

**BOARD OF PUBLIC WORKS AND SAFETY AND STORM WATER BOARD
MEETING HELD JULY 18, 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, July 18 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 Landis

ABSENT: Board Member Day

OTHERS: Clerk-Treasurer Office Assistants, City Attorney, Asst. City Planner, Fire Chief, Police Chief, Building Inspectors Grise and Bice, Street Commissioner, Legal Contracts and Claims Manager, Legal Compliance Administrator, Mayor's Administrative Assistant Lung, Superintendent of Waste Water, Utilities 1st Deputy, Administrative Utilities Engineer, Administrative City Engineer, Central Garage Fleet Manager, Asst. Waste Water Superintendent, Asst. Street Commissioner, Recreation Coordinator, Community Development Director, Legal Administrative Assistant.

Minutes of the meeting of May 16, 2016 were presented. On motion of Mayor and second by Board Member Landis, the minutes were approved as presented.

**REQUEST TO APPROVE HIRING OF KYLE A. TAYLOR AS
PROBATIONARY PATROL OFFICER**

Police Chief Wade Branson requested Board approval of the Hiring of Kyle A. Taylor as a Probationary Patrol Officer. Kyle has passed all exams and also has been approved by both the Local and State Pension Boards and is requesting the hiring to be effective July 18th, 2016.

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

Mayor Stutsman swore in Kyle A. Taylor to Probationary Patrol Officer.

**REQUEST TO APPROVE ALLEYWAY CLOSING BETWEEN
215 SOUTH MAIN AND 219 SOUTH MAIN**

Rick Neubert, on behalf of Better World Books requested Board approval for the alleyway between Better World Books at 215 S. Main and Constant Spring at 219 S. Main be closed to traffic starting 3pm Friday July 22, 2016 through the end of the day Saturday July 23, 2016.

The store will be conducting a "Box Sale" Event that Saturday for teachers and other customers who are interested in used children's books. They staged the same sale last year and several hundred customers from throughout Elkhart and St. Joseph Counties took part in the sale.

A signed approval of this proposal has been obtained from the manager/owner of Constant Spring.

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

**REQUEST TO APPROVE SOUTH LINK ROAD FROM SR 15 TO
REGENT STREET CONTRACT NO. R-34132 CHANGE ORDER #3
TO OMIT FENCING AROUND DRAINAGE BASINS**

Administrative Utilities Engineer Dustin Sailor requested Board approval of South Link Street Contract No. R-34132 Change Order #3 to omit the fencing around drainage basins. Phend & Brown, Inc. submitted Change Order #3 for the South Link Road project. The original contract was in the amount of \$5,179,821.96.

Change Order #3 is to omit the fencing and gates surrounding the drainage basins #1, #2 and #3 and installation of emerging wetlands vegetation in Drainage Basin #3 for the South Link Road project. The omission of the 4,435 feet of chain link fence and 3 gates results in a savings of approximately \$71,683.75. The addition of the emerging wetlands vegetation is an increase of \$3,812.48. It is estimated that these two modifications will decrease the contract by \$76,871.27.

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)).

The Engineering Department is requesting the Board of Public Works & Safety to review and consider for approval Change Order #3.

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

**REQUEST TO APPROVE FIFTH STREET RECONSTRUCTION FROM
CLINTON STREET TO ROCK RUN CREEK JN: 2016-0022**

Administrative Utilities Engineer Dustin Sailor requested Board approval of a Lease Agreement with Norfolk Southern for the rental of 1,182 square feet of Norfolk Southern's land in the amount of \$600.00/year for the parking lot at the Goshen Water & Sewer Department.

The Engineering Department is requesting the Board of Works & Safety review and consideration for approval

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

**REQUEST TO APPROVE AN OPERATING AGREEMENT WITH
SOIL SOLUTIONS CO.**

Legal Compliance Administrator Shannon Marks requested Board approval and authorization for Mayor Stutsman to execute the Operating Agreement with Soil Solutions Co. for the operation of the Goshen Environmental Center. This is a continuing operating agreement with the same entity; however, it adds obligations for Soil Solutions Co. to construct a compost pad and construct a retention area at the Environmental Center for an amount not to exceed \$187,421.00.

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

**REQUEST TO APPROVE CONTRACT EXTENSION WITH
K&K TREE SERVICE LLC.**

Legal Contracts and Claims Manager Keitha Windsor requested Board approval to enter into a contract amendment with K&K Tree Service LLC on July 6, 2016 for tree removal service at the City's Violet Cemetery.

K&K Tree Service LLC has requested an extension to the term of the contract until September 9, 2016. Permission is requested to enter into this Contract Amendment with K&K Tree Service LLC to extend the term of Contract.

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

REQUEST TO APPROVE AGREEMENT WITH M.E. SIMPSON, INC

Legal Contracts and Claims Manager Keitha Windsor requested Board approval to enter an Agreement with M.E. Simpson, Inc. The City solicited quotes for Test & Repair Cold Water Meters, Q16-05-007 project with quotes due to be opened by the Board of Public Works and Safety on July 1, 2016. No quotes were received or opened.

The City contacted M.E. Simpson, Inc. who replied that they had intended to submit a quote and still wished to do so. Indian code 5-22-10 allows for a Special Purchase without soliciting quotes when quotes have been solicited according to Indiana Code and none were received.

The City wishes to contract with M.E. Simpson Company, Inc. and M.E. Simpson Company, Inc. agrees to perform the work by meeting the requirements of the Test & Repair Cold Water Meters, Q16-05-007 Specification Documents. Work on the project shall be completed within ninety (90) days from receipt of a Notice to proceed from the City.

Permission is requested to enter into this agreement with M.E. Simpson Company, Inc. for the testing and evaluation of the 128 meters at the fixed fee of \$38,400.00. Meter repairs shall be performed at the hourly rate of \$125.00. Parts shall be provided at the manufacturer's catalogue price.

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

REQUEST TO APPROVE AGREEMENT WITH R3 DESIGN FOR CITY'S WEBSITE

Legal Contract and Claims Manager Keitha Windsor requested Board approval to enter an Agreement with R3 Design for the City's Website. The City launched a new website in March 2016 utilizing the information and images from the former website and wishes to have the website professionally reviewed and enhanced to ensure that what is provided is clear and understandable and properly portrays the City and the Services and Amenities that are offered.

The City wishes to contract with Rafael Barahona dba R3 Design to review the City's website, visually enhance the website with images and update the information on the website. Work on the project shall be completed by September 30, 2016 at an hourly rate of \$50.00 for a total amount not to exceed \$4,000.00.

Permission is requested to enter into this agreement with Rafael Barahona dba R3 Design.

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

REQUEST TO APPROVE TRANSIT SERVICES AGREEMENT WITH MACOG

Legal Contracts and Claims Manager Keitha Windsor requested Board approval of Transit Services Agreement with MACOG. MACOG is the recipient of grant funds which are used to provide the Interurban Trolley and Interurban Trolley ADA Paratransit Services.

This Agreement will have the City contribute \$62,000.00 in 2016 as Local matching funds to be used for this trans program administered by MACOG. Permission is requested for the Mayor to enter into this Agreement with Michiana Area Council of Governments (MACOG).

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

REQUEST PERMISSION TO QUOTE FOR AMBULANCE REMOUNT PROJECT

Legal Contracts and Claims Manager Keitha Windsor requested Board approval to quote for an Ambulance Remount Project. The City wishes to purchase a new chassis and cab and to have an existing City's modular body refurbished and mounted on the new chassis at an estimated cost of \$145,000.00.

Permission is requested to advertise the Ambulance Remount Project on July 22 and July 29 with quotes to be opened by the Board of Public Works and Safety on August 8, 2016.

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

**COMPLIANCE REVIEW HEARING ON ORDER OF
THE BOARD OF WORKS & SAFETY FOR 213, 213 ½ QUEEN STREET**

Mayor Stutsman opened the public hearing:

Goshen Building Inspector Steve Bice stated that at 8:30 am today he did an inspection of 213, 213 ½ Queen Street. Ron Davidhizar was ordered by the Board of Public Works and Safety to repair 15 items by October 31, 2015. Even though the structure was being worked on at the time of his inspection, none of the items were completely repaired but they were in the process of being repaired.

Owner Ronald Davidhizar and his assistant Michelle Korach were present for the hearing.

City Attorney Larry Barkes stated that as a point of clarification the order originated May 18th, 2015 and the completion date was to be October 31st, 2015. Following are the Violations to the Preservation Ordinance:

Unsafe Violations:

1. Violation of Section 6.3.1.1(2) and Section 6.3.1.1(3). In several areas, the roof fascia and soffits are hanging loose and are open to nesting wildlife.
2. Violation of Section 6.3.1.1(3) and Section 6.3.1.1(16). The foundation walls are not weather tight. The basement is filled with mud and water that is coming in from under the unfinished foundation walls.
3. Violations of Section 6.3.1.1(5) and Section 6.3.1.1(16)
 - a. The stairs to the second floor apartment are rotted and coming loose at all of the connections.
 - b. The steps are loose and lag bolts are withdrawn from the side rails.
 - c. The porch footers and foundations are not at frost line.
 - d. The stabilizing cross-braces from the second story porch are rotted and loose at the connections.
 - e. The basement steps have come loose from the house frame and are severely out of level.
 - f. The first floor porch footers are not properly set at frost line and consist of open cell blocks and other concrete pieces that have been placed above ground.
 - g. The porch floor supports have been patched in to take out the spring of the floor surface, some not long enough to reach the footers.
 - h. The guard rails are missing, loose, rotted and will not support a lateral load – both first floor porch and second floor apartment.
4. Violation of Section 6.3.1.1(16). The steps are constructed of cinder blocks that have come apart at the joints and caused the walking surface to sink creating a trip hazard.
5. Violation of Section 6.3.1.1(1). The first floor water heater is not functional.
6. Violation of Section 6.3.1.1(1) and Section 6.3.1.3(8). The furnace in the basement is not functional.
7. Violations of Section 6.3.1.1(1) and Section 6.3.1.2(2), Section 6.3.1.2(3) and Section 6.3.1.4(2):
 - a. The first floor plumbing drains and supply pipes have been removed.
 - b. The first floor bathroom fixtures have been removed.

Additional Violations:

1. Violation of Section 6.3.1.1(7). There is chipping and peeling paint throughout the structure.

Building Inspector Steve Bice stated that not all of the pictures were taken today, some were from an earlier inspection and are there for reference to the violations.

Owner Ronald Davidhizar speaks of the violations, stating that the first violation has been taken care of at the back side of the house and the front porch has bead board and some has come loose and were replaced. The foundation walls are weather tight but stated that the water table is very high in that neighborhood. The stairs to the second floor were only the two bottom ones and are now stabilized. The front porch footers are now at frost line. City Attorney Larry Barkes stated that Mr. Davidhizar just needs to tell what violations have been taken care of. Mr. Davidhizar continued to speak about what violations have been done in length. City Attorney Larry Barkes asked Building Inspector Steve Bice what has and hasn't been completed. Building Inspector Steve Bice stated that number one of the list of violations has been fixed, and that Mr. Davidhizar had put wood up but the wood has not been painted as of yet. The foundation walls in the basement are dirt walls and that is the biggest reason why the weather is coming in. Mud is coming in from the outside, the floor is covered in mud, and the basement is a dug out basement; if the water keeps coming in the walls will collapse. The stairs to the second floor Mr. Davidhizar had sintered three or four steps at the bottom to the existing side rails and the existing side rails are well rotted. The porch footers are sitting on blocks of concrete and doubt they are down to frost level. He replaced the 6x6's and laid them on top of blocks that are on top of the ground. Mr. Davidhizar objected to that stating that wasn't true. Building Inspector Steve Bice stated he needed proof that it was at frost level and done correctly.

Building Inspector Steve Bice further spoke about the remaining violations with the Board Members and went through pictures given to Board Members and to Mr. Davidhizar and Ms. Korach. Mr. Davidhizar and Ms. Korach spoke with Board Members about what has been fixed and what is still being worked on.

Mayor Stutsman moved to state that violation number 1 is completed and number 3, a, b, e, f and g are also completed. All other violations under the Neighborhood Preservation Ordinance are not completed. Second by Board Member Landis and motion passed unanimously.

A representative from LaCasa came forward to speak on the property at 213 & 213 ½ Queen Street. He stated that Mr. Davidhizar has multiple buildings with many vacant properties. He also pointed out the cost to the city taxpayers in hearings and this process. His properties continue to be in disrepair. He recommended the Board demolish the property.

Mayor Stutsman asked Building Inspector Steve Bice about what is making the property unsafe. Building Inspector Steve Bice went over the list of violations with the Board Members and discussed the items that made the property unsafe.

Mayor Stutsman moved to find the property at 213 & 213 ½ Queen Street, Goshen, deemed unsafe for items uncompleted and the violations must be completed by August 1st, 2016. Second by Board Member Landis and motion passed unanimously.

**COMPLIANCE REVIEW HEARING ON ORDER OF THE BOARD OF WORKS AND
SAFETY FOR 322 WEST OAKRIDGE AVENUE**

Mayor Stutsman opened the public hearing:

Owner Ronald Davidhizar and his assistant Michelle Korach are present for the hearing.

Building Inspector Steve Bice stated that at 8:50 am today he did an inspection at the property. Ron stated that he had fixed the windows and that was all that was done at that time. He said he would throw a board over a hole in the floor. The broken glass in the windows have been partially completed because he had the glazing of the glass has been done but none have been puttied. No other violations have been completed to satisfactory conditions.

Board Members along with Mr. Davidhizar and Ms. Korach looked over photos of the property.

City Attorney Larry Barkes stated that this was supposed to be completed by September 30th, 2015 and the original order was on May 18th, 2015. The last inspection was done on April 21st, 2016.

The following are the Violations to the Preservation Ordinance:

Unsafe Violations:

1. Violations of Section 6.3.1.1(2).
 - a. There are open cracks and holes in the exterior walls of the house
 - b. The interior walls, ceiling and floor coverings have been removed, compromising the wind sheer strength
 - c. There are open holes in the floors of the house.
2. Violation of Section 6.3.1.1(4). There are damaged and broken windows in the house and garage.
3. Violation of Section 6.3.1.1(14) and Section 6.3.1.1(16). Ground pressure has pushed the block foundation wall of the house inward and stands out of plumb on the east side.
4. Violation of Section 6.3.1.1(22).
 - a. The electrical system is not working and there are exposed electrical wires throughout the house
 - b. The house is being used to store flammable building materials
5. Violation of Section 6.3.1.3(8). The heating system is not working
6. Violations of Section 6.3.1.2(1), Section 6.3.1.2(2), Section 6.3.1.2(3) and Section 6.3.1.4(2).
 - a. The plumbing system does not work; there is not an operable bathroom or kitchen in the house
 - b. The kitchen fixtures have been removed

- c. The bathroom fixtures have been removed

Mr. Davidhizar goes over the list and discusses at length with the Board about the violations and whether they are completed or not to the satisfaction of the Board and Building Inspector. He stated that the house is being used for storage of kitchen cabinets. He stated that the gas is not turned on and that the kitchen and bathroom fixtures have been removed and agreed with the violation. He stated that the hole in the floor will be repaired today and the windows have been repaired.

Mayor Stutsman moved to find that no items on the list of violations of the Neighborhood Preservation Ordinance have been completed. Second by Board Member Landis and motion passed unanimously.

Mayor Stutsman moved to find the property at 322 West Oakridge Avenue unsafe for the reason that none of the items on the compliance list are completed and is therefore in violation of the Neighborhood Preservations Ordinance. Second by Board Member Landis and motion passed unanimously.

Mayor Stutsman moved to refer this to the Legal Department and file for court proceedings. Second by Board Member Landis and motion passed unanimously.

A representative from LaCasa came forward again to discuss Mr. Davidhizar's properties and how they are costing the taxpayer's money. He stated this sounds like special treatment when deadlines come and go and nothing is done.

PRIVILEGE OF FLOOR

Chris Steinbrenner requested permission to run an underground electric line from his house to a lot that they own. The alley is in between the two lots. Assistant City Planner Abby Wiles stated the Steinbrenner's own 117 North 21st Street and the vacant lot that is approximately 120 x 20 is behind it. There is an un-vacated City right of way that runs north/south and they want to put a swimming pool on that vacant lot. They will need to go to the Board of Zoning Appeals for a variance to allow development without frontage or access so this will be heard at the BZA meeting a week from tomorrow. As part of the request, they asked that the Steinbrenner's come before the Board of Public Works and Safety to run the electrical through the right of way. Board Members discuss with Assistant City Planner Abby Wiles and City Attorney Larry Barks about the alley and the right of way.

Board Member Landis moved to approve the request to run an underground electric line at 117 North 21st Street to the lot to the east. Second by Mayor Stutsman 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