

MINUTES of June 21, 2021 Regular Meeting

Board of Public Works & Safety and Stormwater Board

Held 2:00 p.m. Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Present: Member Mary Nichols, Member Mike Landis, Member Barb Swartley, Member DeWayne Riouse

Absent: Chair Jeremy Stutsman

No minutes were presented.

Landis suggested moving Item #11 (Building Commissioner Report) to after Privilege of the Floor, add a new Item #11 (Goshen Brewing Co. Movie Request), and add Item #12 (Road Closure Request) to the agenda.

Nichols/Swartley moved to approve the agenda as amended. Passed 4-0

Request to Close 13th Street for Block Party: College Farm Neighborhood Association

No one from College Farm Neighborhood Association was present. Landis confirmed that Streets and Engineering has no objections to the request. Stated this layout has been done in the past.

Nichols/Swartley moved to approve the closure of the 1800 Block of 13th Street between Mervin Avenue and Leroy Street on Saturday August 7, 2021 from 6:30 p.m. to 9:00 p.m. for the College Farm Neighborhood Association. Passed 4-0

Police Department Resignation of Officer Logan Campbell

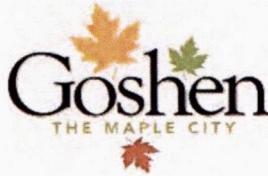
Chief of Police Jose' Miller presented the packet memo.

Nichols/Swartley moved to approve the resignation of Officer Logan Campbell effective July 7, 2021. Passed 4-0

Police Department Conditional Offer of Employment to Adriana Isabel Fernandez

Legal Compliance Administrator Shannon Marks presented the packet memo.

Nichols/Swartley moved to extend a Conditional Offer of Employment to Adriana Isabel Fernandez as a Probationary Patrol Officer as well as approve and authorize the Mayor to execute the Conditional Offer of Employment Agreement with Adriana Isabel Fernandez. Passed 4-0



Fire Department Conditional Offers of Employment to Michael L. Fairfield, Timothy C. Perry, and Daniel J. Kurtz

Marks presented the packet memo.

Nichols/Swartley moved to extend Conditional Offers of Employment to Michael L. Fairfield Timothy C. Perry and Daniel J. Kurtz as Probationary Firefighters as well as move to approve and authorize the Mayor to execute Conditional Offers of Employment Agreements with Michael L. Fairfield, Timothy C. Perry and Daniel J. Kurtz. Daniel J. Kurtz agreement includes a Paramedic Hiring Bonus. Passed 4-0

Resolution 2021-16: City of Goshen Bicycle Registration Program

Marks presented the packet memo.

Marks added that the locations dedicated in the past for the registrations will remain the same.

Nichols/Swartley moved to pass and adopt Resolution 2021-16, City of Goshen Bicycle Registration Program. Passed 4-0

Unpaid Final Accounts

Utilities Office Billing Manager Kelly Saenz presented the request.

Nichols/Swartley moved to move the Uncollected Final Accounts from active to Collection, Sewer Liens and Writes offs in the amount of \$4,147.96. Passed 4-0

Approval of Amended Community Development Block Grant – CARES Act (CDBG-CV) Agreements

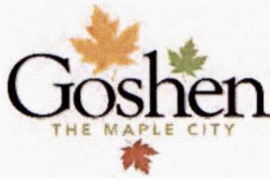
Community Development Specialist Meghan Bylsma presented the papcket.

Nichols/Swartley moved to approve the Amended CDBG-CV Agreement for Program Year 2020 to reflect a change in total award and authorize the Mayor to sign the agreements. Passed 4-0

Change Order #1: Asphalt Paving Project, JN: 2021-0002

Director of Public Works Dustin Sailor presented the packet memo.

Nichols/Swartley moved to ratify Change Order No. 1 for the amount of \$70,054.00 which is an 8.09% increase to allow Niblock to complete the stated work and to establish the project's final completion date as August 5, 2021, which adds four additional work days. Passed 4-0



Goshen Brewing Co. Movie on the Lawn

No one was present for this request. Landis stated that the request is using the same parking spots as in the past. *(Attached as Exhibit A)*

Nichols/Swartley moved to approve the Goshen Brewing Co. request for a Movie on the Lawn in the Interra parking lot for a Food and Movie Truck on June 28, 2021 from 6 p.m. to 10 p.m. Passed 4-0

Request for Road Closure on Denver Avenue

Water and Sewer Superintendent Kent Holdren presented the request. *(Attached as Exhibit B)*

Nichols/Swartley moved to approve the road closure request on Denver Avenue to thru traffic on Wednesday, June 23, 2021 starting at 8 a.m. and reopening to traffic on Thursday evening, June 24, 2021. Passed 4-0

Privilege of the Floor

Goshen Resident Everett Thomas started discussion to a possible solution to relieve congested traffic on College Avenue and 33 due to construction work. Thomas suggested opening up Dierdorff Street to allow traffic to flow easier.

Sailor provided an email from Phend & Brown, Inc. representative Andrew R. Schouten which stated his count of what would happen should Dierdorff be opened *(Attached as Exhibit C.)* Added that the Board approved the closing of Dierdorff per InDOT request.

Miller and Patrol Division Chief Mario Mora both agreed that opening the road would result in more traffic violations and could cause further congested traffic. Mora stated there have been 74 violations at that intersection since March, 2021 and 50 violations since May, 2021. Miller stated that the "No Left Turn" signs are not being followed.

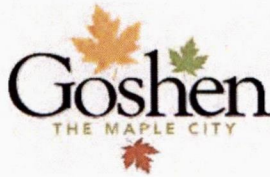
Board discussed changing the direction of traffic on Dierdorff to which Sailor stated the Board could not change traffic control as that would lead to a contract change.

Thomas stated that due to the sharp turn onto 33 from College Avenue causes traffic to slow. States he does not see any safety issues.

Riouse and Thomas discussed how much time is added due to the congested traffic and whether it was worth the possibility of more accidents. Riouse added that all residents need to be patient as construction and congested traffic are a cost of improvements.

Landis stated the Board is open to continuing conversations to find a solution.

No formal action was taken.



Building Commissioner Order: 4410 Midway Road

Building Department Planning and Zoning Inspector Travis Eash presented his updated inspection as of June 21, 2021. *(Attached as Exhibit D)*

Eash stated he was not able to make entry into the home and has not been able to make contact with the owner. Added there has been no utilities use since 2018 and was shut off in 2019. Eash stated his first attempt at contact was in October of 2020 and after two 30 days increments a warrant is requested. Has sent two letters in the mail that were returned but stated the two certified letters he sent to the homeowner's home address were signed for.

Board members discussed possible reasons as to why the homeowner has not responded. Naming age and an incorrect address may be why no response has been received.

Discussion continued after Paralegal Carla Newcomer provided signed certified mail receipts as to if the homeowners were the ones to have signed to mail. Board members were concerned that the actual owners were not being contacted and requested extra time to verify the address.

Nichols/Swartley moved to uphold the Goshen Building Departments Order to remove debris and trash and extend the compliance date for 30 days from today June 21, 2021 to July 21, 2021 and that all three requirements stated in the Order must be met. Passed 4-0

Landis/Nichols moved to approve Civil City and Utility claims and adjourn. Passed 4-0

Adjournment at 2:52 p.m.

Exhibit A: Goshen Brewing Co. Movie on the Lawn Request (1 page)

Exhibit B: Request for Road Closure on Denver Avenue (2 pages)

Exhibit C: Email from Andrew R. Schouten representing Phend and Brown (1 page)

Exhibit D: Updated Inspection Report from Building Department (15 pages)

APPROVED



Jeremy Stutsman, Chair



Michael A Landis

Michael Landis, Member

Mary Nichols

Mary Nichols, Member

ATTEST

Terry Weber

Clerk-Treasurer

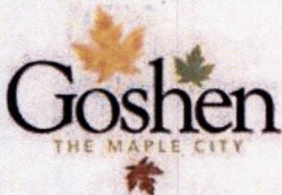
Communications Coordinator

From: Switchboard
Sent: Wednesday, June 16, 2021 2:03 PM
To: Scharf, Adam
Subject: FW: Goshen Brewing Co. Movie on the lawn 6/28 6-10pm

Please read the email below.

Kind regards,

Tracy Eggleston
Receptionist/Office Assistant
City of Goshen
202 S. Fifth St.
Goshen, IN 46528-3714
Phone: (574) 533.8621
Fax: (574-533-9740)
switchboard@goshencity.com



**** Be Someone's Light / Be Engaged / Be Bold ****

From: Jesse Sensenig [REDACTED]
Sent: Wednesday, June 16, 2021 1:56 PM
To: Switchboard <switchboard@goshencity.com>
Subject: Goshen Brewing Co. Movie on the lawn 6/28 6-10pm

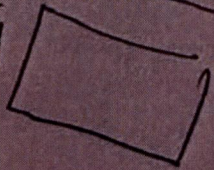
Hello,

We are hoping to get this on the agenda for this next week if possible! Monday 6/28 from 6-10pm. No road or paths blocked but would have movie truck and food truck on parking lot.

Thanks,
Jesse

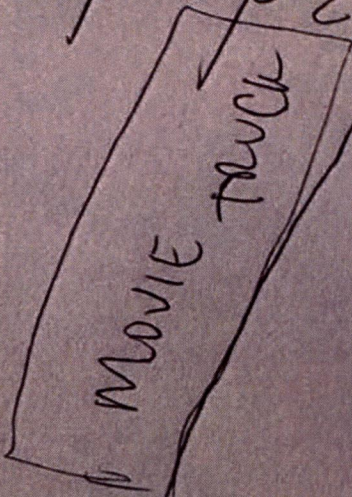
No Parts
Buckles

Fast Truck



Lawn

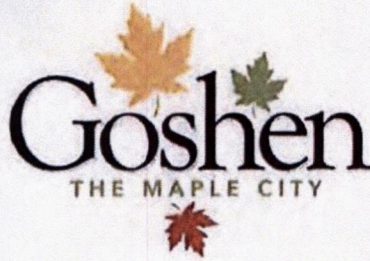
BBQ



MOVIE TRUCK

2 SPOTS

Buckles off



Kent Holdren, Superintendent
WATER UTILITY, CITY OF GOSHEN
308 North Fifth Street • Goshen, IN 46528-2802

Phone (574) 534-5306 • Fax (574) 534-4281 • TDD (574) 534-3185
kentholdren@goshencity.com • www.goshenindiana.org

6/21/2021

Request for Road Closure on Denver Ave.

To the Board of Public Works and Safety and Storm Water;

The City of Goshen Water and Sewer Department will be replacing a Sewer Manhole Structure at 111 Denver Ave.

The work will require excavation of the road, with a trench that will be approximately 6' feet in depth. For the safety of the work crews and the public, the City is requesting permission to close Denver Ave. to thru traffic, on Wednesday, June 23, starting at 8:00 am, and reopening for traffic on Thursday evening June 24.

See attached map for reference.

We will notify Goshen Schools, EMS and insure that the garbage is moved to the appropriate location for pick up.

Regards;

Kent Holdren
Superintendent of Goshen Water Department

15 and

8



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10



1

100

10

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Alfonso Miranda - 1968

Sailor, Dustin

From: Andrew R. Schouten <arschouten@phend-brown.com>
Sent: Monday, June 21, 2021 11:18 AM
To: Koch, Michael; Jeremy E. Miller
Cc: Cool, Melissa; Kreger, William; Sailor, Dustin; Corwin, Josh; Schalinske, Gavin
Subject: RE: Goshen Engineering - Board of Works - College and US 33

I understand that the public would want Dierdorff reopened to traffic. This will allow them to shortcut and bypass the construction that is proceeding at 33 & College.

As I stated in my initial request to the Board of Works this closure prevents said shortcut and allows for an increased level of safety for my employees. Drivers who are cutting around traffic will not be paying as much attention as those that funnel through the restriction. Distracted drivers are more likely to cause accidents and hurt themselves or my employees. There is also work occurring at the Dierdorff and College intersection and by restricting this traffic that work can more safely be performed. I am concerned that these would be the same drivers who consistently ignore the "No Left Turn" signage posted on College and endanger themselves and my employees every time they do so.

Thank you,

Andrew R. Schouten, PE
Phend & Brown, Inc.
PO Box 150, Milford, Ind 46542
574.658.4166 Phone
574.527.7540 Cell

-----Original Message-----

From: Koch, Michael <MKOCH@indot.IN.gov>
Sent: Monday, June 21, 2021 08:58
To: Andrew R. Schouten <arschouten@phend-brown.com>; Jeremy E. Miller <jemiller@phend-brown.com>
Cc: Cool, Melissa <MCool@indot.IN.gov>; Kreger, William <WKreger@indot.IN.gov>; Sailor, Dustin <dustinsailor@goshencity.com>; Corwin, Josh <joshcorwin@goshencity.com>; Schalinske, Gavin <gschalinske@indot.IN.gov>
Subject: FW: Goshen Engineering - Board of Works - College and US 33
Importance: High

Andrew,

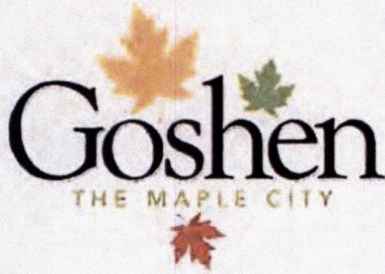
A Board of Works meeting is scheduled for today June 21st @ 2pm. Would you please review & advise prior to lunch?

Thanks!

Mike
(574)-612-2224

-----Original Message-----

From: Sailor, Dustin <dustinsailor@goshencity.com>
Sent: Monday, June 21, 2021 7:06 AM
To: Koch, Michael <MKOCH@indot.IN.gov>; Cool, Melissa <MCool@indot.IN.gov>



**Building Department
CITY OF GOSHEN**

204 East Jefferson Street, Suite 5 • Goshen, IN 46528-3405

Phone (574) 534-1811 • Fax (574) 533-8626 • TDD (574) 534-3185
building@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: BOARD OF PUBLIC WORKS

From: GOSHEN BUILDING DEPARTMENT (TRAVIS EASH)

Date: June 21, 2021

Subject: 4410 MIDWAY RD

This morning I inspected the property 4410 Midway Road. I wasn't able to inspect the interior of the property. Every attempt I have made to contact the owner have been unanswered.

I sent two letters to request an inspection and never received a reply. I then requested an Inspection Warrant and executed that on February 16, 2021. (Photos Attached)

With the condition of the exterior of the property this morning and from the previous inspection, there has been little to no compliance on the property.

Per the Utilities Office there has been little to no usage since late 2018 and the meter shut off in 2019.

The Building Department's recommendation is that the Board orders the property to be cleaned.

Thank You,

Goshen Building Department

ORDER OF THE CITY OF GOSHEN BUILDING COMMISSIONER

May 24, 2021

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

To: Ronnie Martin
24093 County Road 126
Goshen, IN 46526

Mary Lou Martin
24093 County Road 126
Goshen, IN 46526

RE: Premises at 4410 Midway Road, Goshen, Indiana

You are notified as a person holding a substantial property interest in the real estate at 4410 Midway Road Goshen, Indiana, that the building at this location is in violation of the Goshen City Code as set forth in more detail below.

The Goshen Building Department first inspected the subject real estate on February 16, 2021. Violations of the Neighborhood Preservation Ordinance (Minimum Housing Ordinance) were cited. The real estate was re-inspected on May 10, 2021 which showed no significant improvement to the real estate.

You are ordered to make the following corrections by June 25, 2021:

1. Remove debris and trash. Properly remove or dispose of paint cans that are too close to water heater. Clear debris from around furnace, water heater, and electrical panel.
2. Remove obstruction from egress of property and easy passage through the house.
3. Water service needs to be turned on and meter needs to be reinstalled.

In the event that you fail to comply with this Order, the City of Goshen may pursue action in a court in Elkhart County.

You are further notified that a hearing will be held before the City of Goshen Board of Public Works and Safety on Monday, June 21, 2021 at 2:00 p.m. (local time), or soon thereafter, for the purpose of reviewing the Order of the City of Goshen Building Commissioner. This hearing will be held at the Goshen Police & Court Building in the Court Room/Council Chambers at 111 East Jefferson Street, Goshen, Indiana.

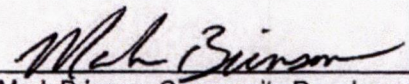
You have the right to appear at this hearing with or without counsel, to present evidence, cross-examine opposing witnesses and present arguments. Should you fail to appear at the time set for the hearing, the

hearing will be conducted in your absence. The Board of Public Works and Safety will have the right to affirm, rescind or modify this Order.

Indiana Code § 36-7-9-27 requires that if you transfer your interest or any portion of your interest in the buildings affected by this Order to another person, you must supply the other person with full information regarding this Order prior to transferring that interest or agreeing to transfer that interest. Within five (5) days after transferring or agreeing to transfer a substantial property interest in the buildings, you must also supply City of Goshen Community Development Director Mark Brinson with the full name, address and telephone number of the other person taking a substantial property interest in the building and/or premises, along with written copies of the agreement to transfer the interest or copies of the document actually transferring the interest. Mr. Brinson's office is located at 204 East Jefferson Street, Suite 2, Goshen, Indiana 46528, or you may contact him at (574) 537-3824. Should you fail to comply with these provisions, then you may be liable to the City of Goshen for any damage that the City of Goshen may suffer in the event that judgment is entered against the City by the other person to whom the transfer was made.

This Order of the City of Goshen Building Commissioner is issued on May 24, 2021

City of Goshen Building Department

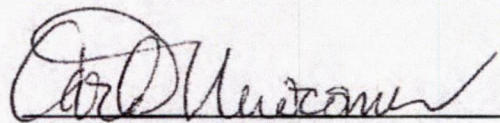

Mark Brinson, Community Development Director

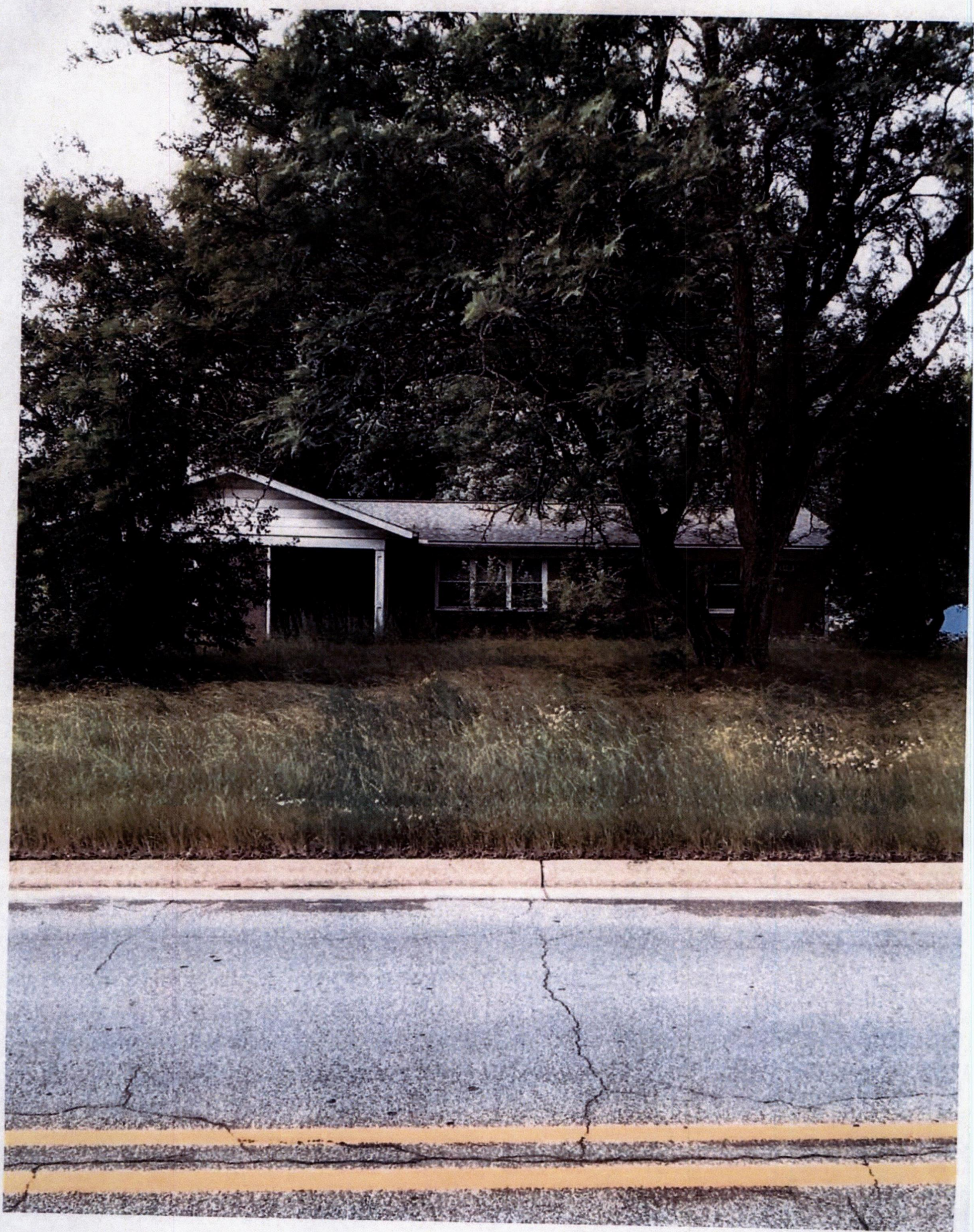
CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order of the City of Goshen Building Department for the premises at 4410 Midway Road, Goshen, Indiana, was served by sending a copy by certified mail, return receipt requested and by regular first-class mail to the last known address of the following persons to be notified on May 24, 2021

To: Ronnie Martin
24093 County Road 126
Goshen, IN 46526

Mary Lou Martin
24903 County Road 126
Goshen, IN 46526


Carla Newcomer, Paralegal
City of Goshen Legal Department
204 East Jefferson Street, Suite 2
Goshen, Indiana 46528

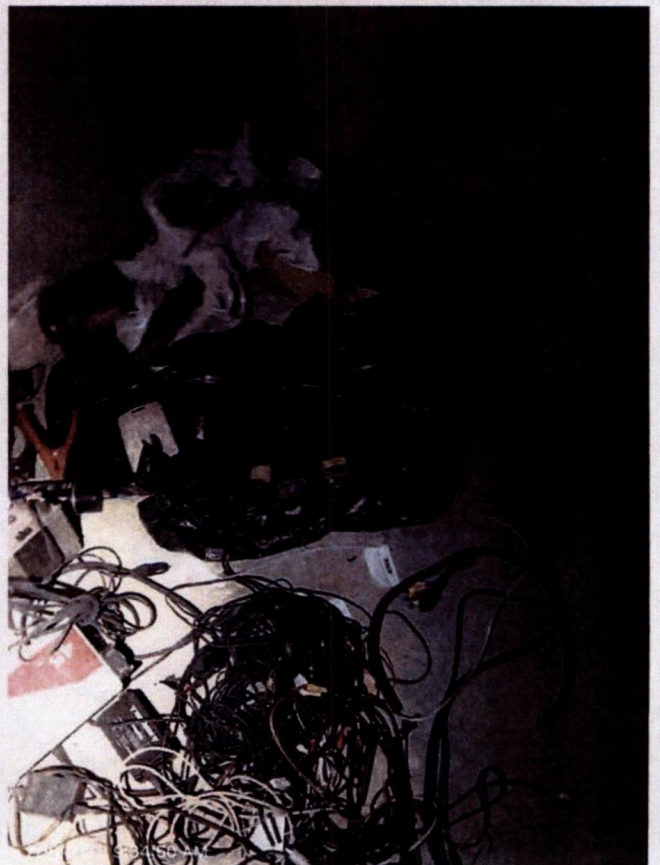














2/16/2021: 9:35:01 AM



2/16/2021: 9:35:21 AM



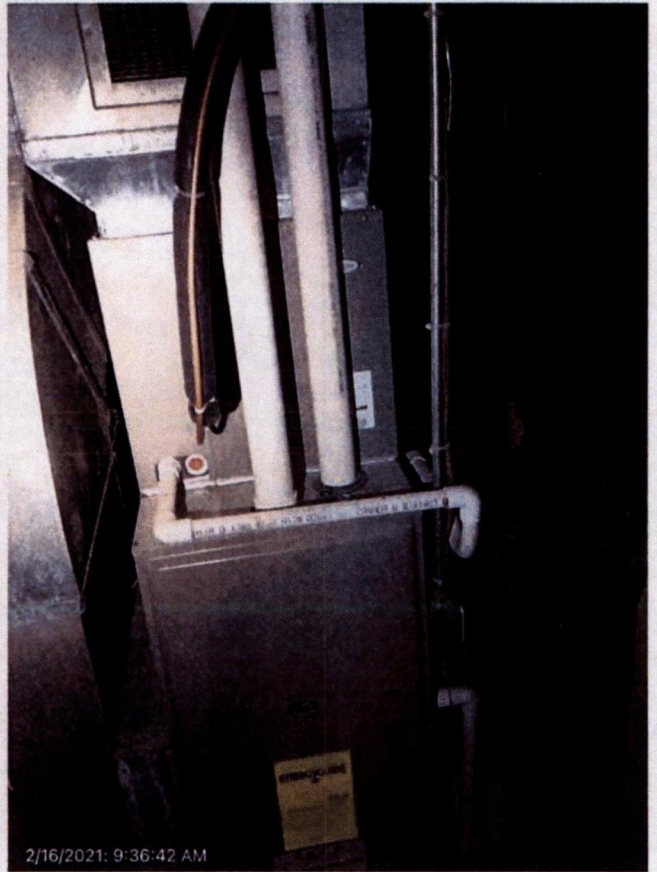
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2/16/2021: 9:28:33 AM

