also stated he would like to place a dumpster in the right of way in front of 624 Emerson Street for the Help-A-House community work day scheduled for

May 14<sup>th</sup>, 2016. The dumpster will be placed on or around May 12<sup>th</sup> and be removed the following week. Also, another dumpster will be placed in the right of way in front of 822 South 11<sup>th</sup> Street for the Help-A-House community work day scheduled for May 14<sup>th</sup>, 2016. The dumpster will be placed on or around May 12<sup>th</sup> and be removed the following week like the rest.

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

**REQUEST TO APPROVE SIDEWALK & ALLEY CLOSURE FOR EVENT**

Eric Kanagy on behalf of Blank Space requested Board approval for sidewalk and alley closure for an event at 119 East Lincoln Avenue. The event will be held at Blank Space on June 17<sup>th</sup>, 2016 from 6:00 pm to 10:00 pm and would like to block the alley north and east of Blank Space at 5:00 pm as they will have a band playing in that area. The sidewalk will be fenced off with fencing they will rent and the request includes the Street Department dropping off two street barriers to block the alley. They also have gotten written permission from the surrounding businesses for the blocking of the alley and sidewalk.

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

**REQUEST TO APPROVE STREET CLOSURE FOR MEMORIAL SERVICE**

Police Chief Wade Branson requested Board approval for the closure of the 100 block of East Jefferson Street on Monday, May 16<sup>th</sup>, 2016 from the hours of 5:00 pm to 8:00 pm for the Goshen Police Departments memorial service commemorating National Peace Officer's day.

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

**REQUEST TO APPROVE VARIANCE FROM UTILITY ORDINANCES  
FOR NEW TENANT SPACE TO CONNECT TO PRIVATE UTILITY LINE  
AT 3818 MIDWAY ROAD**

Ross Kruithof on behalf of GDK Construction requested Board approval for a Variance from Utility Ordinances for a new tenant space to connect to private utility line at 2818 Midway Road. Mr. Kruithof stated that GDK Construction is in the process of redeveloping a tenant space in The Willows Shopping Center. A formerly approved large box tenant space is being split into two tenant spaces. The tenant, Five Below, now open for business, used the previously installed water and sewer taps. The other half of the larger tenant space requires independent utility services. Because of the shopping center's size, the original development was constructed with a private water main looped around the structures and the independent sewer main meant to support the shopping center. Based upon the locations of the existing onsite and offsite infrastructure, public water and sewer mains are not easily accessible to the new tenant space.

GDK Construction understands Ordinance 4333, Section 3.03(M) and Ordinance 4290, Section 1(F) covers a subordinate sewer tap and water tap to a primary structures utility tap. Although GDK Construction understands the concept of a subordinate structure, on this property the determination of a subordinate structure is difficult. It is our opinion that all of the structures are

primary structures and they share a common private sewer main owned and maintained by the property owner. Per City's ordinances, approval from the Board of Works is required for the new tenant space to connect to the private structure within a development strip, be allowed to connect the private sewer and water pipes.

As a condition of approval, GDK Construction understands that any of the buildings at 3818 Midway Road will be required to connect to a public sewer main and public water main should the structure be parceled off and sold to various other entities.

GDK Construction has been working with Administrative Utilities Engineer Dustin Sailor and the Utilities Department supports it.

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

**REQUEST TO APPROVE NOTICE TO BIDDERS & NOTICE OF INTENT TO DEMOLISH 216/216 ½ EAST CLINTON STREET & 123 NORTH 6<sup>TH</sup> STREET**

Legal Compliance Administrator Shannon Marks requested Board approval of a Notice to Bidders and Notice of Intent to Demolish 216/216 ½ East Clinton Street and 123 North 6<sup>th</sup> Street. Authorization is requested to give notice and proceed with the solicitation of sealed bids for the demolition of the unsafe structures.

Michelle Korach, a consultant for Ron Davidhizar, stated they have met with Brad Hunsberger with LaCasa of Goshen discussing the possible sale through the BEP Program; there was some miscommunication on both of their parts regarding this potential sale. The Board had been given previous notice that they were no longer interested, that has now changed. As per their meeting this morning, Mr. Hunsberger, as LaCasa's representative, will be compiling a purchase offer which Mr. Davidhizar has already agreed to sign. So this may be all for naught, but the City could be saving some money if this sale goes through.

City Attorney Larry Barkes questioned Ms. Korach as to how long did she think this sale would take. Ms. Korach stated that Mr. Hunsberger could do the paperwork within the next day or two and the process would take between 60 to 90 days for the sale to be completely finalized. Mayor Stutsman stated that he would like to postpone this for two weeks to see if everything is moving as it should or if they should move ahead with the bidding and demolition.

Mayor Stutsman moved to approve postponing the request for two weeks. Second by Board Member Landis and motion passed unanimously.

**REQUEST TO APPROVE AGREEMENT WITH CUMMINS CROSSPOINT LLC FOR NEW GENERATOR**

Legal Contracts and Claims Manager Keitha Windsor requested Board approval to enter into an agreement with Cummins Crosspoint, LLC for a new generator. The City's existing 1972 standby generator for the Starcraft Lift Station on College Avenue supplies standby power for both an industrial and residential area is in bad shape and the parts to repair it are next to impossible to find. Contractors who have serviced the generator have advised the City to replace

the unit. Additionally, the generator is located next to the road and in the winter, it gets buried with snow from the snow plows and sprayed with road salt so the City wishes to replace and relocate the generator. The City wishes to contract with Cummins Crosspoint, LLC to provide and deliver a Spark Ignited Genset 60Hz-30kW-60kW generator and to perform startup and testing of the generator on the City's site after the City's installation of the unit for the total amount of \$13,162.00.

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

**REQUEST TO APPROVE CONTRACT AMENDMENT WITH  
STIVER GROUP, INC FOR LAWN MOWING**

Legal Contracts and Claims Manager Keitha Windsor requested Board approval for the Contract Amendment with Stiver Group, Inc. d/b/a Stiver Lawn Care for Lawn Mowing. The City has a property at the site of the Clover Trails Retention Area on Indiana Avenue (SR 119), that the City wishes to add to the contract for lawn mowing services.

The City wishes to amend the contract with Stiver Group, Inc. d/b/a Stiver Lawn Care to add this additional site #29 to the Lawn Mowing contract for the lump sum price of \$1,400.00 for site #29B plus a price of \$30.00 per mowing for site #29A for a total contract price of \$19,350.00 plus the price per mowing and/or fall cleanup on Sites 22 to 29A and the actual times mowed.

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

**REQUEST TO APPROVE SIDEWALK 50/50 PROGRAM – JN: 2016-0001  
AGREEMENT WITH S. MESSICK – 921 WILSON AVENUE**

Administrative City Engineer Mary Cripe requested Board approval for the Sidewalk & Curb 50/50 Program Agreement with Stephen Messick to replace their sidewalk. The total cost is \$2,515.00, so the City's portion would be \$1,257.50. Mr. Messick has already submitted his payment of \$1,257.50.

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

**REQUEST TO APPROVE SIDEWALK 50/50 PROGRAM – JN: 2016-0001  
AGREEMENT WITH S. SPARKS – 518 SOUTH 5<sup>TH</sup> STREET**

Administrative City Engineer Mary Cripe requested Board approval for the Sidewalk & Curb 50/50 Program Agreement with Tara Sparks to replace her sidewalk. The total cost is \$3,010.00, so the City's portion would be \$1,505.00. Ms. Sparks has already submitted her payment of \$1,505.00.

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 SOUTH LINK ROAD  
FROM STATE ROAD 15 TO REGENT STREET – CONTRACT NO. R-34132**

Administrative City Engineer Mary Cripe requested Board approval of Change Order #1 for the South Link Road from State Road 15 to Regent Street. Phend & Brown, Inc. has submitted Change Order #1 for the project. The original contract was in the amount of \$5,179,821.96.

An alternate 14-inch pipe piling was proposed due to constructability and the probability of significant large overrun concerns of the planned steel H piling due to the existing sandy soils. The Designer, the Geotechnical Engineer (GME) and INDOT Geotechnical Division were consulted and concurred with the decision to change to the 14-inch pipe piling due to the likely probability of significantly large and costly overruns to meet the required nominal pile resistance of 471 kips per the plans. In addition, no additional impact on the contract time will be required due to the change in the pilings. This modification will increase the contract by \$16,723.20. The construction of this project is being funded with 80% Surface Transportation Project funds and 20% local funds (which is actually being paid with State Supplemental Federal Match Resource (SFMR)).

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

**NOTIFICATION OF BEAUTIFY GOSHEN WEEK**

Street Commissioner Denny Long stated to Board Members that the 2016 “Beautify Goshen” week is off to a potentially record setting start. The Goshen Street Department is making additional disposal services available to assist city residents in their “Beautify Goshen” tasks.

This free service will continue through May 14<sup>th</sup> only. There is no limit to the quantity of items that may be disposed of. Residents must make arrangements to transport the items; there will not be curbside pickup. The collection site is at the Goshen Street Department, 475 Steury Avenue. Hours that items will be accepted for the rest of the week are as follows:

Monday, May 9<sup>th</sup> until 6:00 pm  
Tuesday-Friday, May 10<sup>th</sup> -13<sup>th</sup> from 7:00 am to 6:00 pm  
Saturday, May 14<sup>th</sup> from 7:00 am to 3:00 pm

Detailed program information is posted on the City of Goshen’s web site and Facebook.

Residents may also contract the Street Department at 534-9711 or [streets@goshencity.com](mailto:streets@goshencity.com).

**REQUEST FOR USE OF RIGHT-OF-WAY FOR RIDE OF SILENCE**

Mayor Stutsman read the request on behalf of Danny Jones for use of the right-of-way for the worldwide “Ride of Silence” bicycle ride. It is scheduled for Wednesday, May 18<sup>th</sup>, 2016 at 7:00 pm. The purpose of this event is to honor those who have been injured or killed while cycling and to raise awareness that we are all to share the road. A map is attached for Board Members to review. This is a ride that has been held for the last 6 to 7 years.

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

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

Mayor Stutsman opened the public hearing:

Owner Ron Davidhizar is present for the hearing. City Attorney Larry Barkes requested Mr. Davidhizar to come forward and speak about the issues with the violations that were cited, if he agrees or disagrees with the violations. Mr. Davidhizar stated that he didn't disagree with any of the violations listed and part of it has been taken care of and the remainder of them will be done within the next 30 days depending on the weather for the outside painting. The interior violations have been taken care of. City Attorney Larry Barkes asked if there had been inspections done by the City Building Inspector since this order was entered. Mr. Davidhizar stated there was an inspection done this morning. Building Inspector Grise stated Building Inspector Bice went and inspected the home but was not allowed upstairs or into the basement area as Mr. Davidhizar had told him there was nothing done yet to either of those areas. City Attorney Larry Barkes questioned if the Board had any objection to continue this for four weeks to review it. Board Member Landis asked if the foundation violation would be done within that time. Mr. Davidhizar stated that he would have that done, the windows have already been repaired, the side porch steps are now done and the rest will be done within the four weeks. Following are the violations of 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 the 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 of the north side support 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).

This property was first inspected on August 14<sup>th</sup>, 2014.

Mayor Stutsman moved to approve postponing this hearing until June 6<sup>th</sup>, 2016. Second by Board Member Landis and motion passed unanimously.

**PRIVILEGE OF THE FLOOR**

Phil LaBar with the Chamberlin Neighborhood Association asked about a property that was supposedly being purchased by LaCasa for demolition. The last time that the property was up before the Board it was given a demolition date with no deadline. The property in question is 212 Crescent Street, and Mr. LaBar wanted to know if anything has been done about this yet. Brad Hunsberger of LaCasa stated this property is to be slated to be the next batch of properties

up for the program. He has been in contact with the owner of this property, Deb Stack, and she wants to sell it to LaCasa. As soon as that goes through, LaCasa will be demolishing the property. This should be within the next few weeks. Mr. LaBar thanked Mr. Hunsberger and stated that maybe someone from LaCasa can come and talk with them about what is progressing with the property as the neighborhood thinks there is nothing being done with it. Mayor Stutsman stated that Mr. LaBar can check in around a month or so to make sure things are going as they should be.

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**