

**BOARD OF PUBLIC WORKS AND SAFETY AND STORM WATER BOARD
MEETING HELD MAY 23, 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 23, 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 Bice and Grise, Street Commissioner, Assistant Street Commissioner, Legal Contracts and Claims Manager, Legal Compliance Administrator, Mayor's Administrative Assistant Lung, Park & Recreation Coordinator, Superintendent of Waste Water, Superintendent of Water and Sewer, Utilities 1st Deputy, Wastewater Maintenance Technician, Administrative Utilities Engineer, Central Garage Fleet Manager, Brownfield Coordinator, Community Development Director.

Minutes of the meeting of April 18, 2016 were presented. On motion of Board Member Landis and second by Board Member Day, the minutes were approved as presented.

**REQUEST TO OPEN BIDS FOR THE PLYMOUTH AVENUE TRAIL CROSSING
MODIFICATION – PROJECT NO. 2015-0051**

Mayor Stutsman opened the following bids:

Walsh & Kelly:	\$677,706.49	Alt. A bid: \$ 85,590.00
Selge Construction:	\$682,565.50	Alt. A bid: \$111,381.00
Niblock Excavating:	\$688,175.50	Alt. A bid: \$ 95,058.00
Rieth Riley:	\$689,990.97	Alt. A bid: \$232,080.00

Mayor Stutsman moved to refer the bids to the Legal Department and Engineering Department for review and recommendation. Second by Board Member Day and motion passed unanimously.

REQUEST TO AWARD SURPLUS PROPERTY BID

Legal Contracts and Claims Manager Keitha Windsor requested Board approval to Award the Bid for Surplus Property. On May 16th, 2016, bids were opened for the sale of a 2002 Jeep Liberty VIN #1J4GL48K52W266563, that the City had declared surplus property. The bids are as follows:

Myron Grise:	\$1,851.00
Denny Long:	\$2,005.00

It is recommended that the Board of Public Works and Safety award the sale of the 2002 Jeep Liberty to the highest bidder, Denny Long, for the amount of \$2,005.00.

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

**REQUEST TO APPROVE CLOSURE OF ALLEY FOR
GOSHEN FARMERS MARKET EVENT**

Twila Albercht on behalf of the Goshen Farmers Market requested Board approval to close off the art alley, near Twice as Nice, for the Markets use on the following First Friday Events this summer: June 3rd, August 5th, and September 2nd. They would expect to use this space between the hours of 4:00 pm to 9:30 pm on the dates stated. The plan is to have 5-8 farmers and artisans set up to display their wares to help promote the Goshen Farmers Market. The market has tried to be open during First Friday's at their location on Washington Street; however, they are just far enough from the First Friday festivities that they are not drawing a large enough crowd to their business. The hope is that by getting closer to the Main Street festivities, they will have more people stop by to shop their vendors which will also draw them back to their business on Saturdays. They have also spoken with Adrienne from the First Friday's group about this request and also with the neighboring businesses.

Board Members discussed the location again and found a discrepancy with another group who wants to use the alley on one of the days presented. Mayor Stutsman offered that maybe they switch to another alley nearby for the days that are presented. The Board agrees to have them use the alley between Sorg Jewelers and Edward Jones for all dates mentioned.

Board Member Landis moved to approve the request for the use of the alley between Sorg Jewelers and Edward Jones for dates and times presented. Second by Board Member Day and motion passed unanimously.

**REQUEST TO APPROVE CLOSURE OF ALLEY FOR
LIFEPOINT CHURCH DAY CAMP**

Kristie Pressler on behalf of LifePoint Church requested Board approval for the closure of the alley for their yearly day camp. The date for the closure would be from Monday, June 20th through Friday June 24th, 2016 from 7:30 am to 5:00 pm. The alley is located on Jackson Street where it enters LifePoint Church's parking lot and the alley that runs along the property line from Plymouth Avenue to Fairfield Avenue.

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

**REQUEST TO APPROVE DIAL-A-TRAILER DISCOUNT FOR CLEANUP FOR THE
WEST GOSHEN NEIGHBORHOOD ASSOCIATION**

Joe Brown on behalf of the West Goshen Neighborhood Association requested Board approval for a discount on the Dial-A-Trailers for the neighborhood cleanup. On Saturday, June 11th, 2016, the West Goshen Neighborhood Association will be conducting a neighborhood cleanup project. The association has reserved two trailers through the City's Dial-A-Trailer program for

that weekend. The trailers will be made available for neighborhood residents to dispose of appropriate articles on the day. The trailers will be monitored by association members on that day during drop off hours from 8:00 am to 4:00 pm to ensure only appropriate items are deposited. The trailers will be tarped the remainder of the time. The Association is requesting the half price rate of \$37.50 per trailer to neighborhood associations in the past.

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

REQUEST TO APPROVE ELECTRICAL LICENSE FOR J. SMOKER

Building Inspector Myron Grise requested Board approval to issue an Electrical License for Jason M. Smoker of East Central Electric, Inc., located at 1600 West 26th Street, Marion, Indiana, 46953. Mr. Smoker has met the requirements for a City of Goshen Electrical License. He achieved a score of 78% on the Master Electrical exam taken on December 23, 2003 in Nashville, Tennessee (sponsored by the City of New Castle, Indiana).

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

**REQUEST TO APPROVE RESOLUTION 2016-G: CITY OF GOSHEN BICYCLE
RESGISTRATION PROGRAM DESIGNATION OF LOCATIONS AND EVENTS TO
REGISTER BICYCLES AND AUTHORIZING THE WAIVER OF REGISTRATION
FEES AT CERTAIN CITY-SPONSORED EVENTS**

Legal Compliance Administrator Shannon Marks requested Board approval for Resolution 2016-G for the City of Goshen Bicycle Registration program Designation of Locations and Events to Register Bicycles and Authorizing the Waiver of Registration fees at certain City-Sponsored Events. The City of Goshen has a Bicycle Registration Program to facilitate the identification, recovery and return of bicycles found in the city to the rightful owner. Participation in the Bicycle Registration Program is voluntary for citizens of Goshen and the surrounding area. A bicycle owner may register their bicycle with the City of Goshen by completing a registration form and paying a bicycle registration fee. Pursuant to Ordinance 4599, the Board of Public Works and Safety will designate the location and/or events in which bicycle registration will take place at least on an annual basis. Pursuant to Ordinance 4599, The Board of Public Works and Safety may authorize waiving the payment of the bicycle registration fee for an event sponsored by the Goshen Police Department, Goshen Fire Department, or Goshen Parks and Recreation Department. Therefore, be it resolved that the following locations are designated for the registration of bicycles with the City of Goshen:

- Goshen Police Department
Goshen Police & Court Building, 111 East Jefferson Street, Goshen
Monday through Friday (excluding holidays) from 8:00 am to 4:00 pm

- Goshen Fire Department
Central Fire Station, 209 North 3rd Street, Goshen
Reliance Memorial Fire Station, 1728 Reliance Road, Goshen
College Avenue Fire Station, 1203 College Avenue, Goshen

Saturday (excluding holidays) from 8:00 am to 12:00 pm, provided that staff is available at the station and not out on a call.

- Goshen Parks and Recreation Department
Goshen Parks Administrative Office, 607 West Plymouth Avenue, Goshen
Monday through Friday (excluding holidays) from 7:00 am to 4:00 pm
- Lincoln Avenue Cycle & Fitness
430 West Lincoln Avenue, Goshen
Regular business hours.

The City of Goshen shall waive the payment of the bicycle registration fee by bicycle owners registering their bicycle at the following events:

- 2016 Kids & Teens Try-Athlon – Saturday, July 9th, 2016
Shanklin Park, 411 West Plymouth Avenue, Goshen

Be it resolved that the City of Goshen shall waive the payment of the bicycle registration fee by bicycle owners registering their bicycle at First Friday events in downtown Goshen in which the Goshen Police Department, Goshen Fire Department, or Goshen Parks and Recreation Department elect to promote bicycle registration. This waiver shall be effective for the monthly First Friday events occurring through April 2017.

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

NOTIFICATION OF MEMORIAL DAY BOARD OF WORKS MEETING

Mayor Stutsman stated that due to the Memorial Day holiday, the Board of Public Works and Safety has been rescheduled for Friday, May 27th, from Monday, May 30th. The meeting will be held at 11:00 am in the Council Chambers, Police and Courts Building, 111 East Jefferson Street. The regular meeting schedule will resume on Monday, June 6th, 2016.

PUBLIC HEARING ON ORDER OF THE BUILDING COMMISSIONER:
217 WEST WILDEN AVENUE

Mayor Stutsman opened the public hearing:

City Attorney Larry Barkes asked if anyone was present on behalf of 217 West Wilden Avenue. Owner Richard Kidder was present for the hearing. City Attorney Larry Barkes stated that the first inspection of the real estate was on October 14th, 2014. Violations of the Neighborhood Preservation Ordinance were cited. Re-inspections were followed again on July 14th, 2015 and again on October 9th 2015 with no significant improvement on the property. Following are the violations of the Neighborhood Preservation Ordinance that declares the real estate unsafe:

1. Large holes in the ceiling on the first floor (Violation of Section 6.3.1.1.(2)).
2. The house is filled with impassable clutter and debris (Violation of Section 6.3.1.6(b)(1)).

3. Unmaintained kitty litter boxes in basement, kitchen & upstairs bedroom (Violation of Section 6.3.1.6(b)(1).
4. Kitchen area has expired and exposed food items (Violation of Section 6.3.1.6 (b)(1).
5. Exposed bare electrical wiring in basement as well as open electrical panel are unsafe (Violation of Section 6.3.1.1.(1).
6. Water condition on basement floor is being collected in improper sump baskets (Violation of Section 6.3.1.1.(1)
7. Extension cords improperly run to the food filled freezers in rear yard (Violation of Section 6.3.1.1.(1).
8. Water heater is not vented and is inoperable (Violation of Section 6.3.1.2.(6)
9. Southwest corner of basement has open sewer lines (Violation of Section 6.3.1.4.(2)
10. Kitchen drain line in basement has been severed and stands open (Violation of Section 6.3.1.4.(2).
11. The home heating system is inoperable and is being substituted with propane and kerosene devices (Violation of Section 6.3.1.4.(4).

The following additional violations of the Neighborhood Preservation Ordinance has not been satisfactory repaired or remedied:

1. Electrical devices throughout the first and second floor could not be checked due to the standing clutter and debris (Violation of Section 6.3.1.1.(1).
2. Plumbing fixtures in kitchen and bathrooms could not be checked due to the standing clutter and debris (Violation of Section 6.3.1.4.(2).
3. Several working food-filled freezers in rear yard (Violation of Section 6.3.1.6(b)(5)
4. Several tarps covering clutter and debris between house and garage (Violation of Section 6.3.1.6(b)(5).

City Attorney Larry Barks stated that Michelle Korach, Ron Davidhizar's Assistant, was present as she also had an interest in the property as the property has a tax sale lien on it. Building Inspector Steve Bice stated that the last inspection on the property showed no signs of improvement or changes to the unsafe conditions of the property. The amount of clutter, trash and debris, decomposing food and feces made it impossible to access most of the house. Building Inspector Steve Bice went through the violations listed, including the extension cords running all over in the house and outside of the house to 3 or 4 freezers with no GFI protection on them so if they were wet someone may get electrocuted. The southwest side of the house had open sewer lines and drain lines that aren't capped and you can smell the sewer when you walk into the house. Propane or Kerosene heats the house as there is no gas running to the house.

Mr. Kidder explained about the holes in the ceiling and how he has been working on those but with medical issues and limitations it is hard for him to work on violations to the property for very long. Mr. Kidder also stated that the City took all of his lawnmowers from his yard and now has to use a weeder to keep the grass down but he has been trying to get the outside looking better. Mr. Kidder also explained that his mother and father had passed away and had taken the items from his mothers and had it at his house and many items had to sit outside and are now ruined. Building Inspector Steve Bice asked about the debris in the house. Mr. Kidder stated that he has been trying to clean up the inside as best as he can. Building Inspector Steve Bice

stated to the Board that many canned goods were over 6 years old and should be thrown out among other food items. Mr. Kidder stated he did have food that was not that old but to clean up has been hard as he has many health limitations. Building Inspector Steve Bice questioned if some of his limitations could be due to the black mold inside the home. Mr. Kidder stated that he didn't think that was the problem. Building Inspector Steve Bice stated that he had a severe upper respiratory infection which warranted a trip to the Emergency Room because of the black mold in his home after he had done an inspection at his property and that Mr. Kidder's health problems may be due to the black mold in his home.

City Attorney Larry Barkes stated that it sounded like Mr. Kidder agreed to many of the violations that are listed. Mr. Kidder did agree that there were things that needed to be done and has been trying his best to do them. City Attorney Larry Barkes stated that the house has been in this condition for at least a couple years now. Mr. Kidder stated that it has, since his mother and father had passed on and he had tried to deal with all of their matters and legal issues since. City Attorney Larry Barkes asked if the Board gave him more time, how he would get it cleaned up as he didn't see Mr. Kidder working by himself with the limitations he has. Would he get help in the cleaning up process? Mr. Kidder stated he had a friend that has told him he would try to help but that he was trying to get outside cleaned up first. He wants to try and get these problems solved and get the property up to code. Building Inspector Steve Bice stated to Board Members that this problem has been going on for at least ten years, starting with Mr. Kidder's mother's property. The October 2014 date was the first time they could actually gain access into Mr. Kidder's house. Mr. Kidder asked the Board if he could have a few more weeks to clean up the property.

City Attorney Larry Barkes and Board Members discuss what steps to take to determine what will happen with the property.

Board Member Landis moved to find the property is still in violation of numbers 1-4 of the Neighborhood Preservation Ordinance. Second by Board Member Day and motion passed unanimously.

Board Members discuss with Building Inspector Steve Bice about the unsafe violations.

Board Member Landis moved to find the property is still in violation of numbers 1-11 of the Neighborhood Preservation Ordinance to find the property is unsafe. Second by Board Member Day and motion passed unanimously.

Michelle Korach came before the Board to state that she did purchase the tax lien on the property. She further stated that her hands were tied somewhat as she has to wait until October to get the tax deed from the County. Mr. Kidder can also redeem his property if he comes up with the money to pay it back. They have not been able to get into the property to see how badly the house is and cannot really do much with it until after October. She would like to flip the property or rent or sell the property if it's still habitable.

City Attorney Larry Barkes stated that Ms. Korach would not really receive the tax deed until January, and she would have to go to hearings before that so she will have hoops to jump through before the property would be in her possession.

Board Member Day moved to give until August 31st, 2016 to make the following corrections on the list of violations and on September 1st, 2016 at 10:00 am to allow the Building Inspectors to come into the property for inspection. Second by Board Member Landis and motion passed unanimously.

PUBLIC HEARING ON ORDER OF THE BUILDING COMMISSIONER:
424 SOUTH SILVERWOOD LANE, APARTMENT A

City Attorney Larry Barkes stated to Board Members that only one item needed to be addressed on this property and would like to continue this public hearing to a future date.

Board Member Landis moved to approve the request to bring this property back to a future date. Second by Board Member Day and motion passed unanimously.

PRIVILEGE OF THE FLOOR

Michelle Korach wanted to update the Board on two of Ron Davidhizar's properties. They were here previously, on May 9th to discuss 123 6th Street and 216 East Clinton Street. As of last week, Mr. Davidhizar had signed the sales agreements with LaCasa for those two properties. Mayor Stutsman was grateful for her to come in and update the Board and stated that he has had complaints on those two properties. Mayor Stutsman asked if they could board up the windows on those properties to make them safer as kids have been going into the properties, doors are wide open and windows are broken out. Ms. Korach stated that she has tried to do something to board up the properties, but when she does, someone takes them down as soon as they try to make it safer. They have had two squatters that have moved into the Clinton Street house and have actually started a fire in the home. Mayor Stutsman stated that he does appreciate the effort but it is still Mr. Davidhizar's property and he will have to find a way to take care of the situation until the property is LaCasa's.

There being no further business Mayor Stutsman moved to process claims and then to adjourn. Second by Board Member Day 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