

BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD

MINUTES OF THE JAN. 24, 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 p.m.

REVIEW/APPROVE MINUTES: Minutes of the Jan. 18, 2022 meeting of the Board of Works & Safety & Stormwater Board were presented. Board member DeWayne Riouse moved to approve the minutes as presented and the motion was seconded by Board member Barb Swartley. Motion passed 5-0.

REVIEW/APPROVE AGENDA: Mayor Stutsman presented the Board agenda with one added item, designated as agenda item #11. Wilden Avenue Reconstruction – NIPSCO Gas Relocation. Board member Riouse moved to approve the agenda as suggested. Board member Swartley seconded the motion. Motion passed 5-0.

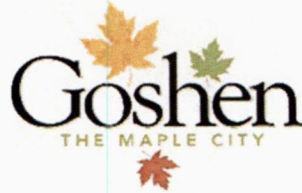
1) Fire Department: Promotion of Wesley A. White to Private First Class (Assistant Chief Anthony Powell)
Assistant Fire Department Chief Anthony Powell asked the Board to approve the promotion of Wesley A. White to the rank of Private First Class for the Goshen Fire Department, retroactive to Jan. 4, 2022. Assistant Chief Powell said White completed his probationary year on Jan. 4, 2022 and the promotion was recommended based on White's performance and recommendations from his shift Battalion Chief and Training Officer.

Riouse/Swartley moved to approve the promotion of Wesley A. White to the rank of Private First Class for the Goshen Fire Department, retroactive to Jan. 4, 2022. Motion passed 5-0. After the promotion was approved, Mayor Stutsman swore in Wesley A. White as a Private First Class for the Goshen Fire Department.

2) Fire Department: Resignation of Private First Class Adam Peisker (Assistant Chief Anthony Powell)
Assistant Fire Department Chief Anthony Powell asked the Board accept the resignation of Private First Class Adam Peisker from the Goshen Fire Department, effective Jan. 26, 2022. In his letter of resignation, Peisker wrote that he and his wife planned to leave the community and he is embarking on a new career. He wrote that he has enjoyed working for the department and he praised his colleagues. Assistant Chief Powell thanked Peisker for his service and wished him the best in his new endeavors. Mayor Stutsman echoed Chief Powell's sentiments.

Riouse/Swartley moved to accept the resignation of Private First Class Adam Peisker from the Goshen Fire Department, effective Jan. 26, 2022. Motion passed 5-0.

3) Police Department: Conditional offer of employment to Tanner Ray Warlick (Shannon Marks)
Shannon Marks, a paralegal with the City Legal Department, asked the Board to extend a conditional offer of employment to Tanner Ray Warlick as a probationary patrol officer and approve and authorize the Mayor to execute the Conditional Offer of Employment Agreement with Warlick.



The agreement set forth the conditions that Warlick must meet prior to beginning employment as a probationary patrol officer, and requires him to successfully complete all training requirements once employed. The Police Department will ask the Board to confirm the offer of employment when a position opening becomes available.

Riouse/Swartley moved to extend a conditional offer of employment to Tanner Ray Warlick as a probationary patrol officer and approve and authorize the Mayor to execute the Conditional Offer of Employment Agreement with Warlick. Motion passed 5-0.

4) Transit Services Agreement with MACOG (City Attorney Bodie Stegelmann)

Goshen City Attorney Bodie Stegelmann asked the Board to approve the Transit Services Agreement with MACOG and authorize the Mayor to sign on behalf of the Board. The Michiana Area Council of Governments (MACOG) is the recipient of grant funds which are used to provide the Interurban Trolley and Interurban Trolley ADA Paratransit Services. According to the agreement, the City will contribute \$62,000.00 in 2022 as local matching funds to be used for this transit program administered by MACOG. **Mayor Stutsman** said an expansion of the Trolley system in Goshen is being planned. However, the Mayor said the expansion is contingent on the delivery of another trolley, which has been delayed by supply chain issues.

Riouse/Swartley moved to approve the Transit Services Agreement with MACOG and authorize the Mayor to sign on behalf of the Board of Public Works and Safety. Motion passed 5-0.

5) Resolution 2022-05 Approving City of Goshen policies and repealing various policies

Goshen City Attorney Bodie Stegelmann asked the Board to approve Resolution 2022-05 – Approving City of Goshen Policies and Repealing Various Policies. The policies will be in the City Policy Manual, a compilation of personnel and procedural policies for all city employees, offices, and departments, unless otherwise specified.

Background: Mayor Stutsman said when City staff began reviewing City policies, they learned that some dated to the 1980s and some policies had never been formally approved. So, a review and revision process was launched. A nine-member City committee reviewed all policies and City Attorney Stegelmann and the Legal Department made the necessary updates. **City Attorney Stegelmann** said all of the policies have been reviewed multiple times. He said the review began several years ago, but was interrupted by the COVID-19 pandemic and other matters.

On Jan. 24, City Attorney Stegelmann said the matter came before the Board on Jan. 18, was discussed and was tabled to the Jan. 24 meeting to allow for further discussion and consideration. Stegelmann said a reference in one policy to the Board's "secretary" has been changed to the City Clerk-Treasurer. He said the revision date on the policies has been changed to Jan. 24, 2022. **Mayor Stutsman** noted that Board member Landis had asked for time to consult with the City attorney about some of the policies and he asked Landis if he had further questions. Landis said he had spoken to Stegelmann and resolved his questions. The Mayor added that once approved, all of the policies will be posted online, where the latest versions will be available.

Riouse/Swartley moved to approve Resolution 2022-05 – Approving City of Goshen Policies and Repealing Various Policies. Motion passed 5-0.

The following policies were included in the revisions approved by the Board: INTRODUCTION OF POLICIES; INTERPRETATION OF POLICIES AND APPEAL; INCORPORATION OF SALARY ORDINANCES; NON-DISCRIMINATION IN EMPLOYMENT; DISCRIMINATION AND HARASSMENT; ADA COORDINATOR AND GRIEVANCE PROCEDURES; EMPLOYMENT OF RELATIVES BY CITY; CONTRACTING WITH THE CITY;



DRUG-FREE WORKPLACE; CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING; DRUG AND ALCOHOL TESTING FOR SAFETY SENSITIVE POSITIONS; DRESS CODE; PERSONNEL PERFORMANCE EVALUATION; DISCIPLINE; TRANSFER BETWEEN DEPARTMENTS; CHILD PROTECTION; HOURS OF WORK AND COMPENSATION; VACATION DAYS; FAMILY SICK LEAVE; TRANSFER OF SICK TIME, VACATION LEAVE, OR COMPENSATORY TIME TO ANOTHER EMPLOYEE; COURT DUTY; FUNERAL LEAVE AND FEES; MILITARY LEAVE; FAMILY AND MEDICAL LEAVE ACT ("FMLA"); EXTENDED MEDICAL LEAVE; CONTINUATION OF HEALTH INSURANCE COVERAGE UNDER COBRA; BEGINNING WAGES; INCREMENT PAY; WORKER'S COMPENSATION; CLOTHING, FOOTWEAR, PHYSICAL FITNESS ALLOWANCE; EDUCATIONAL ASSISTANCE; NON-SMOKING DESIGNATION; EMERGENCY PREPAREDNESS; SMALL PURCHASE; TRAVEL; CREDIT CARD USE; SOLICITATION OF FUNDS; GIFTS; CAPITALIZATION & INVENTORY CONTROL; FLEET MANAGEMENT; MOTOR VEHICLE DRIVING POLICY; REDUCED IDLING; PERSONAL USE OF CITY VEHICLES; E-MAIL, DIGITAL MEDIA, INTERNET, FAX, AND TELEPHONE USE; CELL PHONE; DIGITAL MEDIA; and TELECOMMUTING POLICY. **The following current City of Goshen Policies were repealed:** INTRODUCTION OF POLICIES, Policy Number: 100-01; INTERPRETATION OF POLICIES AND APPEAL, Policy Number: 100-02; NON-DISCRIMINATION IN EMPLOYMENT, Policy Number: 200-01; DISCRIMINATION AND HARASSMENT, Policy Number: 400-02, Resolution 2015-Y; EMPLOYMENT OF RELATIVES BY CITY, Policy Number: 200-02; CONTRACTING WITH THE CITY, Policy Number: 800-07, Resolution 2012-15; DRUG-FREE WORKPLACE, Policy Number: 400-03; CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING, Policy Number: 400-04; DRESS CODE, Policy Number: 400-01; PERSONNEL PERFORMANCE EVALUATION, Policy Number: 200-05; DISCIPLINE, Policy Number: 300-20; TRANSFER BETWEEN DEPARTMENTS, Policy Number: 300-19; HOURS OF WORK AND COMPENSATION, Policy Number: 300-01; POSITION STATUS AND EMPLOYMENT BENEFITS ELIGIBILITY, Policy Number: 300-02; VACATION DAYS, Policy Number: 300-11; SICK LEAVE, Policy Number: 300-13; PERSONAL LEAVE DAYS, Policy Number: 300-14; TRANSFER OF SICK TIME, VACATION LEAVE, OR COMPENSATORY TIME TO ANOTHER EMPLOYEE, Policy Number: 300-18; JURY DUTY, Policy Number: 300-10; FUNERAL LEAVE, Policy Number: 300-17; FAMILY AND MEDICAL LEAVE ACT ("FMLA"), Policy Number: 300-16; EXTENDED MEDICAL LEAVE, Policy Number: 300-15; CONTINUATION OF HEALTH INSURANCE COVERAGE UNDER COBRA, Policy Number: 300-05; TIMEKEEPING POLICY, Policy Number: 300-06; BEGINNING WAGES; INCREMENT PAY, Policy Number: 300-07; LONGEVITY PAY, Policy Number: 300-08; WORKER'S COMPENSATION, Policy Number: 300-09; HOLIDAYS, Policy Number: 300-12; CLOTHING, FOOTWEAR, PHYSICAL FITNESS ALLOWANCE, Resolution 2016-Y; EDUCATIONAL ASSISTANCE; NON-SMOKING DESIGNATION, Policy Number: 500-01; WELLNESS PROGRAM, Policy Number: 500-03; INDEPENDENT MEDICAL EXAMINATIONS, Policy Number: 500-04; TORNADO, Policy Number: 500-07; INVENTORY CONTROL, Policy Number: 600-01; USE OF FAX MACHINES AND SIMILAR DEVICES, Policy Number: 700-01; COPIER COSTS, Policy Number: 700-02; SMALL PURCHASE, Policy Number: 800-04; TRAVEL, Policy Number: 800-03; CREDIT CARD USE, Policy Number: 800-01; MILEAGE REIMBURSEMENT, Policy Number: 800-02; SOLICITATION OF FUNDS, Policy Number: 900-02; GIFTS, Policy Number: 900-03; ADA COORDINATOR AND GRIEVANCE PROCEDURES, Resolution 2011-P; MOTOR VEHICLE DRIVING POLICY, Policy Number: 700-09; REDUCED IDLING, Policy Number: 700-08; PERSONAL USE OF CITY VEHICLES, Policy Number: 700-03; E-MAIL & INTERNET, Policy Number: 700-04; CELL PHONE, Resolution 2013-H; TELECOMMUTING POLICY, Policy Number: 700-07; and STOP SMOKING 500-02.



6) Agreement with Greencroft Goshen for completion of project at 2096 Whispering Pines (JN: 2020-2017)

Goshen Director of Public Works and Utilities Dustin Sailor asked the Board to approve and authorize the Mayor to execute the Agreement with Greencroft Goshen, Inc. for the Completion of the Construction Project at 2096 Whispering Pines. Sailor said the unit at 2096 Whispering Pines (Greencroft) has passed its final building inspection and the project is substantially complete except for seeding and otherwise stabilizing disturbed areas. These final requirements cannot be completed at this time due to weather conditions. The Stormwater Department thus submits an Agreement for the Completion of the Construction Project for approval and authorization for the Mayor to execute. Sailor said the property owner, Greencroft Goshen, Inc. agrees to stabilize 4,300 square feet with seed as a temporary stabilization measure by June 15, 2022. The expected cost of work for is under \$2,000 and no hard surface needs installed, so, no surety amount is required.

Riouse/Swartley moved to approve and authorize the Mayor to execute the Agreement with Greencroft Goshen, Inc. for the Completion of the Construction Project at 2096 Whispering Pines. Motion passed 5-0.

7) Approval of infrastructure/maintenance bond for North Main Street Improvement project (JN: 2016-0020)

Goshen Director of Public Works and Utilities Dustin Sailor asked the Board to approve the acceptance of infrastructure and maintenance bond for the North Main Street Improvement project. Copies of the bond and asset values were attached to the agenda packet. Sailor said the installation of infrastructure (water main, sanitary and storm sewer, curb and asphalt) has been satisfactorily completed by Niblock Excavating for the above listed project. The Engineering Department recommends that the infrastructure be accepted for maintenance. The three-year maintenance bond in the amount of \$71,360.00 (10% of the construction costs) for the infrastructure has been submitted to the City of Goshen Engineering Department.

Riouse/Swartley moved to approve the acceptance of infrastructure and maintenance bond for the North Main Street Improvement project. Motion passed 5-0.

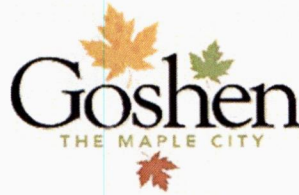
8) Approval of temporary right-of-entry agreement for pedestrian path at Dierdorff Road (JN: 2020-0027)

Goshen Director of Public Works and Utilities Dustin Sailor asked the Board to approve the temporary right-of-entry agreement with Missionary Church North Central District, Inc. at 2612 Dierdorff Road. In order to complete the public path along the south side of Kercher Road at the intersection with Dierdorff Road, work will extend beyond the exiting right of way at the southeast corner. The temporary right-of entry agreement will provide the contractor access to reshape the slope of the existing retention basin and construct the public path. The existing church sign at the southeast corner will be removed and the church will install a new sign outside the right-of-way per the agreement. All disturbed areas will be restored per current City Standards. **Board member Landis** asked how the sign ended up in the City's right of-way. **Sailor** said the sign should have been outside the right-of-way and will be relocated.

Riouse/Swartley moved to approve the temporary right-of-entry agreement with Missionary Church North Central District, Inc. at 2612 Dierdorff Road. Motion passed 5-0.

9) Change Order No. 4 for the Douglas, Reynolds, and 16th Streets Project (JN: 2020-0017)

Goshen Director of Public Works and Utilities Dustin Sailor asked the Board to approve Change Order No. 4 for the Douglas, Reynolds and 16th streets Reconstruction Project.



Sailor said the previous contract quantity for Line 35 - "HMA Binder, 19.0 mm, Type B" - did not take into account paving that occurred on the morning of June 24, 2021, to finish the intermediate HMA course. Missing material tickets from that date were identified and the correct quantity was agreed-upon the week of Jan. 10, 2022. Change Order No. 4 corrects the balanced quantity. Sailor said the original contract amount plus additions from Change Order No. 1 through Change Order No. 3 was \$972,979.84. The quantities from Change Order No. 4 increase the contract amount by \$12,106.20, for a revised contract amount of \$985,086.04, an increase of 12.03% over the original contract price. No additional time will be added to the contract.

Riouse/Swartley moved to approve Change Order No. 4 for the Douglas, Reynolds and 16th streets Reconstruction Project for an increase of \$12,106.20. Motion passed 5-0.

10) 2022 draft meeting calendar for the Board of Public Works & Safety (Clerk-Treasurer Aguirre)

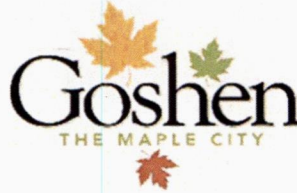
City Clerk-Treasurer Richard Aguirre asked the Board to approve a draft Board meeting calendar for 2022. Aguirre said included in the meeting packet was a draft Board of Works & Safety meeting calendar for 2022 that included feedback from Board members and is designed to provide a meeting schedule for the Board and the public. The draft calendar includes meeting cancellations on one date (April 4) when Board members Mary Nichols and Mayor Stutsman will be absent, one date (Oct. 10) when Nichols will be gone and meeting prep will be difficult because the Mayor and the Clerk-Treasurer will be at a conference Oct. 4-6 and will nevertheless need to prepare for a Council meeting on Oct. 10, and one date (Nov. 28) when preparing for the meeting would also be very difficult because City offices will be closed the prior Thursday and Friday (Thanksgiving holiday). Aguirre also proposed the Board observe City holidays and not meet the following Tuesdays. These include Memorial Day, July 4th and Labor Day. Finally, he proposed the final meeting of 2022 be Dec. 19, with no meeting on Dec. 26. After the Board approves the calendar, Aguirre said it would be posted on the City's website and distributed to the news media and Department Heads. In response to a question from **Board member Swartley**, Aguirre clarified the dates the Board will not meet. **Mayor Stutsman** said special meetings may still be necessary. Aguirre said the calendar will be helpful to city staff.

Riouse/Swartley moved to approve the Board of Works & Safety 2022 meeting calendar. Motion passed 5-0.

11) Wilden Avenue Reconstruction – NIPSCO Gas Relocation (JN: 2014-0035)

Goshen Director of Public Works and Utilities Dustin Sailor asked the Board to approve lane restrictions on Wilden Avenue, between SR 15 and Rock Run Creek, beginning on Wednesday, Jan. 26, 2022 and completed by Monday, Feb. 28, 2022 for the purpose of relocating NIPSCO gas facilities. Sailor said NIPSCO has contracted with Infrasource to begin work as early as Jan. 26. He said lane restrictions will be required and MUTCD signage and flaggers will be used to direct traffic. He reminded the Board that it previously approved tree removal on Wilden Avenue, which was completed last week. In support of his request, Sailor distributed to the Board a Memorandum from the Engineering Department on the Wilden Avenue Reconstruction – NIPSCO Gas Relocation (**EXHIBIT #1**)

Riouse/Swartley moved to approve lane restrictions on Wilden Avenue, between SR 15 and Rock Run Creek, beginning on Wednesday, Jan. 26, 2022 and completed by Monday, Feb. 28, 2022 for the purpose of relocating NIPSCO gas facilities. Motion passed 5-0.



**CITY OF GOSHEN STORMWATER BOARD
MINUTES OF THE Jan. 24, 2022 REGULAR MEETING**

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

Present: Mayor Stutsman and members Mike Landis and Mary Nichols

At 2:19 p.m., Mayor Stutsman temporarily recessed the Board of Works & Safety meeting and convened the Stormwater Board to consider two agenda items.

1) Acceptance of post-construction stormwater management plan for Lippert Components, Inc. Plant #30 Beam Yard (JN: 2019-2019)

Goshen Director of Public Works and Utilities Dustin Sailor asked the Board to accept the post-construction stormwater management plan for Lippert Components, Inc. Plant #30 Beam Yard as it has been found to meet the requirements of City Ordinance 4329. Sailor said the developer of Lippert Components, Inc. Plant #30 Beam Yard, affecting one (1) or more acres of land, has submitted a sufficient post-construction plan that is compliant with Ordinance 4329, "Uniform Requirements for Post-Construction Stormwater Management."

Nichols/Landis moved to accept the post-construction stormwater management plan for Lippert Components, Inc. Plant #30 Beam Yard as it has been found to meet the requirements of City Ordinance 4329. Motion passed 3-0.

2) Acceptance of post-construction stormwater management plan for D&M Sangha II LLC (JN: 2020-2004)

Goshen Director of Public Works and Utilities Dustin Sailor asked the Board to accept the post-construction stormwater management plan for D&M Sangha II LLC as it has been found to meet the requirements of City Ordinance 4329. Sailor said the developer of D&M Sangha II LLC, affecting one (1) or more acres of land and located at 2611 Peddlers Village Road, has submitted a sufficient post-construction plan that is compliant with Ordinance 4329, "Uniform Requirements for Post-Construction Stormwater Management."

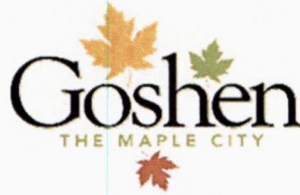
Nichols/Landis moved to accept the post-construction stormwater management plan for D&M Sangha II LLC as it has been found to meet the requirements of City Ordinance 4329. Motion passed 3-0.

As the matters before the Stormwater Board were concluded, Mayor Stutsman adjourned the Board's meeting and reopened the Board of Public Works & Safety meeting at 2:21 p.m.

Privilege of the Floor:

Mayor Stutsman opened Privilege of the Floor at 2:21 p.m. No one ~~one~~ asked to speak, so the Mayor closed Privilege of the Floor at 2:21 p.m.

HEARING: Board of Public Works and Safety Order: 214 E. Clinton St. (Ron Davidhizar)



BACKGROUND: On Nov. 16, 2021, Ron Davidhizar, was notified via certified mail that his property at 214 E. Clinton St. was in violation of the Goshen City Code. He was informed that the Goshen Building Department inspected the property on Sept. 15, 2021 and cited violations of the Neighborhood Preservation Ordinance (Minimum Housing Ordinance). **Davidhizar was advised that the property was deemed to be unsafe within the meaning of Indiana Code §36-7-9-4** in that one or more buildings or structures on the property was in an impaired structural condition that made it unsafe to a person or property a public health hazard dangerous to person or property because of a violation of Goshen City Code Title 6, Article 3, Chapter 1 concerning building condition or maintenance, vacant and 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. **These violations of Title 6, Article 3, Chapter 1 of the Goshen City Code were cited by the Building Department inspector and had not been satisfactorily repaired or remedied:**

1. The structure was damaged in a fire on May 15, 2021 and the structural strength of the exterior walls of the property was insufficient (violation of Section 6.3.1.1 v).

2. The property was vacant and not secured, with multiple areas that were accessible to people and animals to enter the property (violation of Section 6.3.1.1 ff).

The Building Commissioner determined that these violations made the premises at 214 E. Clinton St. unsafe. Due to the unsafe nature of the building due to the fire, Davidhizar was ordered to demolish the building.

He was advised that if he failed to comply with this Order, the City of Goshen would take action to demolish the building and would bill him 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 would incur in pursuing this matter. Such amounts could become a lien upon the real estate and could ultimately be enforced in the same manner as any other judgment.

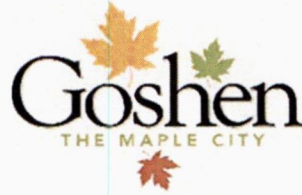
Davidhizar was further notified that a hearing would be held before the Board of Public Works and Safety on Monday, Dec. 6, at 2 p.m., to review the Order of the City of Goshen Building Commissioner.

At 2:33 p.m. on Dec. 6, 2021, Mayor Stutsman opened a hearing on Board of Public Works and Safety Order: 214 E. Clinton St. (Ron Davidhizar, owner of the property).

City Code Enforcement Officer Travis Eash provided sworn testimony on the condition of the property based on an inspection of 214 E. Clinton St. on Nov. 30 and an exterior inspection of the property on Sept. 14 following a May 15, 2021 fire at the property. He said that the Building Department recommends demolition of the structure." Eash said that if the owner decides to do a full remodel, "the Building Department is requesting a structural engineer go through the property to determine which structural members would need to be replaced and all other repairs that would need to be done to the property to bring it into compliance with the 2020 Indiana Residential Code and the engineer's report be sent to the Building Department office."

Afterward, Mayor Stutsman swore in property owner Ron Davidhizar to provide truthful information. Responding to questions from his attorney, John William Davis Jr., and Board members, Ron Davidhizar provided detailed information about 214 E. Clinton St.

Davidhizar said prior to the fire there was extensive remodeling of the apartment in the home. He said some damage to the home was caused by fire-fighting efforts. Davidhizar said the property is an older home. He described efforts he was making to improve it and work that was being done to repair fire damage. Davidhizar disputed City Code Enforcement Officer Travis Eash report on the condition of the property. He stated that he was making efforts to keep people out of the vacant property. Davidhizar said he wanted to restore the property as a duplex for new tenants.



Davidhizar said he would prefer to not have an engineer evaluate the condition of the property because of the expense. He said he would prefer to have a contractor evaluate the property and provide an estimate of repair and restoration costs. Davidhizar said he has worked on burned homes in the past and successfully restored them. Davidhizar also said he wanted a permit from the City so he could proceed with restoration of the property.

City Code Enforcement Officer Travis Eash reiterated the Building Department's recommendation to demolish the structure. Eash said if the property owner wants to remodel the structure, the Building Department was first recommending a detailed inspection and report by a structural engineer. **Davidhizar** said he didn't want the property to be unsafe, but would prefer a repair estimate from a contractor instead of a report by a structural engineer.

With testimony concluded, Board members had an extensive discussion about how to proceed. They discussed the report and the evidence presented. They shared their perspectives on the condition of the structure, the extent of the fire damage, whether the structure should be demolished or remodeled and the value of further evaluation by a building contractor or engineer. Board members also discussed the appropriate motion to address the Board of Public Works and Safety Order for 214 E. Clinton St.

Ultimately, Mayor Stutsman made a motion that the doors, windows and other openings at 214 E. Clinton St. be sealed by Dec. 21, that the hearing be continued to Jan. 24 on the condition that Mr. Davidhizar hire a licensed engineer for the remodeling project to move ahead, otherwise the Board on Jan. 24 will want to know why an engineer wasn't hired. Landis seconded the motion. Motion passed 5-0.

At 2:22 p.m. on Jan. 24, 2022, Mayor Stutsman opened a public hearing on Board of Public Works and Safety Order: Premises at 214 E. Clinton St. (owned by Ron Davidhizar).

Mayor Stutsman said that at the last hearing, the Board approved a motion that ordered Mr. Davidhizar to have a structural engineer conduct an evaluation of the property by this date and also seal the home. The Mayor noted that Mr. Davidhizar and his attorney, John William Davis Jr., were not present for today's hearing. He asked City Building Commissioner Myron Grise to provide an update.

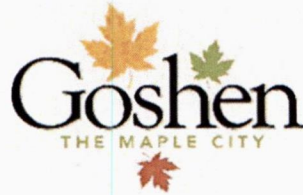
Commissioner Grise said he visited the home on 214 E. Clinton St. earlier on Jan. 24, 2022 and took some photographs, copies of which he distributed to the Board (**EXHIBIT #2**). Grise said the bottom portion of the home had been secured with pieces of wood, but the upper portions were unsecured. He noted that the Board had directed that Mr. Davidhizar present an engineering report on Jan. 24 and also secure the premises.

Asked by **Mayor Stutsman** if he was aware a structural engineering report was in progress, **Commissioner Grise** said he was unaware of that happening. Grise said that during a conversation with Mr. Davidhizar about another property about three weeks ago, Mr. Davidhizar said he wasn't planning to hire a structural engineer for 214 E. Clinton Street because of the expense.

Mayor Stutsman and **Board member Landis** briefly discussed the Board's action at the Dec. 6 hearing.

City Superintendent of the Water and Sewer Plant Kent Holdren told the Board that City staff were asked to respond to 214 E. Clinton Street in response to a report of water flowing into the basement. Holdren said the caller identified himself as a structural engineer who was inspecting the premises. **Commissioner Grise** said the call occurred about a week ago, and City staff have not heard anything since then.

In response to a question from **Mayor Stutsman** about contact with Mr. Davidhizar, **Commissioner Grise** said neither he nor his secretary had been contacted by Mr. Davidhizar and didn't know why he wasn't at today's hearing.



In light of the information conveyed, **Mayor Stutsman asked City Attorney Stegelmann about possible options for Board action at today's hearing.** **Stegelmann** said Mr. Davidhizar was given notice about the date and time of today's hearing, but without his presence, it was not possible to get his perspective on the situation. **Stegelmann** said there may have been a visit to 214 E. Clinton St. by a structural engineer, but Mr. Davidhizar may not have liked the engineer's conclusions or perhaps Mr. Davidhizar chose not to attend today's hearing.

City Attorney Stegelmann said that at the last hearing, the Board affirmed the order from the Building Commissioner and allowed Mr. Davidhizar to hire a structural engineer to establish that the structure was sound and to also secure the building, but the Board held off on further orders on what should be done. **Stegelmann** said the Board could move forward and make that order on what needs to be done with the house or it could schedule another hearing for the explicit purpose of telling Mr. Davidhizar what needs to be done with the house.

Board member Riouse asked that in the absence of Mr. Davidhizar, could the Board consider Mr. Davidhizar's comments to City staff that he didn't care about hiring a structural engineer. **City Attorney Stegelmann** said that what was said by City staff today wasn't testimony under oath, so the comments shouldn't probably be taken into account by the Board in making a decision.

Board member Landis asked if the Board could take action that would put the burden on Mr. Davidhizar if he didn't like the action the Board took. **Landis** asked if Mr. Davidhizar could be required to provide proof that a structural engineer concluded the property was fine. And if so, **Landis** asked, how might Mr. Davidhizar be notified of the Board's action and be asked to respond within 10 days. **City Attorney Stegelmann** responded that Mr. Davidhizar would be sent a letter by certified mail informing him of what happened at the hearing. **Stegelmann** said the Board could issue an order setting forth actions Mr. Davidhizar would have to take by a certain date.

Mayor Stutsman said it appeared the Board could order demolition, but then give Mr. Davidhizar a certain amount of time to present the structural engineer's report. **Landis** said that perhaps Mr. Davidhizar did not appear today because of the snowy weather.

Board member Swartley asked **Superintendent Holdren** about the person who had called City staff about the water in the basement – and whether he had identified himself or provided a business card. **Holdren** said the person only called the Utilities office and said he was at 214 E. Clinton Street for an inspection and asked that the water be shut off. And **Holdren** said that was done.

Board members discussed the time it might take a structural engineer to complete a report on the premises. **Mayor Stutsman** said it might take two or three more weeks. He said demolition could be ordered after that time period.

Board member Swartley asked if the photographs showed that the premises had been closed as directed by the Board. **Mayor Stutsman** said it didn't appear the home was sealed correctly. In response to questions from **Swartley**, **Commissioner Grise** said the back door of the premises was locked and that plywood was placed over it.

Landis made a motion that the property at 214 E. Clinton Street, which had been damaged by a fire, be ordered demolished by March 31, 2022 and that Mr. Davidhizar be notified in writing and that if he contests that action, he must respond by Feb. 7, 2022. **Nichols** seconded the motion. Motion passed 5-0.

As there were no further matters before the Board, **Mayor Stutsman/Swartley** moved to approve Civil City and Utility claims and to adjourn the meeting. Motion passed 5-0. The meeting was adjourned at 2:34 p.m.



EXHIBIT #1: Memorandum from the City Engineer Department on the Wilden Avenue Reconstruction – NIPSCO Gas Relocation (Agenda item #11)

EXHIBIT #2: Printouts of three pages of color photographs taken Jan. 24, 2022 by City Building Commissioner Myron Grise and presented during the hearing on Board of Public Works and Safety Order: 214 E. Clinton St.

APPROVED

Jeremy Stutsman, Chair

Michael Landis, Member

Mary Nichols, Member

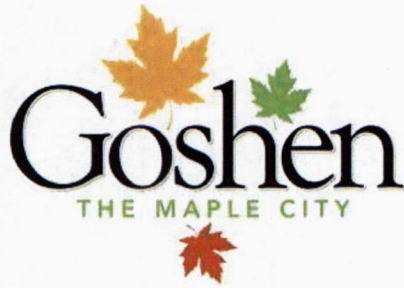
Barb Swartley, Member

DeWayne Riouse, Member

ATTEST

Richard R. Aguirre, Clerk-Treasurer

Exhibit #1



**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: **WILDEN AVENUE RECONSTRUCTION AND GAS RELOCATION**
(JN: 2014-0035)

DATE: January 24, 2022

*For approval
and
signatures*

NIPSCO gas will begin relocating their existing gas facilities in preparation for the reconstruction of Wilden Avenue during 2022. NIPSCO has contracted Infrasource to begin the work on January 26, 2022 and be completed by February 28, 2022. During the work, lane restrictions will be required. Current required MUTCD signage and flaggers will be used to direct traffic.

Requested motion: Move to approve lane restrictions on Wilden Avenue between SR 15 and Rock Run Creek beginning on Wednesday, January 26, 2022 and completed by Monday, February 28, 2022 for the purpose of relocating NIPSCO gas facilities.

**APPROVED:
BOARD OF PUBLIC WORKS & SAFETY
CITY OF GOSHEN, INDIANA**

Jeremy Stutsman, Mayor

Barb Swartley, Member

Mary Nichols, Member

DeWayne Riouse, Member

Michael Landis, Member





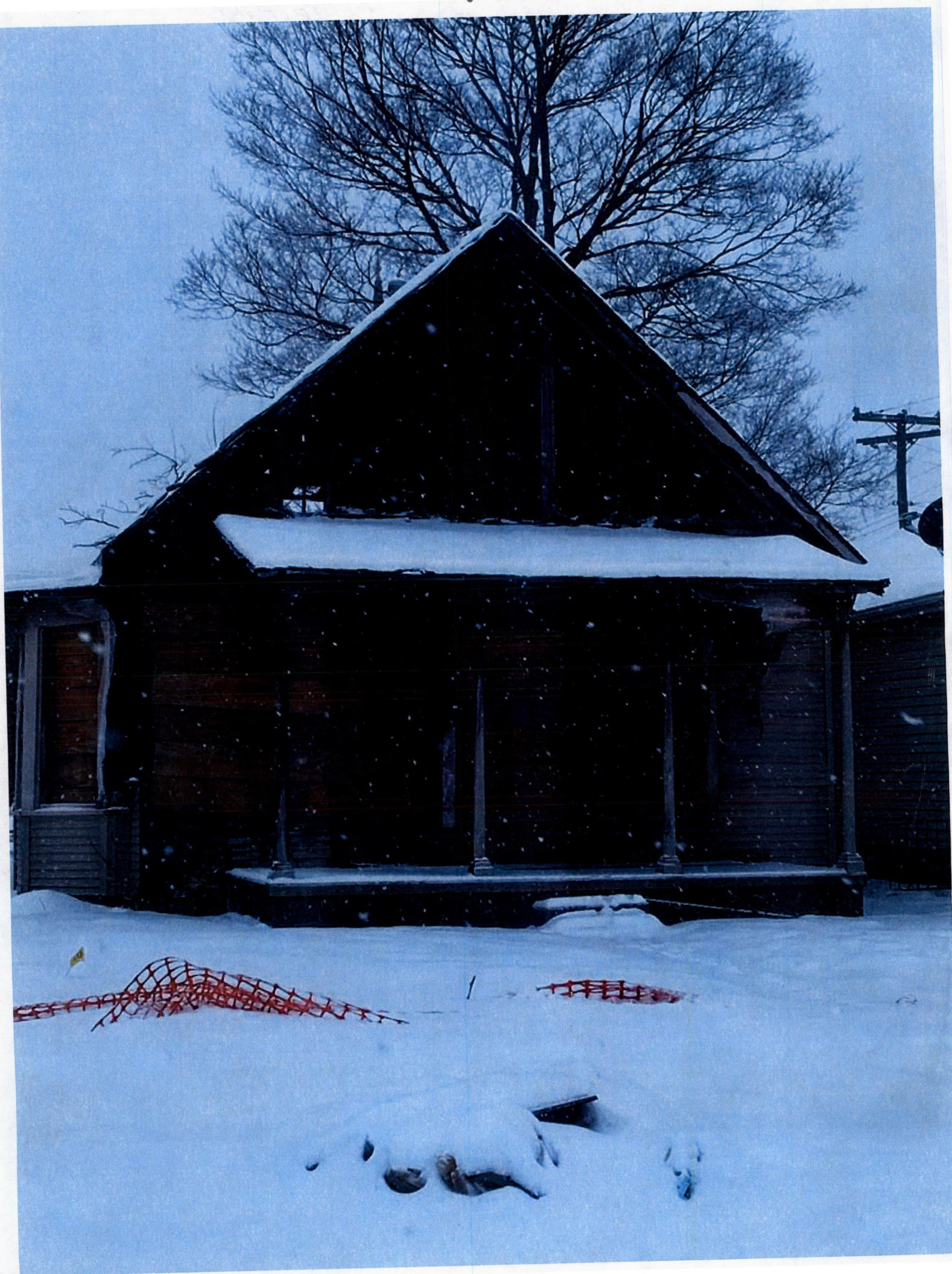


EXHIBIT #2

