

**BOARD OF PUBLIC WORKS AND SAFETY AND STORM WATER BOARD  
MEETING HELD SEPTEMBER 26, 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 September 26, 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, Assistant Fire Chief - Miller, Police – Mitch Hershberger, Building Inspector – Bice, Grise, Eash, Street Commissioner and Assistant Street Commissioner, Legal Contracts and Claims Manager, Legal Compliance Administrator and Assistant, Mayor’s Administrative Assistant Lung, Park Superintendent, Superintendent of Waste Water, Assistant Superintendent of Water and Sewer, Utilities 1st Deputy, Administrative Utilities Engineer, Central Garage Fleet Manager, City Communications Coordinator.

Minutes of the meeting of August 1 and August 8, 2016 were presented. On motion of Board Member Landis and second by Board Member Day, the minutes were approved as presented.

**CONSTRUCT BELOW – SIDEWALK VAULT AT 123 E. LINCOLN**

Mayor Stutsman motioned to table/postpone until a representative of Venturi’s Pizza could be present. Second by Board Member Landis and motion passed unanimously.

**REQUEST FOR INDIANA AVENUE BRIDGE ROAD CLOSURE**

Administrative Utilities Engineer Dustin Sailor requested Board approval for Indiana Avenue Bridge road closure on September 27<sup>th</sup> from 8:30 am to 12:30 pm to perform a fracture critical inspection required by INDOT.

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

**REQUEST FOR LINCOLN AVENUE BRIDGE ROAD CLOSURE**

Administrative Utilities Engineer Dustin Sailor requested Board approval for Lincoln Avenue Bridge road closure from 8:00 am October 4<sup>th</sup> through 8:00 am October 7<sup>th</sup> to epoxy seal the concrete deck. Proposal is to do this now due to the 2017 closure of Pike Street which will make it almost impossible to close the bridge for this repair.

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

**REQUEST FOR ROAD CLOSURE FOR JN: 2012-0048  
DICKERSON LANDING PHASE II**

Administrative Utilities Engineer Dustin Sailor requested Board approval of a road closure of New Street from Pike Street to Wilkinson Street starting September 28, 2016 at 7:00 am until

September 30, 2016 for replacement of damaged concrete panels in the roadway. These items need to be fixed before release of the Maintenance Bond for this project.

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

**REQUEST FOR ROAD CLOSURE FOR JN: 2009-0073 ON JEFFERSON STREET**

Administrative Utilities Engineer Dustin Sailor requested Board approval of a closure of Jefferson Street from Fifth Street to Main Street starting September 27, 2016 at 7:00 am until September 30, 2016 for replacement of damaged roadway, sidewalk and alley approach concrete. Items are required to be fixed before release of the Maintenance Bond for this project.

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

**REQUEST TO APPROVE CHANGE ORDER NO.1 – JN: 2012-0016 TRAFFIC SIGNAL AT KERCHER ROAD AND WEYMOUTH BOULEVARD**

Administrative Utilities Engineer Dustin Sailor requested Board approval of Change Order No.1 on the Kercher Road and Weymouth Boulevard Signal Project for a time extension only due to the delays in receiving materials. All underground work has been completed with the above ground work and electrical service to be completed. The estimated completion date is now October 21, 2016 if all material delivers are received as anticipated.

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

**REQUEST TO APPROVE RATE INCREASE FOR THE NIPSCO ELECTRIC CONTRACT JN: 2013-0038**

Administrative Utilities Engineer Dustin Sailor request Board approval of the NIPSCO Electric rate increase. NIPSCO has been approved to raise its electrical rate, approximately 6 %, by the Indiana Utility Regulatory Commission. NIPSCO previously operated under 600 series agreements and will now operate under 700 series agreements. The new agreement is for the water pumping facilities that include both water plants, wastewater treatment plant and lift stations.

It is the same agreement as past re-signed agreements only this reflects the new terms and prices. It is requested that the Board accept this agreement and give the needed authorization for the Mayor to sign the agreement.

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

**REQUEST FOR AMENDMENT RATIFICATION JN: 2008-0052 TO CONSTRUCT A BERM AT ENVIROMENTAL CENTER**

Administrative Utilities Engineer Dustin Sailor requested Board approval of an amendment ratification with Jones Petrie Rafinski Corp. to construct a berm at the Environmental Center after the contractor encountered tree stumps and debris from excavating that is part of the construction of the composting pad.

To save costs and provide a better buffer of the Environmental Center for adjacent residents, the City built an 8ft by 50ft wide berm along CR 19 and the residential neighbor's property. The Rule 5 Storm Water Pollution Prevention Plan had to be modified to incorporate this change since it was not part of the original Agreement. JPR made the necessary modifications on a time and material basis at a cost of \$903.75. The Engineering Department is requesting the Board of Works consideration for this approval.

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

**REQUEST FOR APPROVAL OF RESOLUTION 2016-T - TERMINATING THE FRANCHISE FEE UNDER THE AGREEMENT WITH NEW PARIS TELEPHONE**

Legal Compliance Administrator Shannon Marks requested Board approval to terminate the Franchise Fee under the Agreement with New Paris Telephone's Quality Cablevision, Inc. which was entered into on October 10, 1988. This Franchise Agreement provides New Paris Telephone's Quality Cablevision Inc. to pay the City a franchise fee. A payment was received in the amount of \$29,801.60 on August 18, 2016.

Therefore, be it resolved that the Goshen Board of Public Works and Safety terminate the provision under Section 5 of the Franchise Agreement dated October 10, 1988 that requires payment to the City a franchise fee. No additional franchise fees shall be due from New Paris Telephone's Quality Cablevision, Inc. All other provisions of the Franchise Agreement for the maintenance and operation of a cable TV system in the City shall remain in full force.

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

**REQUEST FOR APPROVAL OF CONTRACT AMENDMENT #2  
LAWN MOWING SOLICITATION NO. Q16-05-005**

Legal Contracts and Claims Manager Keitha Windsor requested Board approval of Amendment #2 to the Agreement with Stiver Group, Inc. dba/Stiver Lawn Care dated April 20, 2016 to provide lawn mowing services.

On May 27, 2016 the City entered into an Agreement Amendment with the Contractor to provide additional lawn mowing services at 204 Crescent Street and the City desires an agreement with the Contractor to increase the scope of work and add this additional property to the lawn mowing property list. The City agrees to compensate the Contractor a lump sum of Two Hundred Dollars (\$200.00) for work performed in Amendment #2 to the contract price of \$19,500.00. All other terms and conditions of the Contract and Amendment shall remain the same.

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

**REQUEST TO RELEASE SEWER LIENS AND JUDGMENT  
AGAINST 1375 LINCOLNWAY EAST PROPERTY**

Legal Compliance Administrator Shannon Marks requested Board to release the sewer liens and partially release a judgment that was entered against the real estate of 1375 Lincolnway East.

The City of Goshen is in process of selling the real estate at 1375 Lincolnway East and in order to convey clear title to the real estate, it is necessary for the City to release sewer liens and partially release a judgment entered against the real estate. It is recommended that the Board of Public Works and Safety release the following:

1. Sewer Lien dated March 30, 2011 recorded April 6, 2011 as instrument number 2011-06478 against Raghe, LLC and Travelodge for \$9,942.74 plus penalties and interest.
2. Sewer Lien dated June 15, 2011 recorded June 22, 2011 as instrument number 2001-001351 against Raghe, LLC and Ramram, LLC for \$3,655.01 plus penalties and interest.
3. Sewer Lien dated November 27, 2012 recorded November 30, 2012 as instrument number 2012-028796 against Raghe, LLC and Ohanna, LLC for \$55.59 plus penalties and interest.
4. Sewer Lien dated September 20, 2013 recorded September 24, 2013 as instrument number 2013-23514 against Raghe, LLC and Ohanna, LLC for \$4,100.41 plus penalties and interest.

On behalf of the City of Goshen, Indiana, it is also recommended that the Board release the real estate from the Order of Declaratory Judgment entered February 3, 2009 under Cause No. 20D03-0612-PL-00138. This partial release only applies to the real estate and does not otherwise release or affect the Judgment.

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

**PUBLIC HEARING ON ORDER OF THE CITY OF GOSHEN BUILDING**  
**COMMISSIONER: 407 ½ CROSS STREET**

Mayor Stutsman opened the public hearing:

City Attorney Larry Barkes asked if Justin R. Miller or anyone present on his behalf for 407 ½ Cross Street was present. No representative was present for the hearing. He stated that all parties involved with this property were notified and several confirmations were received. It was verified the property in question is vacant and the building in question is on a lot that in not on the city street (a previous out building between 2 alleys that was converted to a house).

Inspector Bice approached and stated he was allowed access to the building by Jim Miller, not quite sure of the name and may have it incorrect, and it was agreed that the building was not worth saving and that plans were to demolish it or give it away. Bice stated from his inspection the findings as follows:

- a) From the roof to the floors were bad from water damage to structure.
- b) The foundation was minimal which allowed moisture to rise and damage the chip board type flooring in the kitchen which were caved in from the damage.
- c) Chimney flashing damaged allowing critter entry and nesting.

It was mentioned that verbally the owner/owners were in hopes that the City would take it, demolish it and receipt the property due to the financial burden it would cause the property owner. The Building Commissioner ordered the demolition of this property by September 28, 2016 in the original order to be determined by the Boards finding of this public hearing.

Safety Violations listed:

1. Roof structure is failing (Section 6.3.1(20)).
2. Exterior walls failing due to rotting from excessive roof leakages (Section 6.3.1(20)).
3. The roof has a large hole near the chimney (Section 6.3.1(2)).
4. The kitchen floor has large holes (Section 6.3.1(2)).
5. The ceiling panels are warped (Section 6.3.1(2)).
6. The wall panel near the chimney is rotted due to water damage (Section 6.3.1(2)).
7. The wall on the South side of the house is not plumb and is pulling away from the chimney (Section 6.3.1(14)).

Mayor Stutsman moved to find Violations #1 thru #7 in the Building Commissioners Order to be unsafe. Second by Board Member Landis and motion passed unanimously.

Mayor Stutsman moved to find the structure is unsafe due to items #1, 2, 3, 4 & 7. Board Member Landis and motion passed unanimously.

Board Member Landis moved to find that the structure (house only) be demolished and removed by October 31, 2016 and in the event this order is not complied with the Legal Department will begin proceeding against the property. Second by Board Member Day and motion passed unanimously.

**PUBLIC HEARING ON ORDER OF THE CITY OF GOSHEN BUILDING**  
**COMMISSIONER: 2204 COLLEGE AVENUE**

Mayor Stutsman opened the public hearing:

City Attorney Larry Barkes asked if Nikki J Stump or Richard M. Stump, Jr. or anybody representing them are present. Also he asked if any interested parties in the property were present. None were present. Some neighbors were present for the hearing.

The Goshen Building Department inspected the subject real estate on April 1, 2016, however a complete inspection was not possible due to trash, clutter and lack of housekeeping. The owners were given 30 days to remove trash and clutter so a complete inspection could be conducted.

The real estate in its present condition is unsafe within the meaning of Indiana Code §36-7-9-4 in that structures on the real estate are not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of Goshen City Code Title 6, Article 3, Chapter 1. The following violations listed deem the premises at 2204 College Avenue, Goshen unsafe.

1. Any unit shall be kept in a clean and sanitary condition (Section 6.3.1.6(b)).
2. All plumbing fixtures shall be kept in a clean and sanitary condition (Section 6.3.1.6(b)).
3. The owner of any unit shall dispose of all solid waste, appliances, furniture and bulky items in a sanitary manner (Section 6.3.1.6(b)).

The Order to remove trash and debris and to bring the premise into compliance with standards for Goshen City Code Title 6, Article 3, Chapter one by September 28, 2016.

The property has been determined as vacant. Inspector Bice states his finding of a recent inspection of property allowed by Mrs. Stump. He stated that all 3 items of the unsafe violations

still exist. The homeowner had previously contracted an outside party to do the property clean up; however Mrs. Stump fired the contractor half way through the project and all clean up ceased.

Mayor Stutsman moved to find violations Items 1 through 3 on the original Building Commissions order to still be unsafe. Second by Board Member Landis and motion passed unanimously.

Mayor Stutsman asked if anyone from the public would like to speak at this time on the matter.

Sheri Basil approached and stated she lives on Oak Lane and remarked that this property has a history of trash accumulation and that about 15 years ago the owners moved out of the property and left it in the state mentioned in the Order. They have been experiencing an increased rodent infestation that they have never had before. She stated the desire that the structure be torn down.

Mark Spade of 2123 College Avenue approached and stated he lives across the street from this property. He purchased his property in 2001 and approximately a year and a half later Mr. and Mrs. Stump moved out of their property. Over the years he maintained mowing for the owners on a verbal cash payment basis which he never received any payments and ceased mowing it. The overgrowth of yard and trees does not allow property entry to the structures any longer. He stated his concern that his property value has decreased due to the state of said property. He is sick of the whole situation and excuses and said this house should be gone.

Board Member Landis moved that the property at 2204 College Avenue be cleaned to compliance of the Order by November 1, 2016 and if not completed within this time frame that it will be referred to the Legal Department to start legal proceedings for placement of a receivership to get the property cleaned up. Second by Board Member Day and motion passed unanimously.

#### **PRIVILEGE OF THE FLOOR**

Dixie Robinson of Goshen approached. She commented that the North side of town on Main Street has had several required property improvements and that it has really made a difference in the neighborhood. And that it shows what can happen with the cleaning up of an area due to the City's persistence.

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**