



MINUTES of July 6, 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: Chair Jeremy Stutsman, Member Mary Nichols, Member Mike Landis, Member Barb Swartley,
Member DeWayne Riouse

Absent: None

Nichols/Landis moved to approve the minutes of June 28, 2021 as presented. Passed 5-0

Mayor Stutsman suggested adding an Item #12 (8th Street Sewer Line Road Closure Request) and Item #13 (Pro Bono Agreement with DLZ Indiana, LLC).

Nichols/Landis moved to approve the agenda as amended. Passed 5-0

Police Department Promotion of Ryan Adams from Patrol Officer to Captain

Chief of Police Jose' Miller presented the packet memo.

Mayor Stutsman added that Adams will be sworn in at a later date in the Mayor's Office.

Nichols/Landis moved to approve the promotion of Ryan Adams from Patrol Officer to Captain retroactive to Friday, July 2, 2021. Passed 5-0

Fire Department Retirement of Mike Happer

Fire Chief Danny Sink presented the packet memo.

Nichols/Landis moved to affirm the retirement of Mike Happer from the Goshen Fire Department effective August 2, 2021. Passed 5-0



Request to Close Douglas Street for Wedding

Goshen Resident Troy VanderMaas presented his request.

VanderMaas stated he is getting married Saturday, July, 17, 2021 and would like to put up a 20 X 40 canopy on the street. Added that the canopy would not be staked into the street or neighbors yards but would be anchored down. VanderMaas said he did speak with neighbors about the canopy to make sure there were no issues.

Nichols/Landis moved to approve the temporary closure on West Douglas Street between South 3rd Street and River Race Drive on Saturday, July 17, 2021. Passed 5-0

Summer Sewer Reduced Billing

Utilities Billing Office Manager Kelly Saenz presented the packet memo.

Saenz stated that no responses were received last year, however in previous years only Creekside Estates has responded.

Mayor Stutsman added that Manufactured homes must request the break as opposed to all other Goshen homes receiving it automatically.

Nichols/Landis moved to approve the Summer Sewer Break in accordance with Goshen City Code 5.3.4.4 for the Community of Creekside Estates issued in the months of June through October. Passed 5-0

Request to Change Portion of Sign in the Right of Way

Assistant Planning and Zoning Administrator Rossa Deegan presented the request.

Nichols/Landis moved to approve the request to change a portion of the existing illuminated freestanding sign located in the public right-of-way adjacent to 1000 South Main Street for an electronic message center. Passed 5-0

Agreement with A+ Window Cleaners for Window Cleaning of City Buildings

Legal Compliance Administrator Shannon Marks presented the agreement.

Nichols/Landis moved to approve the Mayor to execute the agreement with A+ Window Cleaners for interior and exterior window cleaning of the Annex Building, Utilities Building, Goshen Police and Courts Building and City Hall, whom shall be compensated \$3,904.00 for all services provided. Passed 5-0



Fire Department Conditional Offer of Employment with Cade M. Richardson

Marks presented the packet memo.

Nichols/Landis moved to extend a Conditional Offer of Employment to Cade M. Richardson as a Probationary Firefighter and move to approve and authorize the Mayor to execute the Conditional Offer of Employment Agreement with Cade M. Richardson. Passed 5-0

Agreement for Cold Water Meter Testing

Paralegal Carla Newcomer presented the packet memo.

Nichols/Landis moved to approve and execute the Agreement with Vanguard Utility Service, Inc. for Cold Water Meter Testing. Passed 5-0

Millrace Canal Lowering to Repair Bridge No. 303

Mayor Stutsman presented the packet memo.

Mayor Stutsman explained why the canal is lowered during this portion of the year. The City must seek approval from the DNR, work around spawning season and contractors must have availability in their schedule. Added he understands resident's frustration and inconvenience.

Nichols/Landis moved to approve the closure of Bridge 303 for repairs beginning July 12, 2021. Passed 5-0

Balancing Change Order No. 2: North Main Street Improvements, JN: 2016-0020

Mayor Stutsman presented the packet memo.

Nichols/Landis moved to approve balancing Change Order No. 2, decreasing the contract amount \$60,020.82 for a final contract amount of \$679,290.50. Passed 5-0

Notice of Closure- Plymouth Avenue

Mayor Stutsman presented the packet memo.

Nichols/Landis approved the closure of Plymouth Avenue for the Kids' and Teens' Triathlon on July 10, 2021. Passed 5-0



Request for Road Closure at the 1300-Block of South 8th Street

Water and Sewer Superintendent Kent Holdren presented the request for a road closure. *(Attached as Exhibit A)*

Nichols/Landis moved to approve the road closure at South 8th Street between New York Street and Lafayette Street to thru traffic on Thursday, July 8th starting at 8:00 a.m. and reopening for traffic on Friday evening, July 9, 2021. Passed 5-0

Agreement for Pro Bono Engineering Services

Environmental Resilience Director Aaron Sawatsky-Kingsley presented the agreement. *(Attached as Exhibit B)*

Kingsley explained the purpose for the agreement and how it will benefit the Sensory Trail.

Nichols/Landis moved to approve the Pro Bono Contract with DLZ Indiana, LLC for the interactive water feature for the Goshen Sensory Trail. Passed 5-0

Privilege of the Floor

Annie Mininger, Goshen resident and downtown business owner asked about the Millrace Canal Lowering. Added that there has been increased residential activity on the canal.

Mayor Stutsman reiterated what was discussed earlier in the meeting. Added that the current dates are from July 12 - 23 and that the canal will take 2 – 3 days to refill.

Public Hearing: 221 West Wilden Avenue

Clerk's Note: At the time the Public Hearing started, petitioner Ronald Davidhizar was not present in the Council Chamber. 2:25 p.m.

City Attorney Bodie Stegelmann stated Building Department and Planning/Zoning Inspector Travis Eash was at the property this morning and spoke with the owner. Added that since there was a requested delay, no new evidence beyond June 21, 2021 would be accepted.

William Davis, Attorney at Law representing Ronald Davidhizar was present via zoom. Davis stated that Davidhizar was to be present at this hearing.

Mayor Stutsman stated he did take pictures and viewed the property himself but did not submit them as evidence. Landis stated he viewed the property as well and by June 1, 2021 he saw no compliance.



Eash responded that he had spoken with Davidhizar the morning of the hearing and that Davidhizar believed the hearing to be at 2:30 p.m. Eash provided updated pictures of the property as of June 23, 2021. (*Attached as Exhibit C*) Eash added that little to no work had been done to the property at the time that time. Added that the Original motion was for the violations to be completed by June 21, by June 23, 2021 only a few windows had been replaced.

Davis asked Mayor Stutsman and Landis if they planned on testifying during the hearing.

Stegelmann responded by saying anyone is able to drive by the residence as all of their repairs requested were exterior.

Mayor Stutsman asked Davis if he was aware how long the property had been owned by Davidhizar, to which Davis responded he didn't recall. Mayor Stutsman stated that crews were currently at the residence but was not aware of what work had been done. Added Davidhizar had a history with repeat violations.

Clerks Note: Ronald Davidhizar entered the chambers at approximately 2:38 p.m. and was informed of the current discussion.

Davidhizar stated the property was mowed after the first hearing and the inside was cleaned. Windows were repaired but replacing the patio doors was delayed. Davidhizar stated the business he orders his windows from was not open for a few days due to personal issues and only three windows were left to replace. Davidhizar added he has not order thermal pane glass from this vendor before and is not positive the vendor can repair the windows. Davidhizar was not able to get a purchase order for that reason. Also stated that he is not sure if the same business can fix the patio doors. Davidhizar said he was able to speak with the business today and stated they would be gone for another week.

Mayor Stutsman addressed that it has been several weeks since the order was placed and Davidhizar was given plenty of time to find other vendors.

Davis stated that he believed the Board was too involved with the prosecution due to the fact that the Mayor and Landis visited the residence. Davis suggested that the board now has an impartial view. Also stated that the two new Board Members, Swartley and Riouse, were not present during the original testimony in May and should recuse themselves. Added that Davidhizar be given an opportunity to repair the home; suggested by the end of November 2021.

Stegelmann stated he did not see any conflict with Mayor Stutsman and Landis driving by the residence, as anyone in the City could. Suggested the Mayor and Landis recuse themselves to avoid this issue being raised later in the process. Stegelmann stated the hearing was in front of a Board as a majority, not individual members.

Davidhizar stated the home was in good condition until recently when he claims the home was vandalized. Added that he requested the Goshen Police Department investigate the break in and stated no report was brought to him. Davidhizar added it will take time to repair the home and he intends to either rent out the home or sell it.

Board discussion with Davidhizar as the purpose and intention of the property continued.



Clerk's Note: Mayor Stutsman and Landis recused themselves from further discussion and voting. As Chair, Mayor Stutsman continued to lead the meeting.

Davis asked Davidhizar a series of questions regarding his property and his intentions with the home. Also asked what Davidhizar believed the residence to be valued at to which Davidhizar believed it was worth \$50,000. Davis continued with stating that if the residence was to be demolished, Davidhizar would lose \$60,000-\$65,000 in possible revenue.

Bodie provided legal insight to the possibility of loss of revenue and went over the other options the Board could vote on. Stated calculating loss of rent income should not be included as the residence has never been rented.

Riouse expressed that since Davidhizar owns the residence, he should take responsibility on its upkeep and stop the cycle of repeat offenses.

Swartley included that the reason the home was vandalized is because it was left to look vacant and uncared for.

Discussion on actions the Board could take continued. Nichols expressed her intended motion and Stegelmann assisted in prospering wording for the motion.

Nichols/Riouse moved to the property at 221 West Wilden Avenue unsafe and owner has not complied. Board orders the structure on the property to be demolished 60 days (August 21, 2021) from July 6, 2021. Passed 3-0, 2 abstain.

| | |
|------------------------|----------------|
| Mayor Stutsman: | Abstain |
| Landis: | Abstain |
| Nichols: | Yes |
| Swartley: | Yes |
| Riouse: | Yes |

Public Hearing Closed.

Stutsman/Landis moved to approve Civil City and Utility claims and adjourn. Passed 5-0

Adjournment at 3:28 p.m.

APPROVED

Jeremy Stutsman, Chair



Michael A Landis

Michael Landis, Member

Mary Nichols

Mary Nichols, Member

Barb Swartley

Barb Swartley, Member

DeWayne Riouse

DeWayne Riouse, Member

ATTEST

Ruth R. [Signature]

Clerk-Treasurer