

**BOARD OF PUBLIC WORKS AND SAFETY AND
STORM WATER BOARD MEETING
HELD AUGUST 4, 2008
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 August 4, 2008, 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 Office Assistants, City Attorney, Director of Public Works, Fire Chief, Police Chief, Acting Building Commissioner, Street Commissioner, Legal Administrative Assistant, Park Superintendent, Utilities Superintendent, Utilities Office 1st Deputy, Neighborhood Preservation Officer Nordman, Councilman Lantz.

Minutes of the meeting of July 28, 2008 were presented. On motion of Board Member Landis and second by Board Member Stegelmann, the minutes were approved as presented.

**REQUEST TO ERECT AWNINGS IN RIGHT-OF-WAY AT 113 EAST LINCOLN, 115
EAST LINCOLN AND 117 WEST WASHINGTON**

Randy Harvell from Awnings Unlimited requested Board approval to erect awnings at 113 and 115 East Lincoln Street and also at 117 West Washington Street. Mr. Harvell explained to the Board that on 113 and 115 East Lincoln Street the awning is to be the traditional style square awning in solid burgundy with an accent stripe. At 117 West Washington Street the awning is to be the same traditional style square awning, 22' wide, in a solid forest green color.

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

**REQUEST TO APPROVE CHANGE ORDER NO. 3 FOR THE 2007 ASPHALT PAVING
PROJECT – NO. 2007-0002**

Director of Public Works Robert McCoige requested Board approval of Change Order No. 3 for the 2007 Asphalt Paving Project with Rieth-Riley Construction Co. This is the final balancing Change Order for this project and increases the contract amount \$2,052.38, a 0.4% increase to the current contract price, and a total increase of 1.33% with all Change Orders.

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

**REQUEST TO APPROVE TEMPORARY BLOCKING OF INTERSECTIONS FOR
“FILL THE BOOT”**

Matthew Whitford, representing the Goshen Professional Firefighters was not present at the Board of Public Works and Safety meeting. Mayor Kauffman read the request submitted by Mr. Whitford to the Board. The request is for the use of three intersections, College Avenue and 15th Street, Bashor and Greene Roads and Five Points for the annual MDA “Fill The Boot” fundraiser. The time will be from 8:00 a.m. to 12:00 p.m. on Saturday, August 16th, 2008. The intersections will not be shut down and the traffic will not be affected. On duty and off duty firefighters will man the intersections.

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

**PUBLIC HEARING ON ORDER OF THE BUILDING COMMISSIONER
FOR 409 EAST MADISON 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 409 East Madison Street as it is still in violation of the City’s Neighborhood Preservation Ordinance 4068. Owner Galen Kauffman appeared on behalf of himself and Cynthia Kauffman as they received a certified letter on June 10th, 2008. The property was initially cited for violating the ordinance June 30, 2006. Inspections of the property were made in August of 2006, May and October of 2007 and finally in April of 2008. Each inspection found no improvements had been made according to the inspectors.

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

1. The foundation is cracked and missing mortar on all sides of the house (violation of Section 3.2).
2. The roof on the north and west sides is falling apart, allowing animals to enter the house (violation of Section 3.2).
3. The roof is rotted on the north and west sides. The gutter is not properly secured on the southwest corner (violation of Section 3.3).
4. There is rotted wood on the west porch. The pillars are also rotting. There is rotting and missing trim (violation of Section 3.5).
5. All painted surfaces have peeling and chipping paint (violation of Section 3.7).

Mr. Galen Kauffman made mention that the City didn’t have the right to tell him when to paint or put up trim work and mortar, other houses also had paint and trim problems and the City isn’t picking on them. He argued about the constitutionality of the Ordinance and later retracted his statement to the Board. Mr. Kauffman presented to the Board recent pictures taken earlier on

this day of the house showing repairs done to the soffits and part of the roof. Mr. Kauffman also argued on the wording of the Ordinance for violation number 4, and wanted the word “rotted” to be change to “deteriorated”, also Mr. Kauffman wanted on record that listed violation number 5, which describes the chipping and peeling paint, should not be an Ordinance violation.

Neighborhood Preservation Officer Dawn Nordman told the Board that from what she could see, the roof on the north and west sides seemed to be fixed to not let animals enter into the property and also where the roof was also rotted or deteriorated on the north and west sides was also fixed. City Attorney Larry Barkes suggested to the Board that since some of the work has either been started or finished, the issues should be to include the remaining three items and the time to repair the three items.

Board Member Landis moved to agree to the parties’ stipulation as to the statement of facts regarding the condition of the house. And with respect to the items stipulated previously, the Board finds that the following items; numbers 1, 3, and 5, with item 3 being the gutter needs to be secured, to be in violation of Ordinance 4068, and will give 30 days to fix the paint, mortar and trim and 90 days to fix the other violations to the house. 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 Landis and motion passed unanimously.