

**BOARD OF PUBLIC WORKS AND SAFETY AND
STORM WATER BOARD MEETING
HELD DECEMBER 17, 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 December 17, 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, Board Member Landis

ABSENT:

OTHERS: Clerk-Treasurer, City Attorney, Assistant City Planner, Director of Public Works, Fire Chief, Police Chief, Building Commissioner, Street Commissioner, Legal Compliance Administrator, Legal Contracts and Claims Manager, Mayor's Administrative Assistant, Utilities Superintendent, Utilities Office Manager, Legal Administrative Assistant.

Minutes of the meeting of December 10, 2007 were presented. On motion of Board Member Stegelmann and second by Board Member Landis, the minutes were approved as presented.

REQUEST TO OFFER CONDITIONAL EMPLOYMENT TO JOSHUA OWENS

Police Chief Gary Penland requested Board approval of a conditional offer of employment to Joshua Owens. Mr. Penland told the Board that Joshua Owens has met all the requirements of his conditional offer of employment as a probationary patrol officer for the Goshen Police Department. Mr. Owens has continued during this time to excel as a reserve officer. Chief Penland requested he be sworn in effective December 17, 2007 as a fulltime probationary patrol officer.

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

Clerk-Treasurer Tina Bontrager swore Joshua Owens into the position of Probationary Patrol Officer with the City of Goshen Police Department.

OPEN QUOTES FOR DEMOLITION BIDS: 909 RIVER AVENUE

Mayor Kauffman opened the following quotes:

Bid Tab for Demolition Project at 909 River Ave., Goshen IN – Q07-11-12-014

Contractor	Demolition Project
Akins Excavating Middlebury	\$9,995.00
Jared's Excavating Goshen	\$5,400.00

Jerry Reed's Excavating Mishawaka	\$5,500.00
McKibbin Brothers Goshen	\$7,500.00
R & R Excavating, Inc. Mishawaka	\$6,995.00
Ritschard Bros., Inc. South Bend	\$9,532.00
Don Schmucker New Paris	\$15,000.00
T n T Bobcat	\$12,000.00
John Ward Concrete, Inc. South Bend	\$6,880.00

Mayor Kauffman moved to refer the quotes to the Legal Department for review and recommendation. Second by Board Member Landis and motion passed unanimously.

REQUEST TO BLOCK WASHINGTON STREET FOR ICE CARVING FESTIVAL

First Friday Event Coordinator Gina Leichty requested Board approval of the closing of Washington Street, between Main Street west to the alley toward Third Street, for an Ice Carving Festival from 3:00 PM to 10:00 PM on Friday, January 4, 2007. The Goshen City Fire Department is holding a fundraiser on the east side of Main Street, providing food for the Ice Festival. Mayor Kauffman asked Gina Leichty if she had notified any of the affected businesses, she replied that no, she had not but will communicate with them soon.

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

**REQUEST TO APPROVE CHANGE ORDER NO. 3: KERCHER ROAD
SEWER & WATER EXTENSION-2005-0030**

Director of Public Works Robert McCoige requested Board approval of Change Order No. 3 with Niblock Excavating for the Kercher Road Sewer & Water Extension project. Mr. McCoige stated there was an overhead issue that Utilities changed after the project was designed. The net amount of the change order is \$0.00 and the total amount of the contract remains at \$330,858.57.

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

**REQUEST TO APPROVE CHANGE ORDER NO. 1: 2007 ASPHALT
PAVING PROJECT-2007-0002**

Director of Public Works Robert McCoige requested Board approval of Change Order No. 1 with Reith-Riley Construction Co., Inc. for the 2007 Asphalt Paving project. This Change Order serves to extend the completion date to June 1, 2008 due to inclement weather.

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

EXECUTE ORDER OF BOARD OF WORKS RE: 402 NORTH 9TH STREET

Mayor Kauffman opened the public hearing:

City Attorney Larry Barkes stated this hearing is scheduled before the Goshen Board of Public Works and Safety to review an Order of the Building Commissioner for repairs to 402 N. 9th Street. An agreement has been reached with the owners of the property, therefore a new Order has been drafted and executed by Lonnie L. and Linda Erb acknowledging the remaining outstanding violations and agreeing to have the repairs completed by May 1, 2008. Attorney Barkes requested the Board give authorization to the Mayor to execute the Order for the City of Goshen.

Lonnie L. and Linda C. Erb stipulate as follows:

1. Lonnie L. and Linda C. Erb own the real estate at 402 North 9th Street, Goshen, Indiana
2. The following repairs have been made to the real estate at 402 North 9th Street:
 - a. New roof constructed on house and garage
 - b. New windows and trim installed
 - c. Installed new overhead garage door
 - d. Partially repaired soffit on back porch
 - e. Painted south and east side of back porch
 - f. Repaired back porch
 - g. Installed new door on back porch
 - h. Repaired cracks in foundation
 - i. Repaired cracks in front porch
 - j. Covered unused door on south side
 - k. Replaced and repaired loose and missing siding
 - l. Installed railing on back porch
3. The following repairs still need to be completed:
 - a. Paint front porch
 - b. Paint exterior of house
 - c. Paint trim and overhang of house
 - d. Paint garage
 - e. Complete repairs to back porch soffit
 - f. Fix holes in garage
4. Without the completion of the remaining repairs, the condition of 402 North 9th Street violates the Neighborhood Preservation Ordinance.
5. Lonnie L. Erb and Linda C. Erb agree to complete the remaining repairs by May 1, 2008. The remaining repairs that can be completed in cold weather will be completed by January 31, 2008.
6. Lonnie L. Erb and Linda C. Erb waive the right to be heard before the Goshen Board of Public Works and Safety.

The Board of Public Works and Safety therefore modifies the Building Commissioner's Order to find that there is a violation of the Neighborhood Preservation Ordinance for the following conditions:

1. Paint front porch
2. Paint exterior of house
3. Paint trim and overhang of house
4. Paint garage
5. Complete repairs to back porch soffit
6. Fix holes in garage

These repairs must be completed by May 1, 2008.

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

**PUBLIC HEARING ON ORDER OF THE BUILDING COMMISSIONER FOR
301 NORTH 1ST STREET**

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 301 North 1st Street, as it is still in violation of the City's Neighborhood Preservation Ordinance 4068. David M. Pletcher and Ruth K. Pletcher were not present during the hearing, but did receive notice by certified mail, signed on November 17, 2007. Andrew Harlow, representing First Federal Savings Bank, was present representing the bank as a mortgage holder on the property and stated that he had gone by the property today and saw a for sale sign in the yard.

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

1. The soffits on the east and west side have holes where rodents can enter (violation of Section 3.3).
2. A portion of the gutter is hanging loose down the side of the house (violation of Section 3.3).
3. There is a broken window on the east side (violation of Section 3.4).
4. The wood on the front porch is rotting (violation of Section 3.5).
5. All painted surfaces have peeling and chipping paint (violation of Section 3.7).

Neighborhood Preservation Officer Dawn Nordman presented pictures dated May 17, 2006, October 26, 2007 and December 17, 2007. Ms. Nordman stated this has been ongoing since May 17, 2006 and that the house has been vacant.

The Board Members were also presented with a letter from the property owners stating some intent to improve the property as soon as possible. The Board discussed the letter from the property owners, the violations listed, and winter weather conditions that hinder correcting any violations that involve painting.

City Attorney Larry Barkes questioned Andrew Harlow about the bank's position with the property.

Mr. Harlow stated he is looking for some direction with the proceedings and further the bank would like the violations to be solved without becoming involved although the bank is prepared to protect their investment.

Attorney Barkes explained the procedures and direction of the City to order the repairs to be completed.

Board Member Stegelmann moved to find the property in violation of the Neighborhood Preservation Ordinance 4068 with the above specified violations. Second by Board Member Landis and motion passed unanimously.

Board Member Landis moved to amend the Order of the Building Commissioner giving the property owner until January 30, 2008 to correct violations 1-4 and until May 15, 2007 to correct violation 5. Second by Board Member Stegelmann and motion passed unanimously.

**PUBLIC HEARING ON ORDER OF THE BUILDING COMMISSIONER FOR
116 WEST JACKSON STREET**

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 116 West Jackson Street as it is still in violation of the City's Neighborhood Preservation Ordinance 4068. The owner of the property Ronald E. Davidhizar was not present at the hearing, but did receive notice as the certified mailing was returned and signed by "Ron D." on November 6, 2007.

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

1. There are cracks in the foundation on the north and west sides of the accessory structure to the extent that the structure is not weather tight or rodent proof. (violation of Section 3.2)
2. The siding is falling off on all sides of the accessory structure to the extent that the walls admit rodents and other types of animals (violation of Section 3.2)
3. There are holes in the wall on the south side of the accessory structure that allow rodents to enter (violation of Section 3.2)
4. All of the windows and doors on the accessory structure are boarded up (violation of Section 3.4)
5. All painted surfaces of the accessory structure have peeling and chipping paint (violation of Section 3.7)

Ms. Nordman presented the Board with pictures of the violations dated October 11, 2006, October 29, 2007 and December 17, 2007 and stated at this time, the property is still vacant. Dawn Nordman also stated that the house itself is not in violation but the garage behind it is in

need of repairs. Further the garage sits directly next to a City Park and numerous complaints have been made about the structure. The first citing for this property was October 11, 2006, with no contact at all since from the property owner regarding the violations.

Board Member Landis moved to find the property in violation of the Neighborhood Preservation Ordinance 4068 with the above specified violations and to amend the Order that with exception of any painting, all items are to be completed by January 30, 2008 and all painting is to be completed by May 15, 2008. Second by Board Member Stegelmann and motion passed unanimously.

**PUBLIC HEARING ON ORDER OF THE BUILDING COMMISSIONER FOR
315 WEST WILDEN AVENUE**

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 315 West Wilden Avenue as it is still in violation of the City's Neighborhood Preservation Ordinance 4068. The owner of the property Ronald E. Davidhizar was not present at the hearing, but did receive notice as the certified mailing was returned and signed by "Ron D." on November 16, 2007.

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

1. The soffits have deteriorating wood on the east side (violation of Section 3.2).
2. There are pieces of wood siding missing on all sides of the house to the extent that the exterior walls are not weather tight or rodent proof (violations of Section 3.2).
3. The front steps have holes in them where the concrete has deteriorated to the extent that the steps are not safe to use (violation of Section 3.5).
4. All painted surfaces have peeling and chipping paint (violation of Section 3.7).

Dawn Nordman presented the Board with pictures of the violations dated September 6, 2006, October 29, 2007 and December 17, 2007. Ms. Nordman stated on September 6, 2006 a letter was sent to the property owner about the substantial repairs, with additional inspections up to this date of December 17, 2007 without any contact from the property owner.

City Attorney Larry Barkes advised the Board that the Order should be amended as violation number 3 states the front steps are not safe to use and the Board is unable to determine the safety of the steps from the pictures presented. The Board discussed the violations and agreed that by looking at the pictures, the Board cannot make a determination on whether the steps are safe to use in the current condition.

Mayor Kauffman moved to find the items 1, 2, and 4 in violation of the Neighborhood Preservation Ordinance with the above specified violations. Second by Board Member Landis and motion passed unanimously.

Board Member Landis moved to amend the date of the order stating that items number 1 and 2 are to be completed by January 30, 2008 and that items number 4 is to be completed by May 15, 2008. Second by Board Member Stegelmann and motion passed unanimously.

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