

**BOARD OF PUBLIC WORKS AND SAFETY AND
STORM WATER BOARD MEETING
HELD NOVEMBER 26, 2007
GOSHEN, INDIANA**

The Board of Public Works and Safety and Storm Water Board of the City of Goshen met in the Council Chambers, 111 East Jefferson Street on November 26, 2007, at 4:00 P.M. for their weekly Board meeting. Mayor Kauffman was the presiding officer with members of the Board present or absent as follows:

PRESENT: Mayor Kauffman, Board Member Stegelmann

ABSENT: Board Member Landis

OTHERS: Clerk-Treasurer, Clerk-Treasurer Office Assistant, City Attorney, City Planner, Director of Public Works, Utilities Administrative Engineer, Fire Chief, Assistant Police Chief McCloughen, Building Commissioner, Neighborhood Preservation Officer, Building Inspector Cano, Street Commissioner, Legal Contracts and Claims Manager, Mayor's Administrative Assistant, Park Superintendent, Utilities Superintendent, Utilities Office Manager.

Minutes of the meeting of November 19, 2007 were presented. On motion of Mayor Kauffman and second by Board Member Stegelmann, the minutes were approved as presented.

REQUEST TO AWARD BID FOR DEMOLITION OF 2457 LINCOLNWAY EAST

Legal Contracts and Claims Manager Keitha Windsor requested Board approval to award the bid for the demolition of 2457 Lincolnway East to Jerry Reed Excavating, Mishawaka, as the lowest responsible and responsive bidder as follows:

- Item 1 Demolition of 2457 Lincolnway East for a lump sum price of \$4,500.
- Alternate 1 Removal and disposal of any storage tank for a lump sum price of \$500.

Completion of the work shall be within six weeks after the award of the contract.

Mayor Kauffman moved to approve the request. Second by Board Member Stegelmann and motion passed unanimously.

REQUEST TO AWARD BID FOR AIRPORT SEWER EXTENSION, ITEMS 1-3

Director of Public Works Robert McCoige requested Board approval to award the bid for items 1-3 of the Goshen Municipal Airport Sanitary Sewer Extension to Fluid & Thermal Systems' as the lowest responsive and responsible bid. The bid amount for the identified line items is in the amount of \$14,200.

Mayor Kauffman moved to approve the request. Second by Board Member Stegelmann and motion passed unanimously.

REQUEST TO AWARD BID FOR AIRPORT SEWER EXTENSION, ITEMS 4-25

Director of Public Works Robert McCoige requested Board approval to award the bid for items 4-25 of the Goshen Municipal Airport Sanitary Sewer Extension to Underground Pipe and Valve, Inc as

the lowest responsive and responsible bid. The bid amount for the identified line items is in the amount of \$31,015.50.

Mayor Kauffman moved to approve the request. Second by Board Member Stegelmann and motion passed unanimously.

REQUEST TO APPROVE A RESOLUTION APPROVING THE SETTLEMENT AGREEMENT BETWEEN WATERFORD DEVELOPMENT CORP, AN INDIANA CORPORATION AND THE CITY OF GOSHEN

City Attorney Larry Barkes requested Board approval of a Resolution approving the settlement agreement between Waterford Development Corporation and the City of Goshen. The Resolution is approving an agreement for the acquisition of real estate for the “Link Road Project” and has previously been approved by the Redevelopment Commission and the Common Council. The agreement consists of 125 acres at a cost of \$1,362,000.

Mayor Kauffman moved to approve the request. Second by Board Member Stegelmann and motion passed unanimously.

REQUEST TO APPROVE A RESOLUTION APPROVING THE SETTLEMENT AGREEMENT BETWEEN MARIAN D. HOOGENBOOM GRANDCHILDREN’S TRUST, GREGORY A. HOOGENBOOM AND TIMOTHY L. HOOGENBOOM AND THE CITY OF GOSHEN

City Attorney Larry Barkes requested Board approval of a Resolution approving the settlement agreement between Marian D. Hoogenboom Grandchildren’s Trust, Gregory A. Hoogenboom and Timothy L. Hoogenboom and the City of Goshen. The Resolution is approving an agreement for the acquisition of real estate for the “Link Road Project” and has previously been approved by the Redevelopment Commission and the Common Council. The agreement consists of 8.58 acres at a cost of \$387,327.

Mayor Kauffman moved to approve the request. Second by Board Member Stegelmann and motion passed unanimously.

PUBLIC HEARING ON ORDER OF THE BUILDING COMMISSIONER FOR 112 S. COTTAGE AVENUE

Mayor Kauffman opened the public hearing:

City Attorney Larry Barkes recommended the Board dismiss the order for 112 S. Cottage Avenue as the necessary repairs have been made.

Mayor Kauffman moved to dismiss the Order of the Building Commissioner for 112 S. Cottage Ave. Second by Board Member Stegelmann and motion passed unanimously.

PUBLIC HEARING ON ORDER OF THE BUILDING COMMISSIONER FOR 2124 W. WILDEN AVE

Mayor Kauffman opened the public hearing:

Neighborhood Preservation Officer Dawn Nordman presented the Board with an Order of the Building Commissioner for the building located at 2124 W. Wilden Avenue as it is in violation of the City’s Neighborhood Preservation Ordinance 4068.

City Attorney Larry Barkes stated the Legal Department checked with the Secretary of State to obtain an address of 500 S. Main Street for service to the Registered Agent of the Corporation and when sent the mailing was returned attempted not known. The corporation was successfully notified as the mailing to Midwestern Rubber Products, Inc. was not returned and Attorney Barkes was contacted by an attorney from the firm of Barnes & Thornburg regarding the Public Hearing this date. Neither party with an interest in the corporation was present at the Public Hearing.

The structure is in violation of the following Sections of Ordinance 4068:

1. There are several places on the property that are not weather tight or rodent proof (violation of Section 3.2.)
2. There are holes in the soffits on all sides of the building (violation of Section 3.2.)
3. There is siding falling off on the south side of the building (violation of Section 3.2)
4. There are holes in the foundation on all sides that allow water to enter the property (violation of Section 3.2.)
5. The roof on the south side is warped (violation of Section 3.2.)
6. There is part of the gutter system that is falling apart on the west and south sides of the building (violation of Section 3.3).
7. All painted surfaces have peeling, flaking and chipping paint (violation of Section 3.7)
8. The driveway in front of the building is in a state of disrepair, allowing large puddles to form when it rains (violation of Section 3.13)

The Order states the parties are ordered to make the noted repairs by November 30, 2007.

Ms. Nordman presented the Board with pictures of the violations dated July 18, 2007 and November 26, 2007. Ms. Nordman stated the process was started July 18 after she was contacted by the neighbors of the property and in most cases the owner contacts her to request more time to repair the violations.

Attorney Barkes stated the real estate taxes on the property are current and believes the corporation has not operated for some time but has also not been dissolved. Attorney Barkes further stated he is aware of health issues with the principal owner of the corporation.

Mayor Kauffman stated he is inclined to extend the Order past the November 30 date and give the parties some fair weather time to make the repairs.

After discussion, Mayor Kauffman moved to find the property in violation of the Neighborhood Preservation Ordinance with the above specified violations and that the Order of the Building Commissioner stand with a modified date of June 30, 2008 to make the necessary repairs. Second by Board Member Stegelmann and motion passed unanimously.

PUBLIC HEARING ON ORDER OF THE BUILDING COMMISSIONER
FOR 720 LINCOLNWAY EAST

Neighborhood Preservation Officer Dawn Nordman presented the Board with an Order of the Building Commissioner for the building located at 720 Lincolnway East as it is still in violation of the City's Neighborhood Preservation Ordinance 4068. The Order was not previously served to J.P. Morgan Chase; therefore certified mailing was sent again and was signed for on November 16, 2007. None of the parties listed on the Order were in attendance at the Public Hearing.

The structure is in violation of the following Sections of Ordinance 4068:

1. The structure was so damaged in the fire that parts of it have collapsed (violation of Section 3.20).
2. The structure is completely open such that persons and animals may enter freely (violation of Section 3.21)

The Order states the parties are ordered to demolish the structure and remove all trash and debris by October 31, 2007.

Mayor Kauffman confirmed with Attorney Barkes that if the first lien holder is adequately served with the order, the City has a better chance of being moved ahead of the first lien holder by the court for costs incurred in removing the debris.

Mayor Kauffman moved to find the property in violation of the Neighborhood Preservation Ordinance with the above specified violations and that the revised Order of the Building Commissioner stands giving the property owner until November 30, 2007 to make the necessary repairs. Second by Board Member Stegelmann and motion passed unanimously.

Attorney Barkes stated the Board previously authorized the City to obtain demolition bids for the property.

There being no further business Mayor Kauffman moved to process claims and then to adjourn. Second by Board Member Stegelmann and motion passed unanimously.