



**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD
MINUTES OF THE August 1, 2022 REGULAR MEETING**

Convened at 2 p.m. at Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Present: Mayor Jeremy Stutsman and members Mike Landis, Mary Nichols, DeWayne Riouse and Barb Swartley
Absent: None

CALL TO ORDER: Mayor Stutsman called the meeting to order at 2:00 p.m.

REVIEW/APPROVE MINUTES: Mayor Stutsman presented the minutes of the July 25, 2022 regular meeting. Board member DeWayne Riouse moved to approve the minutes as presented and the motion was seconded by Board member Mary Nichols. Motion passed 5-0.

REVIEW/APPROVE AGENDA: Mayor Stutsman presented the meeting agenda. Board member Riouse moved to approve the agenda as submitted. Board member Nichols seconded the motion. Motion passed 5-0.

1) Police Department: Promotion and swearing in of Paige E. Hershberger as a Patrol Officer

City Police Chief José Miller asked the Board to approve the promotion of Paige E. Hershberger from the position of Probationary Patrol Officer to the rank of Patrol Officer, effective Aug. 2, 2022. Chief Miller said on Aug. 2, 2022, Officer Hershberger will have completed her 12-month probationary period. He added that Officer Hershberger has demonstrated that she will be a great addition to the Goshen Police Department and to this community.

Riouse/Nichols moved to approve the promotion of Paige E. Hershberger to the rank of Patrol Officer, effective Aug. 2, 2022. Motion passed 5-0. The Mayor then swore Officer Hershberger into office.

2) Police Department: Promotion and swearing in of Kaleb E. Rucker as a Patrol Officer

City Police Chief José Miller asked the Board to approve the promotion of Kaleb E. Rucker from the position of Probationary Patrol Officer to the rank of Patrol Officer, effective Aug. 2, 2022. Chief Miller said on Aug. 2, 2022, Officer Rucker will have completed his 12-month probationary period. He added that Officer Rucker has demonstrated that he will be a great addition to the Goshen Police Department and to this community.

Riouse/Nichols moved to approve the promotion of Kaleb E. Rucker to the rank of Patrol Officer, effective Aug. 2, 2022. Motion passed 5-0. The Mayor then swore Officer Rucker into office.

3) Fire Department: Promotion and swearing in of Michael L. Fairfield as a Private First Class

City Fire Chief Danny Sink asked the Board to approve the promotion of Michael L. Fairfield to the rank of Private First Class, effective Aug. 2, 2022. Chief Sink said on Aug. 2, 2022, Private First Class Fairfield will have completed his probationary year with the Goshen Fire Department. He added that Private Fairfield merits promotion based on his performance and recommendations from his shift Battalion Chief and Training Officer.



Riouse/Nichols moved to approve promotion of Michael L. Fairfield to the rank of Private First Class, effective Aug. 2, 2022. Motion passed 5-0. The Mayor then swore Private First Class Fairfield into office.

4) Fire Department: Promotion and swearing in of Daniel J. Kurtz as a Private First Class

City Fire Chief Danny Sink asked the Board to approve the promotion of Daniel J. Kurtz to the rank of Private First Class, effective Aug. 2, 2022. Chief Sink said on Aug. 2, 2022, Private First Class Kurtz will have completed his probationary year with the Goshen Fire Department. He added that Private Kurtz merits promotion based on his performance and recommendations from his shift Battalion Chief and Training Officer.

Riouse/Nichols moved to approve promotion of Daniel J. Kurtz to the rank of Private First Class, effective Aug. 2, 2022. Motion passed 5-0. The Mayor then swore Private First Class Kurtz into office.

5) Fire Department: Promotion and swearing in of Timothy C. Perry as a Private First Class

City Fire Chief Danny Sink asked the Board to approve the promotion of Timothy C. Perry to the rank of Private First Class, effective Aug. 2, 2022. Chief Sink said on Aug. 2, 2022, Private First Class Perry will have completed his probationary year with the Goshen Fire Department. He added that Private Perry merits promotion based on his performance and recommendations from his shift Battalion Chief and Training Officer.

Riouse/Nichols moved to approve promotion of Timothy C. Perry to the rank of Private First Class, effective Aug. 2, 2022. Motion passed 5-0. The Mayor then swore Private First Class Perry into office.

6) Fire Department: Approve agreement with Emergency Services Marketing Corp., Inc., for the “I am Responding” emergency notification service

City Attorney Bodie Stegelmann asked the Board to approve and execute the agreement with Emergency Services Marketing Corp., Inc., for the “I am Responding” emergency notification service at a rate of \$800 a year.

Stegelmann said the “I am Responding” program will replace the Goshen Fire Department’s current emergency notification system and will allow the Fire Department to coordinate with other departments to provide mutual aid. Emergency Services Marketing Corp., Inc. will be paid \$800.00 per year for the service.

Riouse/Nichols moved to approve and authorize Chief Sink to execute the agreement with Emergency Services Marketing Corp., Inc., for the “I am Responding” emergency notification service at a rate of \$800 a year. Motion passed 5-0.

7) City of Goshen request: Approve the placement of a Welcome Week banner on Main Street, Aug. 12-Sept. 4, 2022

Mayor Stutsman asked the Board to approve the placement of a Welcome Week banner on Main Street beginning Aug. 12 through Sept. 4, 2022. The Mayor said the City of Goshen is requesting permission to place a banner on Main Street because Goshen College students will be arriving in waves beginning Aug. 5, but the new first-year students will move in and begin with Welcome Week on Aug. 21. Returning students arrive on Saturday, Aug. 27 and classes begin on Monday, Aug. 29.

Board member Landis said he knows other organizations have asked for banners on Main Street and asked the City’s criteria for approving them. **Mayor Stutsman** said the City usually declines such requests. However, he said the City makes exceptions for events or initiatives it is co-sponsoring, such as welcoming Goshen College students.



Riouse/Nichols moved to approve the placement of the Welcome Week banner on Main Street beginning Aug. 12 through Sept. 4, 2022. Motion passed 5-0.

8) Legal Department: Acceptance of easements from 510 Apple, LLC

Shannon Marks, the Legal Compliance Administrator for the City Legal Department, asked the Board to accept the permanent easement for storm sewer utility purposes and the temporary easement from 510 Apple, LLC, and authorize the Mayor to execute the acceptance for each.

Marks said both easements are located on the north side of Kercher Road, west of Southside Park Court. She said the permanent easement is for storm sewer utility purposes, and the temporary easement will be used for accessing and constructing the storm sewer under Kercher Road and connecting to an existing storm sewer. The temporary easement will end and automatically be released after completion of the project by Dec. 31, 2022.

Riouse/Nichols moved to accept the permanent easement for storm sewer utility purposes and the temporary easement from 510 Apple, LLC, and authorize the Mayor to execute the acceptance for each. Motion passed 5-0.

9) Legal Department: Acceptance of easement from Waterford Commons Business Park, LLC

Shannon Marks, the Legal Compliance Administrator for the City Legal Department, asked the Board to accept the temporary easement from Waterford Commons Business Park, LLC, and authorize the Mayor to execute the acceptance. **Marks** said the easement is located on the south side of Kercher Road. She said this area will be used for accessing and constructing a storm sewer under Kercher Road and connecting to an existing storm sewer. The temporary easement will end and automatically be released after completion of the project by Dec. 31, 2022.

Riouse/Nichols moved to accept the temporary easement from Waterford Commons Business Park, LLC, and authorize the Mayor to execute the acceptance. Motion passed 5-0.

10) Legal Department: Approve and execute the agreement with Newbury Construction Company, LLC, for installation of a metal roof at the Goshen Municipal Airport, Hanger B

Carla Newcomer, a paralegal with the City Legal Department, asked the Board to approve and execute the agreement with Newbury Construction Company, LLC, for installation of a metal roof at the Goshen Municipal Airport, Hanger B. Newcomer said Newbury, which is based in Lagrange, will be paid \$33,935.98.

Board member Landis asked if there were multiple contractors who bid on the project or if Newbury was the only one that sought the work. **City Attorney Bodie Stegelmann** said Newbury has been the low bidder for previous airport work. He said the City reached out to three contractors for bids, but only Newbury responded.

Riouse/Nichols moved to approve and execute the agreement with Newbury Construction Company, LLC, for installation of a metal roof at the Goshen Municipal Airport, Hanger B. Motion passed 5-0.

11) Legal Department: Approve and execute the agreement with OJS Building Services, Inc., for a HVAC Planned Maintenance Agreement for the Goshen Police and Courts Building.

Carla Newcomer, a paralegal with the City Legal Department, asked the Board to approve and execute the agreement with OJS Building Services, Inc., for a HVAC Planned Maintenance Agreement for the Goshen Police and Courts Building.



Newcomer said OJS Building Services, Inc., of Mishawaka will be paid \$7,880.00 in equal semi-annual installments of \$3,940.00.

Riouse/Nichols moved to approve and execute the agreement with OJS Building Services, Inc., for a HVAC Planned Maintenance Agreement for the Goshen Police and Courts Building. Motion passed 5-0.

12) Legal Department: Approve and execute the agreement with OJS Building Services, Inc., for a HVAC Planned Maintenance Agreement for the Goshen Police Training Facility

Carla Newcomer, a paralegal with the City Legal Department, asked the Board to approve and execute the agreement with OJS Building Services, Inc., for a HVAC Planned Maintenance Agreement for the Goshen Police Training Facility. Newcomer said OJS Building Services, Inc., of Mishawaka will be paid \$7,300.00 in equal semi-annual installments of \$3,650.00.

Riouse/Nichols moved to approve and execute the agreement with OJS Building Services, Inc., for a HVAC Planned Maintenance Agreement for the Goshen Police Training Facility. Motion passed 5-0.

13) Legal Department: Approve entry agreements for the stormwater project in The Crossing subdivision Shannon Marks, the Legal Compliance Administrator for the City Legal Department, asked the Board to approve the attached Right of Entry Agreements for the stormwater project in The Crossing subdivision, and authorize the Mayor to execute the Agreements on behalf of the City.

Marks said the City is constructing a stormwater project to improve drainage and stormwater retention facilities in The Crossing subdivision. As part of this project, Marks said it is necessary for the City to remove the existing berm constructed upon the rear yard of the real estate of the property owners located on the south side of Lighthouse Lane, construct a swale within the City's existing 25-foot stormwater drainage easement that extends along the southern boundary of the parcels of real estate, and grade and stabilize the rear yards.

Marks said the City has requested a temporary right of entry upon the following property owners' real estate to perform this work: 1. Sharon Price and Michael Price, husband and wife; 2. Ruth Borntreger; 3. Samuel Gutierrez Rangel; 4. Edward J. Plug and Irma O. Plug, husband and wife; 5. Jesus E. Araujo Gutierrez and Agny C. Medina De Araujo, husband and wife; 6. Tyler Kevin Rothhaar and Lillian Rothhaar, husband and wife; 7. Kirk J. Manning and Crystal A. Manring, husband and wife; 8. Scott J. Sloat and Celeste A. Sloat, husband and wife; 9. Carlos Avelar and Tania Samra, tenants by the entirety; and 10. The Crossing Development LLC.

Riouse/Nichols moved to approve the attached Right of Entry Agreements for the stormwater project in The Crossing subdivision, and authorize the Mayor to execute the Agreements on behalf of the City. Motion passed 5-0.

14) Water & Sewer Department: Request for the partial closure of Wilden Avenue, from Aug. 2 through Aug 4, 2022, to disconnect utilities at four homes

Kent Holdren, Superintendent of City Water Treatment and Sewer Collection, asked the Board for permission to close Wilden Avenue, between North 1st Street and North 2nd Street, to through traffic, on Tuesday, Aug. 2, starting at 7 a.m., and reopening for traffic on Thursday evening, Aug. 4, 2022.

Holdren said the closure is needed for the safety of work crews and the public because the City of Goshen Water and Sewer Department will be disconnecting utilities for four homes on Wilden Avenue.



Holdren said City staff will notify Goshen Schools and EMS and ensure that the garbage is moved to the appropriate locations for pick up. **Board member Landis** clarified the start date of the closure with **Holdren**.

For the record, **Mayor Stutsman** also stated that **Holdren** was married over the weekend. He added that he heard it was a "beautiful ceremony."

Riouse/Nichols moved to allow the closure of Wilden Avenue, between North 1st Street and North 2nd Street, to through traffic, on Tuesday, Aug. 2, starting at 7 a.m., and reopening for traffic on Thursday evening, Aug. 4, 2022. Motion passed 5-0.

15) Engineering Department: Approve lane restrictions and trail closure along Kercher Road, Aug. 8 until Sept. 3, 2022, for work on the Kercher Road Storm Sewer Crossing project

City Director of Public Works & Utilities Dustin Sailor asked the Board to approve lane restrictions and a trail closure along Kercher Road from August 8 until Sept. 3, 2022.

Sailor said Niblock has requested permission to shift the eastbound lane and close the pedestrian trail along Kercher Road from Messick Drive to Southside Park Court, from Aug. 8 to Sept. 3, 2022. Two-way traffic will be maintained with two, 12-foot-wide lanes. All necessary traffic control devices and temporary pavement markings will be utilized. The lane restrictions and closure were requested as part of the Kercher Road Storm Sewer Crossing project.

Riouse/Nichols moved to approve lane restrictions and the trail closure along Kercher Road from Aug. 8 until Sept. 3, 2022. Motion passed 5-0.

16) Engineering Department: Approve lane restriction on Chicago Avenue, Aug. 2, thru Aug. 12, 2022, for the installation of fiber conduit by TCS Communications, LLC.

City Director of Public Works & Utilities Dustin Sailor asked the Board to approve a lane restriction on Chicago Avenue, beginning Aug. 2 through Aug. 12, 2022, for the installation of fiber conduit.

Sailor said TCS Communications, LLC, working for Frontier Communications, has requested a lane restriction to install fiber conduit along Chicago Avenue. The limits of the work zone are from Pike Street to Riverside Boulevard. He said traffic controls will include signs, cones and flaggers as required. The contractor will be allowed one lane to work within at any one time.

Riouse/Nichols moved to approve a lane restriction on Chicago Avenue, beginning Aug. 2 through Aug. 12, 2022, for the installation of fiber conduit. Motion passed 5-0.

17) Engineering Department: Approve the closure of eastbound Jefferson Street, from Aug. 2 thru August 4, 2022, for utility connections work at 114 W. Jefferson St.

City Director of Public Works & Utilities Dustin Sailor asked the Board to approve the closure of eastbound Jefferson Street, from Aug. 2 through Aug. 4, 2022, for utility connections to 114 W. Jefferson St. **Sailor** said Schrock Commercial has notified the Engineering Department of requested lane restrictions associated with utility connections for the future establishment, Barecito. He said Schrock Commercial requested Jefferson Street between 3rd and Main Street to be closed to eastbound traffic, Aug. 2 through Aug. 4, 2022.

Riouse/Nichols moved to approve the closure of eastbound Jefferson Street, from Aug. 2 through Aug. 4, 2022, for utility connections to 114 W. Jefferson St. Motion passed 5-0.



18) Engineering Department: Approve and authorize the Mayor to sign an indemnity agreement with Rieth-Riley Construction Co, Inc. for use of the vacant City property at 908 N 5th Street for construction staging
City Director of Public Works & Utilities Dustin Sailor asked the Board to approve and authorize the Mayor to sign the indemnity agreement with Rieth-Riley Construction Co, Inc. for use of the vacant City property at 908 N 5th Street for construction staging.

Sailor said the Wilden Avenue Reconstruction project is scheduled to begin construction this week. Due to limited space within the project limits, Rieth-Riley intends to use the vacant City property at 908 N 5th Street for staging of construction equipment and materials. He asked the Board to approve the indemnity agreement with Rieth-Riley for use of the City-owned property. Included in the agreement are requirements to incorporate the staging area in the project Stormwater Quality Control Plan and restore the area after construction is complete.

In response to a question from **Mayor Stutsman**, **Sailor** said this will be the staging area for the entire project.

Riouse/Nichols moved to approve and authorize the Mayor to sign the indemnity agreement with Rieth-Riley Construction Co, Inc. for use of the vacant City property at 908 N 5th Street for construction staging. Motion passed 5-0.

19) Engineering Department: Approve closure of three parking spaces in the southwest corner of City Hall to use as a staging area for the contractor filling the vault and rebuilding the steps

City Director of Public Works & Utilities Dustin Sailor asked the Board to approve the closure of three parking spaces at the southwest corner of City Hall to use as a staging area for work being done at City Hall..

Sailor said the three parking spaces along the southwest corner of the City Hall parking lot are needed, starting Monday, Aug. 1, to serve as a staging area for Vander Wey and Sons. He said the spots will be needed until the work is complete, which is expected to take three to four weeks.

Mayor Stutsman said the work will involve filling a vault and rebuilding the front steps of City Hall. **Clerk-Treasurer Aguirre** noted that because of the recent planting of a tree, more like 2½ spaces are available.

Riouse/Nichols moved to approve the closure of up to three parking spaces in the southwest corner of City Hall for a staging area for the contractor filling the vault and rebuilding the steps. Motion passed 5-0.

20) Engineering Department: Approve agreement with Abonmarche Consultants, Inc. to provide staking for the construction of the North Indiana Avenue Recycling Drop-off site

City Director of Public Works & Utilities Dustin Sailor asked the Board to approve the agreement with Abonmarche Consultants, Inc. for \$7,200.00 to provide staking for the construction of the recycling drop-off site on North Indiana Avenue.

Sailor said the Goshen Engineering Department is seeking approval of an agreement with Abonmarche Consultants, Inc. to stake the North Indiana Avenue Recycling Drop-off Site. Abonmarche will be paid at hourly rates shown in the agreement with a not to exceed amount of \$7,200.00. The construction of the project will be done by the City of Goshen Water and Sewer Department.

Riouse/Nichols moved to approve the agreement with Abonmarche Consultants, Inc. for \$7,200.00 to provide staking for the construction of the recycling drop-off site on North Indiana Avenue. Motion passed 5-0.



21) Engineering Department: Approve Change Order No. 1, in the amount of \$1,938.93, to allow HRP to remove a catch basin and plug two pipes at the West Goshen Crossing subdivision

City Director of Public Works & Utilities Dustin Sailor asked the Board to approve Change Order No. 1 in the amount of \$1,938.93, which is a 0.14% increase to allow HRP to complete the West Goshen Crossing Subdivision drainage improvements.

Sailor said during the grading of Basin 3, HRP found a catch basin that was not shown on the plans. The catch basin is sticking out of the ground and will need to be removed. Once removed the two pipes will need to be plugged with 2 feet of concrete and bricks. The approval of Change Order No.1 is for \$1,938.93, which raises the total project cost to \$1,368,029.16 and is a 0.14% increase.

Riouse/Nichols moved to approve Change Order No. 1 in the amount of \$1,938.93, a 0.14% increase, to allow HRP to complete the West Goshen Crossing Subdivision drainage improvements. Motion passed 5-0.

Privilege of the Floor (opportunity for public comment for matters not on the agenda):

Mayor Stutsman opened Privilege of the Floor at 2:30 p.m.

Dorma L. Metzger of Goshen, the owner of 206 N. Main Street, which was the subject of agenda item #22, addressed the Board of Works & Safety on the matter.

Metzger said three weeks ago, **Deputy City Mayor Mark Brinson** and another City staff member contacted her son, **Duane Metzger**, and ask to meet with them, which they did. She said Brinson proposed that the family donate the parking lot (with the vault underneath) to the City and the City would do the work to fill and seal the vault as required by the City. She said Brinson further told them there would be no cost for this work to New Image (which is adjacent to the parking lot and owned by the Metzgers) because this would be a tax-deductible property and a donation.

Metzger said she and her son were told that the contractor very likely would not begin the vault filling and sealing project until next construction season, which would be the spring of 2023. In the meantime, Metzger said they were told they could continue using the parking lot until construction began.

Metzger said using the City engineer's drawing as a guide, her son has done extensive work putting up multiple "no parking" signs and painting the approximately one-third of the parking lot that is over the vault area. She said these efforts have kept cars from entering this area.

Metzger said the diagram they have depicts only one door into the building. But she said there is a second door further back with entry into two-thirds of the building allowing for an additional tenant, who has been there for many years. She said parking needs to be allowed for handicapped entry from the parking lot and next to the building.

Metzger said that when the vault filling project is complete, the parking lot should be of benefit to the north end of town and help with the limited parking in the area. Metzger said she will be meeting with her accountant and real estate agent to discuss the particulars and will get back to Brinson. And Metzger said Brinson indicated he would put together a draft for Metzger and her son to review and they will then get back to him.

Mayor Stutsman thanked **Metzger** and said the Board of Works and Safety would get back to her in a moment. He asked if anyone else wanted to comment during Privilege of the Floor.



There were no further public comments, so Mayor Stutsman closed Privilege of the Floor at 2:32 p.m.

22) Board of Public Works and Safety Order: Continued hearing for vault at 206 N. Main Street (Dorma L. Metzger, property owner)

At 2:32 p.m., Mayor Stutsman opened a public hearing on the Order of the City of Goshen Building Commissioner for the Underground Vault at 206 N. Main Street, owned by Dorma L. Metzger of Goshen. Mayor Stutsman said the Board would consider Dorma Metzger's comments during Privilege of the Floor to be applicable for this hearing on her property.

City Attorney Bodie Stegelmann told the Board that he spoke to Deputy Mayor Brinson at the end of last week and he basically confirmed everything that Dorma Metzger just said. Stegelmann said it would take some time to get the proper paperwork together and he suggested continuing the hearing to mid- to late-September. He said the matter should be resolved by then.

Mayor Stutsman asked Board members if they had any questions. They did not.

Mayor Stutsman/Board member Riouse moved to continue the hearing for the vault at 206 N. Main Street (Dorma L. Metzger, property owner) to Oct. 3, 2022. Motion passed 5-0.

BACKGROUND:

On April 25, 2022, City Building Commissioner Myron Grise notified Jerry and Dorma Metzger, owners of 206 N. Main Street, that an underground vault on their property was in violation of Goshen City Code.

The Goshen Building Department and Clear Creek & Associates, Inc. inspected the property at 206 N. Main Street. Violations of the Neighborhood Preservation Ordinance (Minimum Housing Ordinance) were cited. The real estate was inspected again on April 27, 2021 which showed no significant improvement.

The real estate was deemed unsafe within the meaning of Indiana Code§ 36-7-9-4 in that the underground vault and parking lot above the vault on the real estate is in an impaired structural condition that makes it unsafe and dangerous to person or property because of a violation of Goshen City Code Title 6, Article 3, Chapter 1 concerning building condition or maintenance.

The following violations of Section 6, Article 3, Chapter 1 of the Goshen City Code were cited by the Goshen Building Department inspector and have not been satisfactorily repaired or remedied:

1. There are multiple areas where the structure has begun to collapse or is in danger of collapsing (violation of Section 6.3.1.1 (p)).
2. There is water entering the vault and the ceiling is beginning to collapse causing the structure to be unsafe and dangerous (violation of Section 6.3.1.1 (b)).
3. There are multiple areas where the concrete is fractured and in danger of collapsing (violation of Section 6.3.1.1(j)).



4. The support beams do not support the proper load required (violation of Section 6.3.1.1(1)).
5. Steel and concrete corrosion that is supporting the parking lot above the vault has severe cracking and is beginning to collapse (violation of Section 6.3.1.1 (o)).
6. The vault and parking lot above has deteriorated to the point that it is unsafe to be used as intended (violation of Section 6.3.1.1(r)).
7. The roof, walls and columns of the vault are all deteriorating so that the structural integrity cannot hold the loads imposed on the parking lot above (violation of Section 6.3.1.1(y)).

The property owners were ordered to seal and fill in the vault to the City of Goshen Engineering Department's specifications and ensure that it is in compliance with Title 6, Article 3, Chapter 1 of the Goshen City Code by June 3, 2022.

In the event that the property owners failed to comply with this Order, the City of Goshen could take action to make the required corrections and bill the owners for the costs of such work, including, the actual cost of the work performed and an amount equal to the average processing expense the City will incur in pursuing this matter. Such amounts could become a lien upon the property and can ultimately be enforced as any other judgment.

The Metzgers were further notified that a hearing would be held before the Board of Public Works and Safety on June 6, 2022 to review the Order of the City of Goshen Building Commissioner. The hearing was convened as scheduled.

June 6, 2022 hearing testimony, discussion and decision:

Speaking for property owners Jerry and Dorma Metzger was **Duane Metzger**, who said he was representing his parents. He said his father is deceased. Metzger said the size of the vault has been misinterpreted. He said it is only on an edge of the property, and is not as unsafe as alleged because it is not under the primary parking area.

Building Commissioner Myron Grise presented the Board with Memorandum, dated June 6, 2022, about the condition of the property at 206 N. Main Street

Grise said the property has been under review for a while, but the size of the vault was unknown until an inspection. A consultant for the City, Clear Creek & Associates, inspected the vault and rated it as needing immediate repair and should be filled. He said the City recently received a report that part of the parking lot was collapsing into the vault. **Grise** reported that while a portion of the parking lot has been marked off to prohibit parking, the vault is showing increasing signs of failing and the parking lot is in danger of collapse. He showed photos of the vault's condition. **Grise** said the family got an estimate to fill in the vault, but no work has been done. **Metzger** said the estimate was about \$34,000 about a year and a half ago. **Metzger** said he has worked to limit parking in the private lot. He suggested that the City purchase a portion of the lot and make the repairs. **Grise** said the vault has old equipment, other items and debris that will have to be removed before the vault is filled.

Asked by **Mayor Stutsman** about the options for the Board, **City Attorney Bodie Stegelmann** said the Building Commissioner was asking that vault be filled. **Grise** said he fears the vault will collapse and that a vehicle will fall through if the vault is not filled soon.



In response to a question from the **Mayor**, **City Attorney Stegelmann** said the City has had initial discussions about obtaining part of the parking lot. **Mayor Stutsman** said the Board could deem the vault to be unsafe and allow those City discussions to continue on how to resolve the situation.

Metzger, Grise and Board members discussed options on how to proceed as well as details of the private parking lot. **City Public Works and Utilities Director Dustin Sailor** said the lot could accommodate 11 vehicles. **Stiegelmann** eventually recommended that the Board make a finding that the vault was unsafe, but delay any order for 30 to 45 days to allow the discussions to continue.

Mayor Stutsman/Landis moved to deem the area unsafe, but to continue the matter until July 18 to allow the City to conclude discussions with the property owner. Motion passed 4-0.

(NOTE: The scheduled hearing on July 18, 2022 was continued to Aug. 1, 2022 to allow City staff more time to speak with the property owners about the matter.)

At 2:34 p.m., the Mayor closed the hearing on the Order of the City of Goshen Building Commissioner for the Underground Vault at 206 N. Main Street.

As all matters before the Board of Public Works & Safety were concluded, Mayor Stutsman/Board member Riouse moved to approve Civil City and Utility claims and adjourn the meeting. Motion passed 5-0.

Mayor Stutsman adjourned the meeting at 2:34 p.m.

APPROVED

A handwritten signature in black ink, appearing to read "J. Stutsman", is written over a horizontal line. Below the line, the text "Jeremy Stutsman, Chair" is printed.

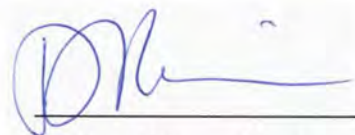
A handwritten signature in blue ink, appearing to read "Michael A. Landis", is written over a horizontal line.

Michael Landis, Member

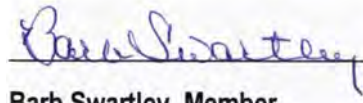




Mary Nichols, Member

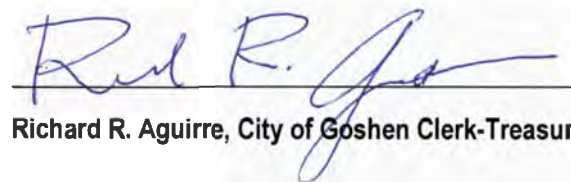


DeWayne Riouse, Member



Barb Swartley, Member

ATTEST



Richard R. Aguirre, City of Goshen Clerk-Treasurer