

**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD
MINUTES OF THE June 6, 2022 REGULAR MEETING**

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

Present: Mayor Jeremy Stutsman, Mike Landis, DeWayne Riouse, and Barb Swartley

Absent: Mary Nichols

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 May 23, 2022 meeting of the Board of Works & Safety & Stormwater Board. Board member Mike Landis moved to approve the minutes as presented and the motion was seconded by Board member DeWayne Riouse. Motion passed 4-0.

REVIEW/APPROVE AGENDA: Mayor Stutsman presented the meeting agenda with one revision – the addition of a new agenda item #18. "Request to release City of Goshen liens on various properties in Goshen and Elkhart" and moving back agenda item #18 to #19. Board member Landis moved to approve the agenda as modified. Board member Riouse seconded the motion. Motion passed 4-0.

1) OPENING OF BIDS (were due at 1:45 p.m. on June 6, 2022 in the Clerk-Treasurer's Office):

No. 53 Aggregate Rebid for East College Avenue Project (JN: 2020-0036-5)

Project: Soliciting proposals to provide 22,000 tons of No. 53 Compacted Aggregate Base, Type 0, to be picked up and transported by others. Mayor Stutsman opened the one bid received for No. 53 Aggregate Rebid for East College Avenue Project. This was the result of the bid process:

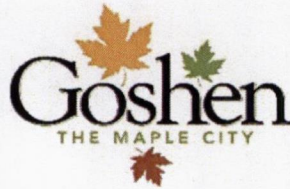
• **Elkhart County Gravel, Inc. of New Paris, Indiana, a base bid of \$250,000.**

Mayor Stutsman/Landis moved to refer the bid to the Legal Department for review. Motion passed 4-0.

2) Police Department: Conditional offer of employment to William Theodore Miller

Carla Newcomer, a paralegal with the City Legal Department, asked the Board to extend a conditional offer of employment to William Theodore Miller, as well as approve and authorize the Mayor to execute a Conditional Offer of Employment Agreement. The agreement set forth the conditions that Miller must meet prior to beginning employment with the Police Department as a probationary patrol officer, which includes being approved by the Indiana Public Retirement System for membership to the 1977 Police Officers' and Firefighters' Pension and Disability Fund. Miller previously was employed by the Department in 2019. He completed the Tier I basic training requirements and is certified with the Indiana Law Enforcement Training Board. However, since Miller previously was employed by the Department, he is not eligible for a hiring bonus. The Department will ask the Board to confirm the offer of employment when a position opening becomes available.

Landis/Riouse moved to extend a conditional offer of employment to William Theodore Miller as a probationary patrol officer and authorize the Mayor to execute the Conditional Offer of Employment agreement with Miller. Motion passed 4-0.



3) Fire Department: Conditional offer of employment to John M. Kauffman

Carla Newcomer, a paralegal with the City Legal Department, asked the Board to extend a conditional offer of employment to **John M. Kauffman** as well as approve and authorize the Mayor to execute a Conditional Offer of Employment Agreement. The agreement set forth the conditions Kauffman must meet prior to beginning employment with the Fire Department as a probationary firefighter, which includes being approved by the Indiana Public Retirement System for membership to the 1977 Police Officers' and Firefighters' Pension and Disability Fund. Kauffman has a Firefighter I/II certification and Indiana paramedic certification. The agreement also provides for the payment of a hiring bonus since Kauffman is a certified paramedic. Once employed, Kauffman will be required to serve as an active paramedic a minimum of three years. The Fire Department will ask the Board to confirm the offer of employment when a position opening becomes available.

Landis/Riouse moved to extend a conditional offer of employment to John M. Kauffman as a probationary firefighter and authorize the Mayor to execute the Conditional Offer of Employment agreement with Kauffman. Motion passed 4-0.

4) Fire Department: Conditional offer of employment to Matthew W. Pilling

Carla Newcomer, a paralegal with the City Legal Department, asked the Board to extend a conditional offer of employment to **Matthew W. Pilling** as well as approve and authorize the Mayor to execute a Conditional Offer of Employment Agreement. The agreement set forth the conditions that Pilling must meet prior to beginning employment with the Fire Department as a probationary firefighter, which includes being approved by the Indiana Public Retirement System for membership to the 1977 Police Officers' and Firefighters' Pension and Disability Fund. Pilling has a Firefighter I/II certification and Basic EMT certification. Once employed, Pilling will be required to successfully complete a paramedic training program, obtain Indiana paramedic certification, and serve as an active paramedic a minimum of three years. The Fire Department will ask the Board to confirm the offer of employment when a position opening becomes available.

Landis/Riouse moved to extend a conditional offer of employment to Matthew W. Pilling as a probationary firefighter and authorize the Mayor to execute the Conditional Offer of Employment agreement with Pilling. Motion passed 4-0.

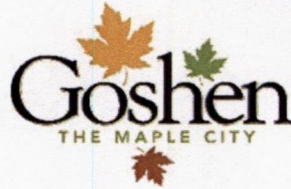
5) Resident request: William Stanley request for gravel driveway at 602 Middlebury Street

William G. Stanley of Goshen asked the Board to approve the installation of an extension of his gravel driveway at his home at 602 Middlebury Street. He is proposing a driveway next to his garage in a fenced area, 25 feet wide and 100 feet long, made of rock and gravel. Stanley said he plans to park his trailers, truck, boats and shed in the area so that they look more visually appealing.

Board member Swartley asked if the list attached to the gravel driveway request was to show the composition of neighboring driveways. **Stanley** confirmed that was the case and that he had been asked to provide this list.

City Assistant Planning and Zoning Administrator Rossa Deegan said that if the request is granted, the City will further review the request to ensure all requirements are met. In response to questions from **Board member Landis**, **Deegan** clarified the location of the proposed new parking area.

Landis/Riouse moved to approve the installation of an extension of the gravel driveway at the home at 602 Middlebury Street. Motion passed 4-0.



6) Resident request: Sue Garvey request for additional parking area at 1602 Berkey Avenue

Sue Garvey of Syracuse asked the Board to approve the installation of an additional gravel parking area, measuring 18 feet by 20 feet, attached to the existing driveway at her property at 1602 Berkey Avenue. She indicated this will avoid the need to park vehicles in the mulch area in the front yard.

In her written request, Garvey indicated the addition will be made of a 9-inch base of No.8 larger stone and No.53 crushed limestone, which will be packed to create a solid surface. Garvey said her daughter and friend live at 1602 Berkey Avenue along with two teenagers, who each have cars. She said the purpose of adding on is to make room for parking a total of four cars at this residence. She said the project will be completed in June by Chris Gingerich if approved by the Board.

City Assistant Planning and Zoning Administrator Rossa Deegan said the Planning Department will further review the request but didn't object. In response to a question from **Board member Landis**, **Deegan** clarified the location of the proposed new parking area.

Landis/Riouse moved to approve the request for an additional gravel parking area at 1602 Berkey Avenue adjacent to the existing driveway. Motion passed 4-0.

7) Neighborhood request: Historic Racemere Peninsula Neighborhood Association request to close the 1700 block of Mayflower Place for a pickleball tournament on July 30

On behalf of the Historic Racemere Peninsula Neighborhood Association, **Julia King of Goshen** asked the Board to approve the closure of the 1700 block of Mayflower Place on July 30 (with a rain date of July 31). In conjunction with the association's annual picnic, neighbors plan to have a Neighborhood Pickleball Tournament in the 1700 block of Mayflower Place (between Gra-Roy Drive and High Park Avenue) beginning at 10 a.m. and running throughout the day. King said residents on the street have agreed to the road closure for July 30 (and July 31st for a rain date). In response to information provided by **King**, **Mayor Stutsman** suggested closing the street from 8 a.m. to 8 p.m.

Mayor Stutsman asked the association to contact the City Street Department to arrange for street barricades.

Landis/Riouse moved to approve the closure of the 1700 block of Mayflower Place from 8 a.m. to 8 p.m. on July 30 (with a Jan. 31 rain date) for a neighborhood association pickleball tournament. Motion passed 4-0.

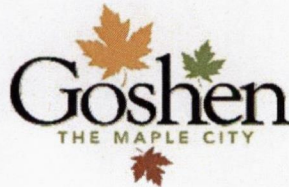
8) Legal Department: Award bids for Solid Waste Collection Services

Carla Newcomer, a paralegal with the City Legal Department, asked the Board to award the bid for Bid Item 1 - Alternate 1A, Bid Item 4, Bid Item 5, Bid Item 6, and Bid Item 8 to Borden Waste-Away Service, Inc. as the lowest responsible and responsive bidder, award the bid for Bid Item 2 and Bid Item 3 to Waste Management of Indiana, LLC as the lowest responsible and responsive bidder, and reject and not award the bid for Bid Item 7.

BACKGROUND:

In a memorandum to the Board of Works & Safety, the Legal Department reported that bids were received on May 2, 2022 for municipal solid waste collection, recyclable materials collection, and related services. A table comparing the bids received was attached to the Board's agenda packet.

The Legal Department recommended that the bid for the following Bid Items be awarded to Borden Waste-Away Service, Inc. as the lowest responsible and responsive bidder:



Bid Item 1, Alternate 1A based on a unit rate of Fourteen and 96/100 Dollars (\$14.96) per month for services to each eligible residence. This rate will be multiplied by the agreed eligible residence count. Contractor shall pay all disposal costs for the services.

Bid Item 4 based on the unit rates set forth below for the supply of various sizes of containers and transport of the electronic waste to a recycling facility plus a rate per ton for disposal of the electronic waste, as needed.

- Four Hundred Fifty-five and 00/100 Dollars (\$455.00) per 20-, 30-, or 40-cubic yard container.
- Six Hundred and 00/100 Dollars (\$600.00) per ton electronic waste disposal.

Bid Item 5 based on the unit rates set forth below for the supply of various sizes of containers and transport of the expanded polystyrene foam waste to a recycling facility plus a rate per ton for disposal of the expanded polystyrene foam waste, as needed.

- Four Hundred Fifty-five and 00/100 Dollars (\$455.00) per 20-, 30-, or 40-cubic yard container.
- Zero Dollars (\$0.00) per ton expanded polystyrene foam disposal.

Bid Item 6 based on the unit rates set forth below for the supply of a container plus a rate for the periodic collection, destruction and disposal of the documents, as needed.

- Zero Dollars (\$0.00) per month for a 36" by 21" by 16" console container.
- Twenty-five and 00/100 Dollars (\$25.00) per collection, destruction and disposal of documents.

Bid Item 8 is for extra services that will be provided in conjunction with the services under Bid Item 1 at the request of an eligible residence (i.e., additional waste cart, additional bag of solid waste, additional recycle cart, additional large item collection and electronic waste collection). The Contractor will be responsible for billing and collecting payment for the extra service from the eligible residence at the contracted rate.

The Legal Department further recommended that the bid for the following Bid Items be awarded to Waste Management of Indiana, LLC as the lowest responsible and responsive bidder.

Bid Item 2 based on the unit rates set forth below for the supply of various sizes of containers and transport of the solid waste to the Elkhart County Landfill for disposal, as needed. (City will pay the Landfill directly for the disposal costs.)

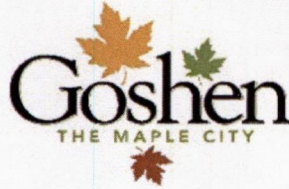
- Three Hundred Fifteen and 00/100 Dollars (\$315.00) per 20 cubic yard container.
- Three Hundred Sixty and 00/100 Dollars (\$360.00) per 30 cubic yard container.
- Four Hundred Fifteen and 00/100 Dollars (\$415.00) per 40 cubic yard container.

Bid Item 3 for a unit rate of Three Hundred Fifteen and 00/100 Dollars (\$315.00) to transport City's roll-off container to the Elkhart County Landfill for disposal and return the container to City, as needed. (City will pay the Landfill directly for the disposal costs.)

The Legal Department also reported that the City has decided to not award the bid for Bid Item 7 as the Goshen Street Department will continue providing brush collection services.

Contracts for the services were still being finalized and will be brought back later to the Board for approval.

Mayor Stutsman said the bid award requests illustrate that major changes are coming for the City's solid waste collection, recyclable materials collection, and related services. He said the costs of solid waste collection have increased because the increasing amounts of trash being generated by residents.



So, **Mayor Stutsman** said the addition of curbside recycling will help the environment, but also is expected to decrease the amount of solid waste generated and collected by the City. He said a press release is being circulated and a citywide mailer will be distributed and door hangers will be put on homes to inform residents of the changes. He said Borden Waste-Away Service, Inc. will assist in communicating about the changes, which will include twice-monthly collection of recycling containers. He said once-weekly trash collection will continue, but unlimited disposal will no longer be offered. There will be additional charges to collect more items, he said.

In response to questions from board member **Barb Swartley**, **Mayor Stutsman** explained the new system, which will include providing homes with two 96-gallon containers – one for trash and one for recyclable material. He said the average family will not notice major changes. He said once curbside recycling begins, those paying Borden extra for twice-monthly recycling will have their contracts cancelled.

Asked by board member **Mike Landis** what families will do if they generate a greater volume of recyclables, **Mayor Stutsman** said Goshen will still have at least one location for free recycling. In response to a question from board member **Swartley**, the Mayor said there will be extensive education efforts about the changes. He said that will include City Department Heads and the Mayor distributing fliers throughout the City.

Asked by board member **Landis** for more details about the change, **City Director of Environmental Resilience Aaron Sawatsky Kingsley** described planned efforts to inform the community about the changes, which will take effect Aug. 1. He acknowledged that this will be a major culture change for the community and there will be many questions. Asked if there will be help for those who will have trouble reducing the amount of trash they generate, **Mayor Stutsman** said there will be extensive education efforts.

Mayor Stutsman said Goshen is among the last cities in Indiana to offer free trash collection from its general fund; he said most communities charge residents for the service or contract out the service to a private company. He added that unlimited trash collection is very expensive and wasteful.

Asked by **Swartley** about sofas and other large items that are sometimes stacked in front of homes, **Mayor Stutsman** said those items will continue to be picked up; twice per month. But, he said, there will be charges for additional pickups. He said no current services are being taken away, except unlimited disposal, and free curbside recycling is being added.

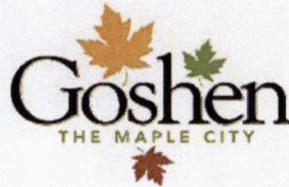
Mayor Stutsman said that in 2016, the City spent about \$800,000 for solid waste collection and dump fees. In contrast, in the current year, the City expects to spend more than \$1.6 million for the same services. Along with a doubling of costs, there also has been an increase in the total disposed by households.

Asked by **Landis** about the increase in the amount of solid waste collected, **Sawatsky Kingsley** said the average household poundage disposed of per year has increased from 1,700 pounds in 2016 to 2,300 pounds last year. He said people are throwing away more and more every year, putting a strain on the City budget. **Landis** said there has been an increase in waste from the increased home delivery by Amazon and other companies.

Mayor Stutsman said this will be a 10-year contract which will include yearly increases, which should help in planning and reduce the shock of unexpected cost increases.

There were no further questions or comments from the Board and no public comments.

Landis/Riouse moved to award the bid for Bid Item 1 - Alternate 1A, Bid Item 4, Bid Item 5, Bid Item 6, and Bid Item 8 to Borden Waste-Away Service, Inc. as the lowest responsible and responsive bidder, award the bid for Bid Item 2 and Bid Item 3 to Waste Management of Indiana, LLC as the lowest responsible and responsive bidder, and reject and not award the bid for Bid Item 7. Motion passed 4-0.



9) Legal Department: Agreement for the purchase of TVI Camera Truck Crawler Equipment from the Jack Doheny Company

Carla Newcomer, a paralegal with the City Legal Department, asked the Board to approve and execute the agreement with Jack Doheny Company, for the Purchase of TVI Camera Truck Crawler Equipment in the amount of \$255,865.00, which includes a trade-in allowance of \$7,500.00. The Jack Doheny Company, which is based in Northville, Michigan, will provide the City with a pipe inspection camera/crawler, with a retrofit to be completed by/at RapidView LLC. in Rochester, Indiana. RapidView also will provide support services.

Landis/Riouse moved to approve and execute the agreement with the Jack Doheny Company, for the Purchase of TVI Camera Truck Crawler Equipment in the amount of \$255,865.00, which includes a trade-in allowance of \$7,500.00. Motion passed 4-0.

10) Utilities Department: Approval of unpaid final accounts (Kelly Saenz)

Kelly Saenz, Manager of the Goshen City Utilities Office, asked the Board to move the office's uncollected final accounts from active to Collection, Sewer Liens and Write offs. She reported that the original amount of unpaid final Water/Sewer accounts for this period, through March 11, 2022, was \$3,046.48. Collection letters were sent out and payments of \$855.08 were collected. The uncollected amount was \$2,191.40.

Landis/Riouse moved to move the Goshen Water and Sewer Office's uncollected finalized accounts from active to Collection, Sewer Liens and Write offs. Motion passed 4-0.

11) Utilities Department: Notification about summer sewer reduced billing

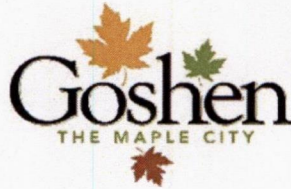
Kelly Saenz, Manager of the Goshen City Utilities Office, informed the Board that on April 29, 2022, a letter (attached to the agenda packet) from the Goshen Water & Sewer Department was mailed to the mobile home communities of; Brookside Manor, Roxbury Park, Twin Pines Mobile Home Park and Creekside Estates regarding their participation in the annual reduced summer sewer billing. She said as of June 3, 2022 no response has been received, so there will be no reduced sewer billing for those communities this calendar year.

Mayor Stutsman said it's become consistent that no response is received. Saenz agreed. She also provided further detail on the annual request and how residents are charged for the service.

This was an information-only agenda item, so there was no Board action.

12) Engineering Department: Request for northbound lanes closure of a portion of Indiana Avenue, June 13-16, 2022, for sewer tap work for the new Vequity Medical Office facility

Dustin Sailor, City Director of Public Works and Utilities asked the Board approve closure of the Indiana Avenue northbound lanes, between Pike Street and the alley that runs behind Dunkin Donuts, for a sewer tap and pavement restoration between June 13 and 16, 2022. Sailor said John Boettcher Excavating will be performing work to do a sewer tap on Indiana Avenue for the new Vequity Medical facility. The sewer tap will require both northbound lanes to be closed on Indiana Avenue between Pike Street and the alley that runs behind Dunkin Donuts. Boettcher Excavating will maintain open access for the businesses and residents on Indiana Avenue and Pike Street. In response to a question from **Landis, City Civil Traffic Engineer Josh Corwin** clarified the expected closure.



Landis/Riouse moved to approve closure of the Indiana Avenue northbound lanes, between Pike Street and the alley behind Dunkin Donuts, for a sewer tap and pavement restoration, between June 13-16, 2022. Motion passed 4-0.

13) Engineering Department: Request to extend traffic restrictions, to June 17, 2022, for fiber installation on Lincoln Avenue, Clinton Street and Indiana Avenue

Dustin Sailor, City Director of Public Works and Utilities asked the Board approve an extension of traffic restrictions from June 6, 2022 to June 17, 2022 for fiber installation on Lincoln Avenue, Clinton Street and Indiana Avenue. Sailor said the original completion date of June 6, 2022 was approved at the May 23, 2022 Board meeting. The extension was requested by TCS Communications, LLC., which is working for Frontier Communication, **Landis/Riouse moved to approve an extension of traffic restrictions from June 6, 2022 to June 17, 2022 for fiber installation on Lincoln Avenue, Clinton Street and Indiana Avenue. Motion passed 4-0.**

14) Engineering Department: Request for lane restrictions on a portion of Clinton Street, June 6-17, 2022, for fiber conduit installation along Clinton Street

Dustin Sailor, City Director of Public Works and Utilities asked the Board approve lane restrictions on a portion of Clinton Street Clinton Street, beginning June 6 through June 17, 2022, for fiber conduit installation. Sailor said TCS Communications, LLC., working for Frontier Communication, has requested lane restrictions for the purpose of installing fiber conduit along Clinton Street. The limits of the work zone are from the first alley west of Indiana Avenue to the west side of the Clinton Street and Greene Road intersection. Current MUTCD traffic control standards are to be used. These traffic controls will include signs, cones and flaggers as required. The contractor will be allowed one lane to work within at any one time.

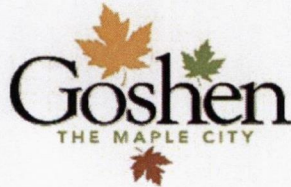
Landis/Riouse moved to approve lane restrictions on a portion of Clinton Street Clinton Street, beginning June 6 through June 17, 2022, for fiber conduit installation. Motion passed 4-0.

15) Engineering Department: Request for partial closure of Mill Street, June 10-June 13, 2022 for activities associated with Goshen Water Fest

Mattie Lehman, City Stormwater Specialist, asked the Board approve a partial closure of Mill Street Park from Friday, June 10, to Monday, June 13, and a full closure of Mill Street Park from 9 am to 3 pm on Saturday, June 11, for activities associated with Goshen Water Fest.

Lehman said Goshen Water Fest on Saturday, June 11, will include the removal of trash from Rock Run Creek and the surrounding residential streets, which will require the placement of trailers in the east bound lane of Mill Street at the curve north of Mill Street Park. Due to pedestrian traffic in the area of the park during the hours of the event, the Stormwater Department would additionally like a temporary full closure of Mill Street along the park. So, the Goshen Stormwater Department requested a partial road closure of Mill Street between Citizens Avenue and North 2nd Street from Friday, June 10 to Monday June 13 for the placement of trailers and a full road closure of Mill Street Park between North 3rd Street and Citizens Avenue from 9 am to 3 pm on Saturday, June 11.

Landis/Riouse moved to approve a partial closure of Mill Street Park from Friday, June 10, to Monday, June 13, and a full closure of Mill Street Park from 9 am to 3 pm on Saturday, June 11, for activities associated with Goshen Water Fest. Motion passed 4-0.



16) Engineering Department: Request for the signing of a release and waiver for the cleanups of Rock Run Creek and Horn Ditch during the Goshen Water Fest, June 11, 2022

Mattie Lehman, City Stormwater Specialist, asked the Board approve and authorize the Mayor to execute the Release and Waiver provided by Elkhart County as a condition for activities within a regulated drain for a cleanup as part of Goshen Water Fest.

To receive necessary permissions from the Elkhart County Surveyor's office for the creek clean-up portion of the Goshen Water Fest on June 11 and for a clean-up event with Lippert Components on June 7, the County requested the signing of a Release and Waiver. Rock Run Creek and Horn Ditch, where the clean-ups will take place, are County-regulated drains with maintenance responsibilities falling to the Surveyor's office.

The Water Fest clean-up will take place at Mill Street Park, which is City property, so the City will have some degree of liability regardless. The partnership clean-up with Lippert Components will be taking place on its property. The County is giving the City permission for "volunteer services" within its drainage easement if the City is willing to sign the Release and Waiver protecting the County against liability for the clean-ups. To protect the City, the Stormwater Department will be having clean-up participants sign a standard waiver used by the Parks Department for similar events, which was previously reviewed and approved by the Legal Department.

The Release and Waiver was received from the County on short notice and was reviewed Legal Department. As the meeting began Lehman distributed the one-page document (**EXHIBIT #1**) to Board members.

Clerk-Treasurer Aguirre said that the City's insurance carrier raised a question about the reasonableness of the County demanding the release and waiver and the demand that the City accept liability when the County should also assume some liability.

Mayor Stutsman responded that he assumed the request was made because the Water Fest is a City event. **City Attorney Bodie Stegelmann** said the insurance carrier asked why the County was requesting the waiver and release because it will benefit from the cleanup. He said that perhaps it is a philosophical question, but the County will not allow access to its property without the release and waiver. Stegelmann said his office discussed the matter with County staff, reduced the length of the document and will have participants sign a standard waiver and take responsibility for entering the ditch and doing work. So, he said the City was covered.

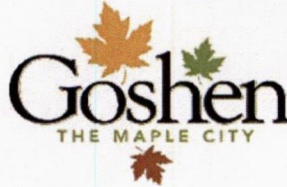
Aguirre said that with more time, perhaps the issue can be further explored because it seems unreasonable for the County to shift liability. **Lehman** said the release and waiver is viewed as a temporary fix and a longer term solution is being considered.

Landis/Riouse moved to approve and authorize the Mayor to execute the Release and Waiver provided by Elkhart County as a condition for activities within a regulated drain for a cleanup as part of Goshen Water Fest. Motion passed 4-0.

17) Clerk-Treasurer's Office: Updated Board of Works meeting schedule for 2022

Clerk-Treasurer Aguirre told Board members that he included its revised meeting schedule in this week's Board of Works packet. Aguirre said that as promised, the revised schedule was posted on the City's website, distributed to the news media and other interested individuals, and circulated to City staff.

Asked by **Mayor Stutsman** if a further vote was necessary by the Board, **City Attorney Bodie Stegelmann** said the revised scheduled was already approved by the Board and the matter was only being discussed to memorialize that decision. **Aguirre** confirmed that was the case.



18) Request to release City of Goshen liens on various properties in Goshen and Elkhart

City Attorney Bodie Stegelmann told the Board that City staff had been approached by the president and executive director of Habitat for Humanity of Elkhart County about releasing City of Goshen liens that had been attached to certain properties that Habitat was seeking to purchase.

Stegelmann described the first property as being located at 414 River Avenue, for which Habitat has reached an agreement with the owner to purchase, demolish the home and then build a new one. In the closing process, Stegelmann said a City judgment lien appeared, but it has been cleared, so it should be released.

In addition, **Stegelmann** said Habitat was in the process of buying four lots on Belmont Street in Elkhart, formerly owned by David Hoevener, to rehabilitate them. The City Attorney said the record showed judgments for the City of Goshen against Hoevener. The total was around \$12,000. Stegelmann said that even if the liens were released, the City's liens could attach to other property owner by Hoevener, allowing the City to seek to recover the judgment.

Stegelmann recommended that the Board approve the partial release of the liens and authorize Mayor Stutsman to execute releases deemed appropriate by the Legal Department.

Distributed to the Board and entered into the record as **EXHIBIT #2** was an email (dated May 31, 2022) and a letter (dated May 26, 2022) from Greg Conrad, president and executive director of Habitat for Humanity of Elkhart County, to Deputy Mayor Mark Brinson and City Attorney Bodie Stegelmann seeking a release City of Goshen lawsuits, judgments and liens on certain properties at 414 River Avenue and 214 Clinton Street in Goshen and four properties on Belmont Street (Lots 574, 575, 576 and 577) in the Hudson Sterling Addition in the City of Elkhart. The release were requested so Habitat for Humanity of Elkhart County could purchase the properties.

Landis/Riouse moved to release leans and authorize Mayor Stutsman to execute releases on properties in Goshen and Elkhart deemed appropriate by the City Legal Department. Motion passed 4-0.

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

Mayor Stutsman opened Privilege of the Floor at 2:43 p.m. There were no public comments, so the Mayor closed the public comment period at 2:43 p.m.

19) Board of Public Works & Safety Order: Order of the City of Goshen Building Commissioner – Underground Vault at 206 N. Main Street (Jerry & Dorma Metzger)

At 2:44 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 Jerry and Dorma Metzger of Goshen.

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 insure 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.

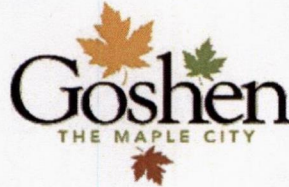
HEARING TESTIMONY, DISCUSSION AND DECISION

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 (**EXHIBIT #3**).

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**, **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 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. **Stegelmann** eventually recommended that the Board make a finding that the vault was unsafe, but delay any order for 30 to 45 days to allow discussions to continue.

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

At 3 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.

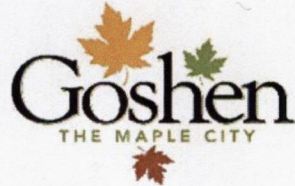
As all matters before the Board of Public Works & Safety were concluded, Mayor Stutsman/Landis moved to approve Civil City and Utility claims and adjourn the meeting. Motion passed 4-0.

Mayor Stutsman adjourned the meeting at 3 p.m.

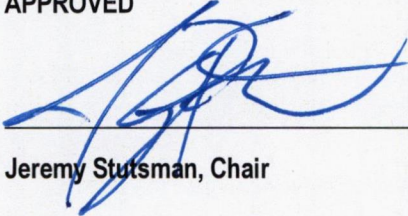
EXHIBIT #1: Release and Waiver of Elkhart County for Activities in a Regulated Drain, provided by the City Legal Department, for signature by Mayor Jeremy Stutsman.

EXHIBIT #2: Email (dated May 31, 2022) and letter (dated May 26, 2022) from Greg Conrad, president and executive director of Habitat for Humanity of Elkhart County, Inc., to Deputy Mayor Mark Brinson and City Attorney Bodie Stegelmann seeking a release City of Goshen lawsuits, judgments and liens on certain properties at 414 River Avenue and 214 Clinton Street in Goshen and four properties on Belmont Street (Lots 574, 575, 576 and 577) in the Hudson Sterling Addition in the City of Elkhart. The release were requested so Habitat for Humanity of Elkhart County can purchase the properties.

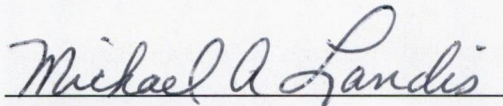
EXHIBIT #3: Memorandum, dated June 6, 2022, to the Board of Works & Safety from Building Commissioner Myron Grise of the City Building Commissioner about the property at 206 N. Main Street in Goshen.



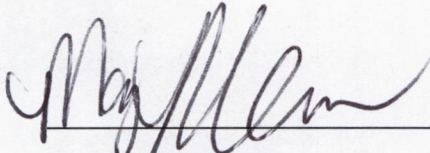
APPROVED




Jeremy Stutsman, Chair



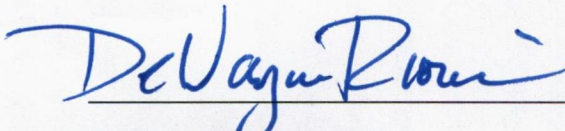
Michael Landis, Member



Mary Nichols, Member

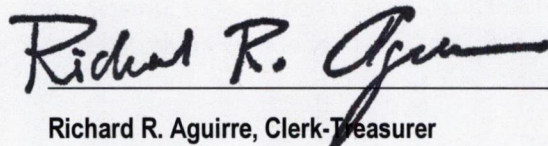


Barb Swartley, Member



DeWayne Riouse, Member

ATTEST



Richard R. Aguirre, Clerk-Treasurer