



MINUTES of October 26, 2020 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 Mike Landis, Member Mary Nichols

Absent: Chair Jeremy Stutsman

Minutes of Oct. 19 were presented.

Nichols/Landis moved to approve minutes of Oct. 19, 2020 as presented. Passed 2-0.

Nichols/Landis moved to move Building Commissioner Order for 203 Queen St. to final item, add N. Main St. closure extension for Rock Run sewer work, and approve agenda as amended. Passed 2-0.

Open Quotes for Compact Wheel Loader Purchase

One quote was received from RPM Machinery: \$46,984 including trade-in.

Landis/Nichols moved to refer the quote to Legal Dept. for review. Passed 2-0.

Request for Use of Parking Space by Electric Brew

Myron Bontrager, representing The Electric Brew, presented request in order to facilitate outdoor service on traditionally busy days during the holiday season. Landis commented that it seemed reasonable given what is going on with COVID-19.

Nichols/Landis moved approve the use of one parking space immediately east of the patio in front of The Electric Brew on Nov. 27 & 28, Dec. 24 & 26, Jan. 2. Passed 2-0.

Mechanical License for Martin L. Kain

Building Inspector Jim Ramer presented the packet memo.

Nichols/Landis moved to approve a City of Goshen mechanical license to Martin L. Kain. Passed 2-0.



Post-construction Plan Approval: Horizon of Hope Gazebo, JN: 2013-0037

Director of Public Works Dustin Sailor presented the packet memo.

Nichols/Landis moved to accept the second amendment to the post-construction stormwater management plan for Horizon of Hope Gazebo. Passed 2-0.

Agreement: Ladder Testing with Diversified Inspections/Independent Testing Laboratories

Paralegal Carla Newcomer presented the packet memo.

Nichols/Landis moved to approve and authorize the mayor to execute the agreement for ladder testing with Diversified Inspections/Independent Testing Laboratories, Inc. for a 3-year term and a total price not to exceed \$9756.00. Passed 2-0.

Agreement for Stormwater Drainage System Design with Abonmarche Consultants, Inc.

Legal Compliance Administrator Shannon Marks presented the packet memo.

Nichols/Landis moved to approve and execute the Agreement for Stormwater Drainage System Design with Abonmarche Consultants, Inc. in amount of \$39,800 with all services except construction phase services to be completed by March 31, 2021. Passed 2-0.

Extension of Steury Ave. Lane Closure, JN: 2019-0037

Sailor presented the packet memo.

Nichols/Landis moved to approve an additional time extension for the closure of the southbound lane of Steury Ave. until Nov. 6, 2020. Passed 2-0.

Lane Restrictions: College Ave., Dierdorff Rd. for NIPSCO

Sailor presented the packet memo.

Nichols/Landis moved to approve lane restrictions on College Ave., Section 6 and Dierdorff Rd., Section 3 as shown on the [map in the packet] and traffic control plan Oct. 27-30, 2020. Passed 2-0.



Extension of Closure of N. Main St. for Rock Run Sewer Improvements, JN: 2019-0025C

Sailor presented the request. [Memo attached as Exhibit A.] Noted that two contractors are currently working in the area: Selge Construction north of the creek and Niblock Excavating south of the creek. Landis asked whether this time extension would be sufficient to reach the end of the construction work. Sailor said the contractors had failed to provide a timeframe, so staff was estimating three weeks based on their own observation of the status of work.

Landis/Nichols moved to approve the extension of temporary closure of N. Main St. north of Rock Run Creek Bridge and the intersection of N. Main St. and Middlebury St. until Nov. 20, 2020. Passed 2-0.

Building Commissioner Order for 203 Queen St.

Member Michael Landis opened the public hearing.

Building Inspector Ryan Conrad presented the board with photographs of the property taken at the last inspection conducted by the City on Oct. 21, 2020. [attached as Exhibit B]. Mr. Conrad stated that the property owner had made significant progress on the required repairs since the initial inspection conducted in July. Mr. Conrad stated that Items #4 and #6 in the Building Commissioner Order have been corrected. He commented on some of the other non-compliant items.

Landis asked whether the house was occupied. Conrad stated it was. Continued by noting property owner had replaced stove; outstanding issues were electrical, foundation, and ceiling in utility room.

Landis asked whether July was first contact with this house. Conrad checked his notes and said first inspection was August 25, 2020. Landis asked whether that was the date of first notice of items to be worked on. Conrad affirmed. Landis asked to confirm that first inspection was Aug. 25. Conrad said he was sorry, first inspection was July 28. Said reinspection was performed Aug. 25 at which time some items had been corrected. Conrad said subsequent inspection was Sept. 15, at which time there were no additional improvements. Landis asked Mr. Conrad whether items 1, 2, 3, and 5 were to his knowledge not yet completed. Mr. Conrad said that is correct.

Mr. Conrad said he was last at the house Wed. Oct. 21, at which time progress was being made on some items but they were not yet completed.

Bill Davis of the law firm Davis & Roose, attorney representing property owner Ronald E. Davidhizar (also present), asked about the objective of the present hearing. City Attorney Bodie Stegelmann explained that this is a formal hearing pursuant to the ordinance; said board is hearing about status of house. Stegelmann noted the order requires compliance by Oct. 30; said Board of Works can today make findings, then affirm, rescind, or modify the order.



Stegelmann said that if good cause is shown, Board of Works can extend the timeframe to achieve compliance; explained that if compliance is not achieved by Oct. 30, City can proceed with legal action.

Clerk-Treasurer Adam Scharf administered the following oath to Mr. Davidhizar:

"Please raise your right hand. Do you swear or affirm, under the pains of and penalties for perjury, to tell the truth in this matter before the Board of Works?"

Mr. Davidhizar said, "I affirm," then stated his name as Ron Davidhizar of 203 Middlebury St., Goshen.

Mr. Davis proceeded with questioning of Mr. Davidhizar. Davis asked Davidhizar whether he is the owner of real estate 203 Queen St. in Goshen, Indian. Davidhizar said he is.

Davis asked Davidhizar whether he had been served with a copy of the Building Commissioner Order. Davidhizar said he was not sure.

Davis referred to the utility room ceiling (Item #1) in the order and asked Davidhizar the status of the item. Davidhizar said it is repaired.

Davis asked Davidhizar about the status of Item #3. Davidhizar said a wire had come loose from a wire nut; the main disconnect has been installed. Davis asked whether Item #3 is fixed, and the basement light turns on. Davidhizar said he thinks so and it was working.

Davis referred to Item #4 and asked Davidhizar whether he is aware of any lighting fixtures not securely fastened as of today. Davidhizar said he was not aware of any.

Davis asked whether foundation repair, Item #5, had been taken care of. Davidhizar said yes.

Davis noted the Building Commissioner said the stove had been replaced; asked Davidhizar if that is correct, and that the stove is in and operating properly. Davidhizar said he thinks so.

Davis returned to Item #2 regarding electrical box. Davidhizar explained that he had wanted to upgrade 60 amp electrical service to 100 amp; said inspector informed him of requirement to install a main disconnect, which he did outdoors. Davidhizar said the breaker box inside will therefore have to be abandoned in favor of one without a main breaker. Davis prompted Davidhizar to refer to the photos [attached as Exhibit B] in his explanation to the board. In the 11th of the 13 photos, Davidhizar pointed to the main breaker in the top middle of the box. Davidhizar said the electrical riser had been below the soffit; he replaced with a higher one that extends above the roof. Davidhizar said two ground rods have been installed; panel without main breaker needs to be installed next. Davis asked whether that could be completed by Thursday. Davidhizar said his portion could be but uncertain about NIPSCO portion. Davis asked what NIPSCO needs to do. Davidhizar said they need to detach the service from the lower riser and attach to the higher riser.

Davis asked Davidhizar whether he could do everything he could do to correct this situation and meet all six complaints by Thursday. Davidhizar said he is not sure what they are. Davis said he had just read them.



Referring to a copy of the order, Davidhizar said the foundation, gas connection, electrical disconnect have been done. Davidhizar said during foundation work deteriorated siding was discovered, then replaced this past Saturday.

Davis asked Davidhizar whether additional time beyond Oct. 30 would be required for any item on the list. Davidhizar replied that there was not any item that was not completed or could not be completed by Thursday. Davidhizar then asked for some additional time for the NIPSCO work to be completed. Landis asked whether Davidhizar had been in contact with NIPSCO engineer. Davidhizar said yes. Landis asked whether engineer was aware of project and ready for notice that project is ready. Davidhizar affirmed.

Davis suggested modification to require Davidhizar call NIPSCO by Thursday; asked Davidhizar if that would be appropriate. Davidhizar said yes except that only after NIPSCO switchover could new breaker panel be installed; said ten days after NIPSCO switchover would be adequate to complete the work.

Landis noted photos are dated Oct. 21. Said generally the board makes findings of condition. Landis asked Conrad whether he had inspected since Oct. 21. Conrad said he had not. Landis said they cannot confirm status via city staff and were reliant on Davidhizar's word, which he is not comfortable with.

Stegelmann said the ordinance requires the board to make a finding. Discussion of technical details for formulation of findings.

Conrad said his main concern is to have a licensed electrical contractor, city permit and inspection. Landis asked whether a permit had been issued for the electrical work. Conrad said no.

Davis asked Davidhizar what his estimated expense for this electrical work had been since he had done it himself. Davidhizar said \$200, maybe \$250. Davis asked whether his understanding was that no permit was required under a certain dollar amount. Davidhizar said yes. Davis asked what the number was. Davidhizar said \$600.

Davis asked Conrad whether Davidhizar is misunderstanding the rules or the law. Conrad said he did not tell Davidhizar that; maybe someone in permitting told him that, but Conrad said he is unaware of it. Conrad said his main concern is that work is completed safely and up to code.

Davis said his understanding is that Davidhizar has done a lot of electrical work over the years. Asked Conrad whether he would inspect even if licensed electrician did not perform the work. Conrad said they would.

Landis/Nichols moved to make the finding that on the Oct. 5 Order of the Building Commissioner there were 6 items that needed to be taken care of; that photographs from Oct. 21 appear to show most not completed; that Mr. Davidhizar represents that all but the electrical box (Item #2) have been completed. Further, that a city inspection will be required to confirm completion of all of the items, and any found by city inspection not to be completed must be completed to satisfaction of Building Dept. Passed 2-0.



Landis/Nichols moved that by Oct. 30 NIPSCO must be contacted for the service entrance work, and provided that all related work is then completed within 7 days of NIPSCO completing their work, the matter before the board will be resolved without further action. Passed 2-0.

Landis closed the public hearing.

PRIVILEGE OF FLOOR: Scharf informed the board that the process for Redevelopment Commission claims for payment have been approval first by that board, then Board of Works. Scharf said he has checked with City's municipal advisor and with State Board of Accounts, who advise that Redevelopment Commission approval would still be required but Board of Works approval could be eliminated, which would allow a reduction of about one week in the time required to issue payment to vendors. Scharf invited comments and feedback; said Mayor and Legal Dept. would be consulted about implementation.

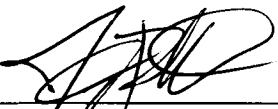
Landis/Nichols moved to approve civil city and utility claims and to adjourn. Passed 2-0.

Adjournment at 2:48 p.m.

Exhibit A: Engineering Dept. memo re: N. Main St. closure for Rock Run sewer work (1 page)

Exhibit B: Photographs of 203 Queen St. taken Oct. 21, 2020 by Building Inspector Ryan Conrad (13 pages)

APPROVED

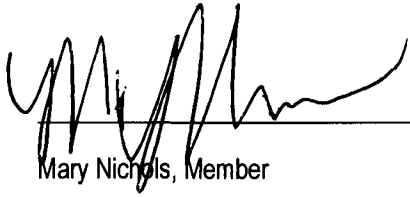


Jeremy Stutsman, Chair



Michael Landis, Member




Mary Nichols, Member

ATTEST

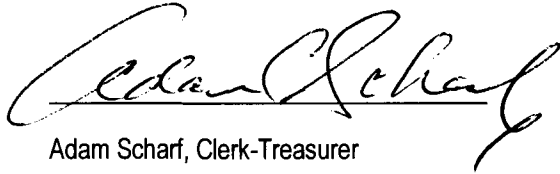

Adam Scharf, Clerk-Treasurer

EXHIBIT A: 10-26-20



Engineering Department
CITY OF GOSHEN

204 East Jefferson Street, Suite 1 • Goshen, IN 46528-3405

Phone (574) 534-2201 • Fax (574) 533-8626 • TDD (574) 534-3185
engineering@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Board of Works Public and Safety

FROM: Engineering

RE: **ROCK RUN SEWER IMPROVEMENTS**
(JN: 2019-0025C)

DATE: October 26, 2020

Due to delays on the Rock Run Sewer Improvements Project, Selge Construction has requested to extend the road closure of North Main Street between the Rock Run Creek bridge and the intersection of North Main Street and Middlebury Street for an additional 3 weeks. Selge will maintain open access for Meadowlark Cars and Indiana Paint & Collision. Furthermore, the closure will extend the current bike and pedestrian detour of the Maple City Greenway through Kauffman Park.

The closure, which began September 22, 2020, will now extend through November 20, 2020 in lieu of the previous date of October 30, 2020. The previously established traffic control plans will remain in effect.

Requested motion: Move to approve the extension of the temporary closure of North Main Street between the Rock Run Creek Bridge and intersection of North Main Street and Middlebury Street to November 20, 2020.

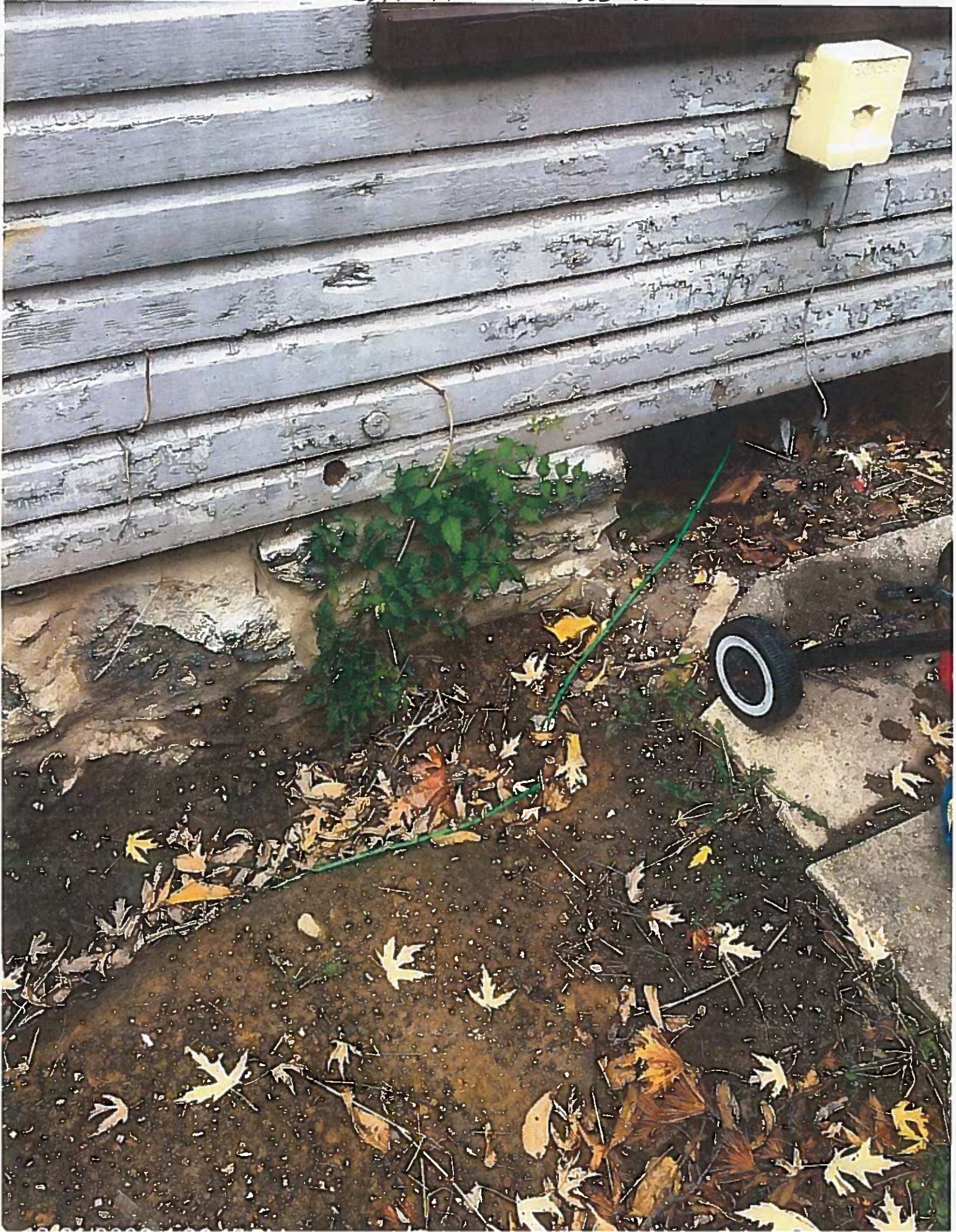
City of Goshen
Board of Works & Safety

Jeremy Stutsman, Mayor

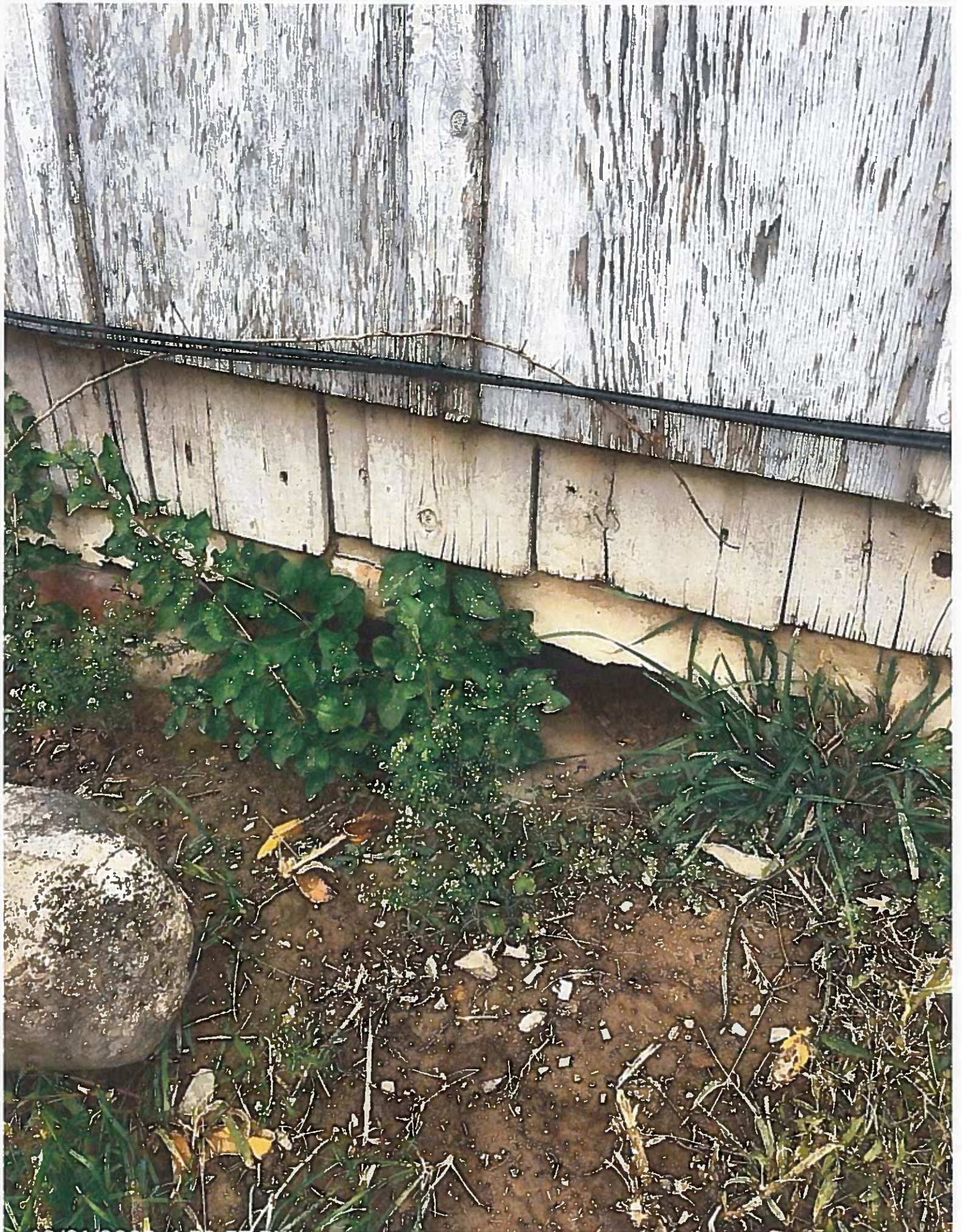
Mike Landis, Board Member

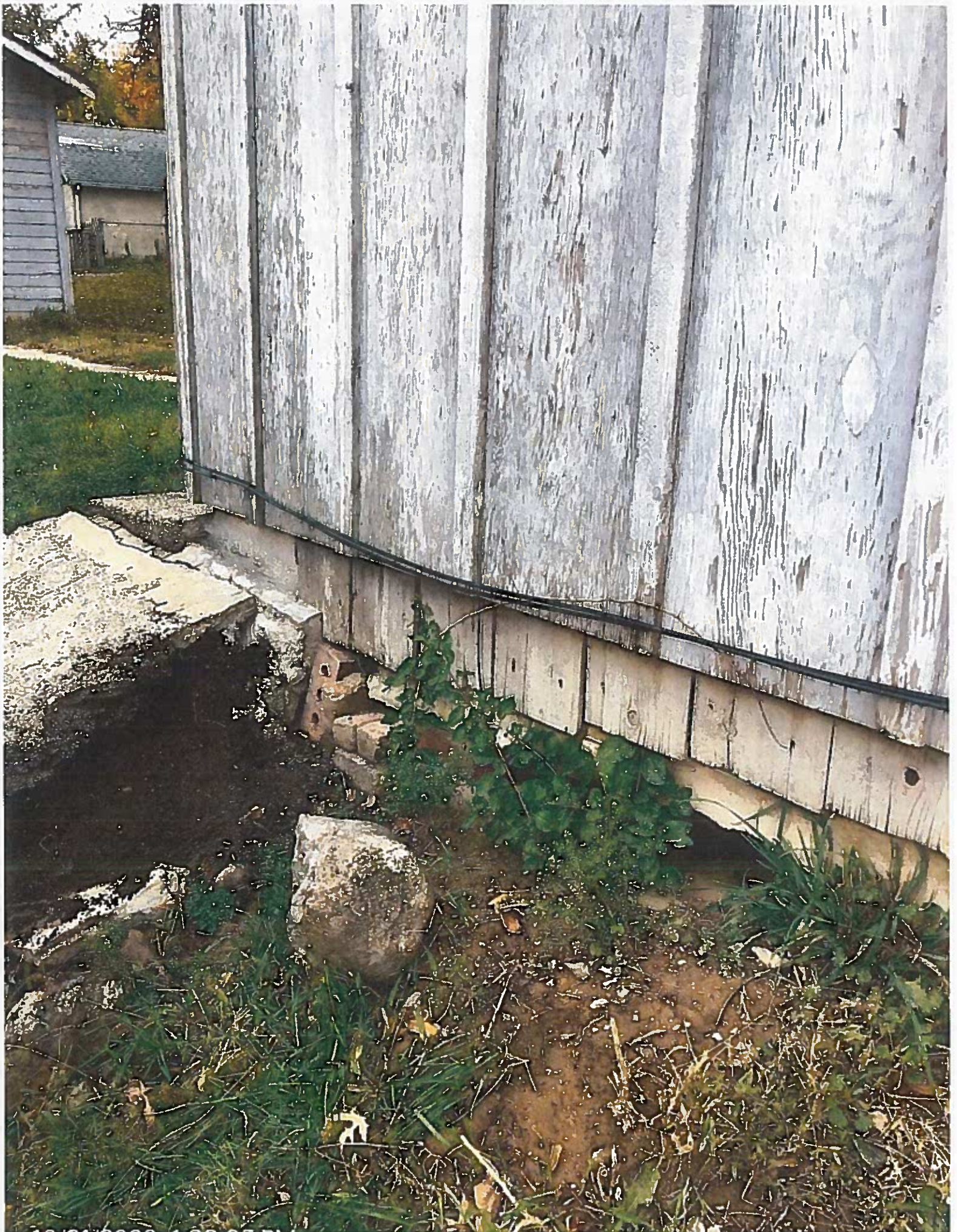
Mary Nichols, Board Member

EXHIBIT B: 10-26-20





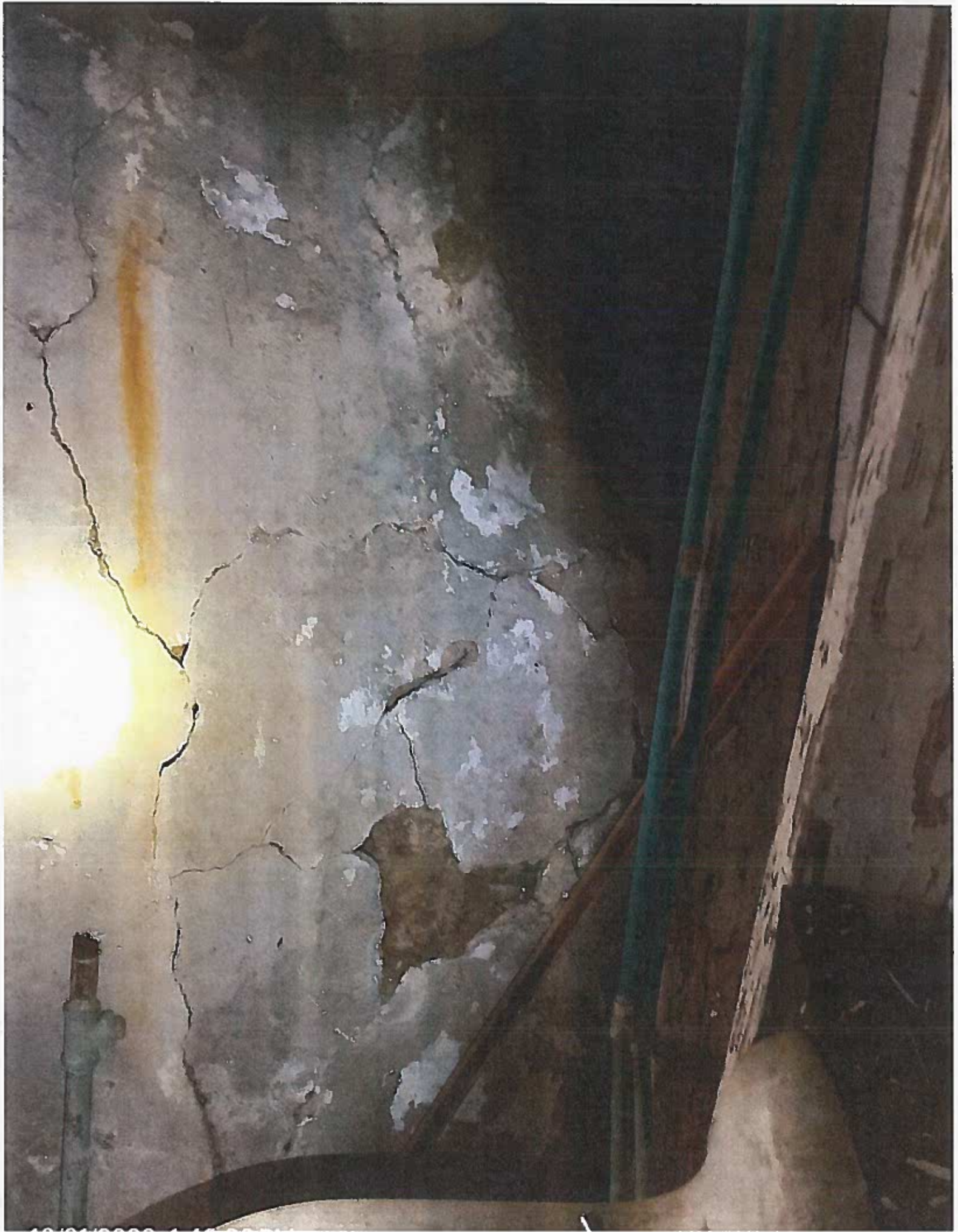








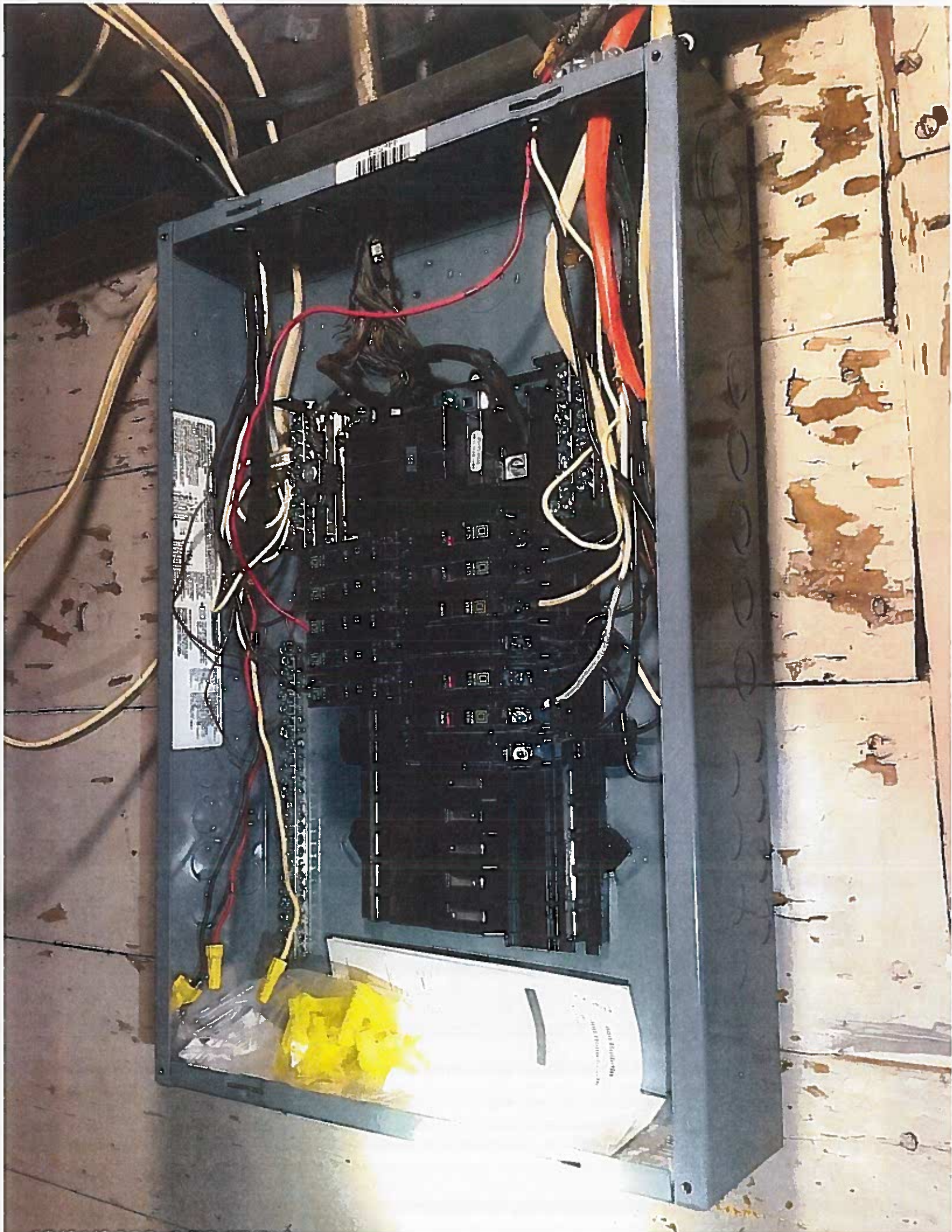






10/01/2000 1:50:17 PM







203 QUEEN
CITY'S BUILDING DEPARTMENT
300 E. 20TH STREET
COLUMBIA, MO
OFFICE 530-2233

STOP WORK ORDER

THIS NOTICE REQUIRES ALL PARTIES TO STOP WORK IMMEDIATELY ON THIS PROJECT.

WORK HAS BEEN DONE

- WITHOUT REQUIRED PERMITS
- BEYOND THE SCOPE OF A PERMIT
- WITHOUT BEING UNDER SUPERVISION
- IN VIOLATION OF BUILDING CODES
- BY UNLICENSED WORKERS
- OTHER _____

ISSUED BY: PAUL APPEL FOR AND OBTAIN ALL
PERMITS FROM COLUMBIA BUILDING DEPARTMENT
BEFORE ANY WORK BEGINS TO ENSURE

A. GONZALES 10/11/20
INSPECTOR



